



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Tuesday, 8 April 1997

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**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

### STATEMENT - MINISTER FOR RACING AND GAMING

#### *Burswood International Resort Casino*

**HON MAX EVANS** (North Metropolitan - Minister for Racing and Gaming) [3.33 pm] - by leave: In December last year Victoria Company Limited, the operator of the Burswood International Resort Casino, advised the Government and the Burswood Property Trust that it had entered into a heads of agreement with Metroplex Berhad to sell all its management interests in the Burswood International Resort Casino and to lease the Burswood Resort Hotel. Metroplex is a Malaysian public company listed on the main board of the Kuala Lumpur stock exchange.

The Chairman of Burswood Resort (Management) Limited, Mr David Young, advised the stock exchange that although he was disappointed that the Burswood Property Trust had not been successful in acquiring Victoria's interests in the casino, he confirmed the trust's continued interest in acquiring these assets. Members will recall that at one stage Victoria Company held 50 per cent of the units in the trust. In February 1994, Victoria Company reduced its unit holding from 50 per cent to 5 per cent, with the majority of units being taken up by institutional investors. On 20 February this year, Victoria Company announced that it had sold its remaining 5 per cent unit holding in the Burswood Property Trust. The outcome of negotiations between Metroplex, Victoria Company and Burswood Property Trust is that Metroplex will not pursue the purchase of Victoria Company's management interest in the Burswood casino and lease of the Burswood hotel. Subject to the unit holders' and the Government's approvals -

- (1) The Burswood Property Trust will be corporatised with a new Burswood public company holding all the units in the trust and acquiring all the shares in Burswood Resort (Management) Limited. The trust proposes to effect corporatisation by a scheme of arrangement so that unit holders will swap their Burswood Property Trust units for shares in the new listed Burswood public company.
- (2) Metroplex will take up a share placement of 18 per cent of the issued shares in the new Burswood company and be entitled to hold no more than 20 per cent in the new Burswood company. It may also appoint one of the proposed seven directors of the board of the new Burswood company.
- (3) The casino operation management agreement will be terminated and the trust will acquire Victoria Company's 50 per cent interest in the project management agreement.

The effect of these changes is that the control of the day to day operation of the casino will be taken over by the trust, which is predominantly owned by Australians. The shareholders will elect the directors of the new Burswood company, which will become responsible for the management of the casino. Metroplex has also indicated support for development of stage 2 of the resort.

Institutional investors and fund managers support corporatisation but on a number of occasions they have made submissions and representation to the Government to increase the limit on individual unit holdings from 5 per cent to 10 per cent. The State of Victoria has no limit on the individual shareholding in the Crown Casino but requires any person acquiring more than 5 per cent to be subject to a probity clearance by the casino authority. New South Wales and Queensland place a limit on individual holdings of 5 per cent but institutional investors may, with ministerial approval, hold up to 10 per cent in a casino.

Burswood International Resort Casino is a major tourist attraction providing a valuable source of entertainment in a regulated environment. It is a significant employer of people and contributed approximately \$69m in casino and payroll tax last financial year. Members will appreciate that the financial viability of the Burswood resort hotel and casino impacts on the many small businesses that are suppliers to the hotel and casino, and those who supply tourist services to hotel and casino patrons. The Government supports the development of the Burswood resort site as a premier tourist attraction in Australia.

For these reasons, the Government supports the corporatisation of the Burswood Property Trust, and will amend the Casino (Burswood Island) Agreement to increase from 5 per cent to 10 per cent the aggregate total number of shares on issue in the Burswood public company that any person shall be entitled to hold without prior ministerial approval. Subject to Gaming Commission investigations, the Government will allow Metroplex to be entitled to hold no more than 20 per cent of the aggregate total number of shares on issue in the Burswood public company, and to appoint one of the proposed seven directors of the board of the Burswood public company. To the extent necessary to allow

Metroplex to take up the 20 per cent shareholding in the Burswood public company, the Government will also allow foreign persons to be entitled to hold in excess of 40 per cent of the issued shares in the Burswood company.

The present foreign unit holding in Burswood Property Trust is approximately 22 per cent. Therefore, if Metroplex were to hold 20 per cent of the shares of the Burswood public company, foreign ownership in Burswood might exceed the 40 per cent limit. However, it might remain within the limit if Metroplex increased its shareholding to 20 per cent by purchasing shares from foreign shareholders. In addition, with the increase in the individual shareholding limit to 10 per cent, I expect institutional investors will in time acquire shares from foreign shareholders and, therefore, through natural attrition, the foreign shareholding should return to within the limit of 40 per cent.

The Gaming Commission will examine the probity of Metroplex and its principals, the financial stability of Metroplex and Metroplex's experience in the operation of a resort and casino. However, it should be noted that Metroplex is not an applicant for a casino gaming licence. Nevertheless, the Government and the Gaming Commission take the view that, as a substantial shareholder, Metroplex will have a major influence on the operation management of the casino and it is, therefore, necessary for Metroplex to be subject to an investigation by the Gaming Commission.

Consideration of the statement made an order of the day for the next sitting.

### ADDRESS-IN-REPLY

#### *Presentation to Governor - Acknowledgment*

**THE PRESIDENT** (Hon Clive Griffiths): I advise members that, in company with several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's speech, and that His Excellency has been pleased to make the following reply -

Mr President and members of the Legislative Council

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to my speech to Parliament on the occasion of the opening of the First Session of the Thirty-Fifth Parliament.

Michael Jeffery  
GOVERNOR

### MOTION - URGENCY

#### *Government's Legislative Program*

**PRESIDENT** (Hon Clive Griffiths): Members will be delighted to know that I have received the following letter addressed to me, dated 8 April 1997 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on 25 December 1997 for the purpose of discussing community concerns over the Government's legislative program and proposals to break important election promises.

Yours sincerely

Tom Stephens MLC

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

[At least four members rose in their places.]

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.43 pm]: I move -

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

In addressing this motion it is important that members bear in mind a couple of things. It has been pointed out in this place by me on behalf of the Opposition, by a number of my colleagues, and by the Leader of the House, and in the other place by the Leader of the Opposition, that the Government has been entrusted with the Treasury bench once more by the people of Western Australia. However, the people of Western Australia also put in place in this House at the most recent election a mechanism of review; that is, a finely balanced Chamber in which the Government will no longer have a majority with which to inflict on Parliament and the people a legislative program that is without review. In future this place will have the opportunity to review that legislative program.

Opposition Labor members, as part of the non-government section of this House, are keen to ensure that the Government's legislative program is subjected to the full scrutiny that will be available when the new numbers are in place after 22 May. It is important that the Government recognise that it should not take advantage of the current situation, in which members await the arrival of those new numbers in this place, to push through a legislative program that is not reflective of that which it put to the people of Western Australia in the lead-up to the most recent election. At the same time, its current program is devoid of substantial components that it promised the people in the lead-up to the two most recent elections.

We have seen indications that the Government is no longer serious about pursuing its electoral reform Bill. According to information leaked to the *Sunday Times*, the legislative program no longer contains a Bill to give to the police the powers they have sought to combat crime in the community. Instead, the Government pursues a legislative agenda that is representative of the extremist fringe within its parties. I am speaking about the industrial relations legislation which has been given priority in the other place and which, we understand, will be given priority in this place. That is quite out of keeping with the spirit in which the coalition parties went to the people of Western Australia. They put their program to the people. Now, instead of that program, the real agenda is pushing its way into the Parliament. It will be pursued in both Houses of this State Parliament before we have the review mechanism in this Chamber, which Chamber is soon to meet its destiny as a House of Review.

In those circumstances members have no task in front of them at the moment other than to strenuously protest the actions of the Government and to put before the House for its urgent consideration that the positioning before this Parliament of the Labour Relations Legislation Amendment Bill at such an early time represents a breach of faith with the electorate. I understand from the media that the Bill will soon head in this direction. It is extremist legislation that should not be pursued with the vigour with which the Government is pursuing it. The media tell us that, under the legislation, ordinary workers will face \$200 fines for taking industrial action without first going through the secret ballot process, which is convoluted and complex and will cause enormous disquiet in the workplace and unrest in the community. That is already evident. The Government is demanding that people who go on strike provide their names and addresses before they strike. They must tell their bosses that they are in a union. Their federal award could be undercut by a state workplace agreement. They cannot get compensation for unfair dismissal unless the offending employer agrees to pay it instead of reinstating the workers - and the employer can pay it in instalments. None of this was part of the fabric of the pre-election policy commitments of the coalition. These matters demand debate, review and scrutiny in this Chamber as it will be constituted following the election results at the most recent state election.

Surely it is not beyond the wit of this Government to subject that legislation to scrutiny. It was not beyond the wit of its federal Liberal Party counterparts to enable their own industrial relations legislation to go before the Senate and be subjected to the scrutiny and review of the multiparty membership there. Within the ranks of that House of Review were people who were prepared to examine that legislation, as we know the federal Democrats did, and to modify it in accordance with what they believed would accommodate the interests of the Australian community. This legislation does not adequately handle industrial relations issues, nor does it find favour in the Western Australian community.

This House is soon to have a truly representative structure; that is, a strong presence of the Labor Party, the Democrats and the Greens. Surely the Government can find within that structure the capacity to modify its legislation and get it through this place in a format that is less odious and extreme than that which we understand from the media is heading this way. There is an apparent reluctance on the part of the Government to convene a joint sitting of the two Houses to accommodate its recent party decision to send from this place one of our number - but, more importantly, one of its number - as a representative to the Senate. Apparently, as a reflection of the Liberal Party's internal factional difficulties, the Government is not prepared to trust that member's fate to a joint sitting of this Parliament. Perhaps there is some reason yet to be explained for its hesitation. This is a great travesty and a reflection of the Government's lack of priority in addressing Western Australia's need to be represented in what is supposed to be the States' House. In this time of critical consideration of the fiscal imbalance, which we all know exists, the Senate needs at least its full complement of Western Australian senators to pursue its argument -

Hon J.A. Cowdell interjected.

Hon TOM STEPHENS: It is a great tragedy that there is not the full complement of Western Australian representatives in the Senate to pursue the case for this State. The people of Australia have unfortunately become accustomed to the federal Liberal Party and its disregard for the Senate processes. A most recent example is the way in which it dealt with the Colston issue. No sooner has that stench been accommodated by the federal Liberal Party than we find a new stench in the parliamentary processes of this State in this Government's stalling in sending its selected representative to the Senate.

We also know from reading the *Sunday Times*, in so far as it indicates the Government's budgetary and legislative agenda, that the Government will introduce the gold royalty at an early stage. We know as well that briefings have

been given on the budget papers to be delivered to this Chamber and the other place on Thursday. Those briefings were given to selected journalists - I understand the lucky winners were Channel 7, an ABC journalist and a *Sunday Times* journalist, Janet Wainwright - and they have been able to report to the people of Western Australia the size of the penalty that is about to be imposed. We understand also from *Sunday Times* journalist Nick Taylor that a program is in place that bears scant resemblance to this Government's pre-election commitments.

Members will be aware that members of the Opposition have been asking the Leader of the Government in this place to produce for the House, if not for us, some indications of the legislative agenda. We have not had that agenda and we await it. I pointed out to the Leader of the Government many weeks ago that his federal colleagues are able to produce a legislative program for the Senate. Apparently it is beyond the wit of this Government to produce a legislative program and make it available to the House, the Opposition or anyone else who wants to know it.

Hon Peter Foss: Like you did.

Hon TOM STEPHENS: I am not responsible for the sins of my predecessors, but I will ensure that I do not repeat the mistakes of history. Members opposite seem to be determined to repeat so many mistakes. The Government has an opportunity to turn over a new leaf; in fact, it will soon be compulsory for it to do as much. All I ask is -

Hon Peter Foss: Having a list is a novelty in Western Australia.

Hon TOM STEPHENS: It might be, but let us get on with this process and produce some of these novelties that should be in place.

Hon Peter Foss: Hear, hear!

Hon TOM STEPHENS: The Attorney General should speak to his leader. I have been asking for this agenda for ages and we cannot get it. We want to know what is on the Government's program and what are its priorities. It is inappropriate that we are still deprived of that agenda so far into the parliamentary session.

We understand that the people of Western Australia are about to have inflicted upon them significant increased costs. Some of my colleagues, if given half a chance, will go through some of the difficulties - none of which was revealed in pre-election statements - we understand are awaiting the Western Australian community. Those pre-election statements were made very recently; it is only a few weeks ago that we were in pre-election mode. The Ministers for Finance and Transport stated in this place recently that they knew about the difficulties facing this Government because of the Commonwealth's financial situation.

Hon Kim Chance: They were still talking up the social dividend.

Hon TOM STEPHENS: Absolutely; the dividend was still being spoken about and the people of Western Australia were to benefit to the tune of \$1.9b. I do not have the words to describe the alternative to the social dividend that we will receive.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [3.59 pm]: That is the first time that Hon Tom Stephens has not had the words to describe something. As usual, his speech contained slight exaggerations. One of these days we will argue the issues with him without getting into a flap about the outrages that he believes will occur in Western Australia.

The Opposition has come across a Cabinet minute outlining the Government's legislative program for the coming year. In one breath the member said it was leaked and in the next he said that the Government gave it to the *Sunday Times*. As I understand it, it was inadvertently made available to people who then assumed it was public knowledge. It does not matter; it is a program of the Government's intended legislative activity this year.

Hon Tom Stephens: Will you leak it to the House?

Hon N.F. MOORE: I ask the member to allow me to make my speech; I did not interrupt him. The program outlines a first run of the Bills in the process. Members should bear in mind that we have been in government for four years and a number of Bills were already in the process before the election, and those Bills are continuing through the drafting stages. As members opposite who were Ministers will know, there is a process for the passage of legislation. One starts with the ideas and works through all the processes, and eventually the Bill comes out of the sausage machine - through the Cabinet process and into the Parliament. That is a long and laborious process.

Hon George Cash: As Mr Stephens well knows, as he was the only Minister over there.

Hon N.F. MOORE: That is true. The list exists. However, it has to be, by its nature, flexible. One Bill that was not on the list has been passed already by this House. There will be Bills on the list that will not be passed because that is the way these things happen. It is a flexible list on which the Government works. Bills will go onto it and come off

it. The priorities and times for introduction will change depending on circumstances. However, the list gives members of Cabinet a broad understanding of the priorities that have been attached to their legislation and an indication to the Leaders of the Houses which legislation is required to be passed at a point in time.

I am very mindful of the comments made by Hon Tom Stephens about how we could make available to members in advance an indication of the Government's legislative program. I am having discussions with my colleagues about that. It happens in the Senate and there is probably a reasonably good case for its happening here. However, as Hon Peter Foss interjected, it has never happened before. Hon Tom Stephens' Government never felt it was necessary to let the Opposition know what would happen in the future. It was never thought to be significant. To be fair, the Opposition is entitled to change its mind. We will look at it. However, I should make the point that Bills become available to members when legislation is introduced into the Parliament. I do not imagine there will be any changes to that process. Bills should not be available until such time as they are introduced into the Parliament. The process in this House is that the Bills stay on the Notice Paper for at least a week before any debate is undertaken so that members have some knowledge and warning of what legislation will be debated. I am happy to discuss the matter further with my colleagues to see whether there is any appetite for making available in advance a legislative program. As I said earlier, the difficulty is that some things will go onto that list and some issues will come off it and we will spend all our time arguing about why some matters have gone onto the list and why others have come off it instead of worrying about the issues in the legislation.

Hon Peter Foss: The Opposition did not undertake to do that when it was in government.

Hon N.F. MOORE: I have heard it complain about many things but it makes no commitment to do anything. A good example of that was the gold royalty.

Hon Tom Stephens referred to this Government inflicting its legislative program on the population as if to say that the population does not like it. This Government has put 300 Bills through this Parliament in the past four years and was re-elected with an increased majority in the Legislative Assembly, the highest majority ever. The Labor Party almost disappeared. That was as a result of legislation that we have so-called inflicted on the population! It must have liked it because it demonstrated its enthusiasm for our legislation by re-electing us with an increased majority.

Hon Tom Stephens: Not with a majority in this House.

Hon N.F. MOORE: It is interesting that Hon Tom Stephens complained about our not bringing in legislation relating to law and order. He said that some Bills were not on the list and therefore we were reneging on our law and order promises. On the other hand he complained about our bringing in legislation that we said we would bring in; that is, the industrial relations legislation. We have said for the past five years that we would introduce that legislation. It has been brought in and it is coming in again. We have been to the electorate twice and have had overwhelming endorsement for our policies, one of which is industrial relations reform, and Hon Tom Stephens is complaining that we are introducing legislation to carry out our electoral pledge. He cannot have it both ways. On one hand he is saying that we should be doing something because we said we would do it and on the other hand he is saying we should not be doing something even though we said we would do it. The people in Western Australia strongly support secret ballots for industrial strikes. I cannot talk about that Bill because it is in the other House and that would offend standing orders. However, it will come into this place in due course. It does not represent the views of extremists; it represents the views of the vast majority of people who believe that holding secret ballots before strikes is a very democratic process. Any polling on this issue indicates that the vast majority of Western Australians support it.

It is also interesting that Hon Tom Stephens referred to the Legislative Council being something different in the future because the Opposition will have the numbers. That is not new. That was the case for 10 years when the current Opposition was in government. The Legislative Council will not be any different from 21 May from what it was for 10 years prior to the past four years. It will always be a House of Review in the sense that members will consider legislation and other issues and debate them on their merits. That will be a good thing.

The preselection meeting relating to the appointment of Hon Ross Lightfoot was concluded only on Sunday. There will be a time for appeals. That is the democratic process of the Liberal Party. Decisions made by State Council can be appealed, unlike the process in the Labor Party in which the powerbrokers decide who will get the job. The numbers men organise it. The ALP does not go through the process of allowing members to have a say in decision making. He referred also to factions in the Liberal Party. Goodness gracious! Talk about factions in the Liberal Party. I know a little about the Labor Party's problems, although not as much as I would like. However, I know enough to know that the Labor Party is in dire straits when it comes to factional disputes. Hon Tom Stephens should not look around because he will see his future looking him in the face.

Several members interjected.

The PRESIDENT: Order! Members should stop speaking at once. The Minister should be talking about this motion.

Hon N.F. MOORE: Hon Ross Lightfoot will be an excellent senator for Western Australia. He will go to Canberra whenever this House decides to appoint him to that position. I have no doubt that he will represent our interests very well; better, I might add, than some ALP senators who have been there for a long time who are not household names.

Hon Tom Stephens referred also to Senator Colston. Is it not funny how the Labor Party turns on its own?

Hon Tom Stephens: He is one of yours now.

Hon N.F. MOORE: It has really slipped into him. This is payback time. This is revenge. All these things he allegedly did he did when he was a Labor Party senator. The Labor Party really pays out when its members turn on it. It is very good at revenge. Everybody knows what the Labor Party is about.

I cannot talk about the Budget. That will come down on Thursday and is therefore yet to be made public. We will consider carefully Hon Tom Stephens' sensible suggestion that we should make available in advance the legislative program. I will talk to my colleagues about that as I said. However, this motion is a load of hogwash as usual. It is a lot of hot air from Hon Tom Stephens. Regrettably he has wasted an hour of the House's time.

**HON N.D. GRIFFITHS** (East Metropolitan) [4.08 pm]: This motion has two parts. It refers, firstly, to community concern about the Government's legislative program and, secondly, to proposals to break important election promises. I want to deal with the first part first and will refer to the second part if time permits. The Government's legislative program is causing community concern particularly in respect of law and order. For that reason I am pleased that the Attorney General will have the opportunity to respond to my remarks on the Government's legislative performance. During the election campaign there was a publicly funded propaganda campaign by the Ministry of Justice that home burglary meant gaol. We all know that the three strikes and you are in legislation was not what the Attorney intended it to be because of a last minute amendment moved in the other place. That was an election gimmick. The community is concerned about the Government's legislative program because notwithstanding the disparity in that piece of legislation we still have not received the Bill to fix up the matter -

Hon Peter Foss: It has a high priority.

Hon N.D. GRIFFITHS: It may be on the Attorney's list, but I do not look at leaked documents. I like to receive documents in the proper way. I have not seen the Attorney's list, although I would be pleased to see it. The matter may be on his list but we have not seen it in this House. The community should receive the wording of the legislation, and we should have received it by now. The present Parliament opened a month ago.

The second piece of legislation which may be on the list - and again I have not seen the hidden agenda of the Government - and which is causing the community concern relates to amendments to the Criminal Code to do with stalking which were passed in 1995. That stalking legislation was shown to have a deficiency last year. The Government's response was to send it to the Director of Public Prosecutions for consideration. The DPP in his annual report tabled in October last year made mention of the fact that he referred the matter to the Attorney General, and that the stalking legislation was considered. We still have not seen that stalking legislation, and that causes the community concern.

Hon Tom Stephens mentioned the difficulty that the Police Service has in regard to listening devices. The High Court decided *Cocos v The Queen* some years ago. We debated the issue of listening devices and amendments to the Listening Devices Act in September or thereabouts last year. I raised the issue of *Cocos v The Queen* last year specifically during debate on that legislation. I thought that matter should be addressed by the Government as a matter of urgency.

Hon Peter Foss: You should speak to your colleague who has been a Minister. He can tell you about the difficulties.

Hon N.D. GRIFFITHS: There are great difficulties, but, Mr President, you will recall that the Attorney acknowledged those difficulties at that time and the matter should have been advanced further. The community is rightly concerned that there is a strong view that the police do not have the power they need to carry out activities which they rightly say they cannot undertake as a result of that High Court decision. It is about time something was done about that. It may be on the list, on the hidden agenda - so what? It is just a list. We want to see the legislation before us. When the legislation does come before us the House may note that it is dealt with with reasonable expedition. When we sat two weeks ago, on behalf of the Opposition I was responsible for handling four Bills. Three were dealt with, with reasonable dispatch. The fourth has not been dealt with yet, but I understand that we will deal with the Committee stage shortly. When legislation is brought before the House it is considered carefully, and appropriate cooperation is given. Therefore we cannot be seen to be impeding any proper legislative program.

I was very pleased to hear the Attorney earlier today refer to the fact that he will shortly introduce a Bill to deal with some invalid registrars' orders of the Family Court of Western Australia. The fact that that has not occurred so far is a matter of great community concern. It concerns a decision of the Full Court of the Family Court of Australia which

was handed down on 13 February 1997. It concerns registrars' orders involving, among other things, child support payments, matters to do with children -

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: I hear the Attorney. If he had listened to my comments a moment ago he would note that I was pleased to mention that he was to introduce a Bill. However, the fact that these invalid orders have been allowed to persist since that decision was handed down on 13 February 1997 is a matter of concern.

Hon Peter Foss: The Commonwealth has not brought its legislation to a draft.

Hon N.D. GRIFFITHS: And that is a disgrace.

Hon Peter Foss: It is not my fault.

Hon N.D. GRIFFITHS: It is the Attorney's inability to get on with his federal colleague, Hon Daryl Williams QC. When one considers the poor legislative performance by this Government and its federal coalition counterpart, the community is rightly concerned about the Government's legislative program. In respect of that issue, we witnessed a failure to intervene; then the decision was handed down; but the Attorney's comments in the media were that there was no difficulty, that the legislation was ready to go and was drafted. Then the Attorney said he would appeal, then he would not appeal, and then he said he would bring in retrospective legislation but it needed to be brought in with the Commonwealth's. I am glad some action is being taken but the way the Government is conducting its legislative program is not good enough.

We had the perennial promises regarding de facto law reform dealing with matters of property. Hon Muriel Patterson is well acquainted with that. Every year the promise is made, and every year the promise is not kept. For those people in the community who are affected by that, it is a matter of great concern. That concern is never addressed other than by way of promises. If it is on the list, it is wonderful - but it is just a list. Let us see the legislation.

Another matter is parole and remission. That is a fascinating issue. Last September the Opposition suggested that great problems existed with parole and remission, and that the matters could be dealt with simply by amendments to the Sentence Administration Act. However, that Act at that stage had not been proclaimed. The Act came into operation when it was proclaimed just prior to the election. Its timing was an election gimmick. The matter could have been rectified very easily by simple legislation. I need only refer to the words of the Government's policy which were grabbed from us. I am pleased that was done because it is not bad policy. It deals with the matter.

How did the Government deal with this very important aspect of its legislative program? In September 1996 the Attorney announced that he would send the matter to a committee, and the committee would provide a report. Then we moved into the election campaign. Without waiting for the committee's report the Government announced its policy. I agree with that policy, but why have the committee? Why not just enact the policy? It is a simple form of words. Then the election campaign was over, and we saw a lot of hullabaloo in the media about the fact that the Attorney was about to receive a report. He received that document on or about 22 December 1996. We reconvened. I asked the Attorney what had happened. He said that he had received something from the committee but that it wanted direction; therefore he sent it back. We need the legislation. The community is concerned about this lack of legislation.

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.18 pm]: It is interesting to see the recommendation from Hon Nick Griffiths that legislation is purely a process carried on within government without any consultation with the community. That may have been the situation under Labor. I can remember on many occasions it was a very correct description of the way legislation was carried out by Labor. However, frequently the bringing in of legislation is a long process because, firstly, we do not draft it, without consulting some of the people who may be affected by it; and, secondly, after having drafted it, we do not introduce it without having consultation with people to see whether the wording achieves the recommendations from individuals in the community. It is called democracy, and under democracy it is very important that our legislation have the capacity to receive input from the community.

Parole and remission is a very good example. As mentioned by Hon Nick Griffiths, I sent the matter to a committee representing almost all the interests involved - certainly the judiciary, because that is an area where a lot of controversy had arisen, but also there was input from the community, both for and against criminals, to try to work out how we should do it. We all know the general, broad policy matters we wish to achieve, but members should keep in mind the particular legislation that caused the problem came after fairly extensive views on what policy was. The problem was that, having set down the right way to deal with it, it had the reverse effect. I do not want to end up with more legislation being drawn where, although we have the best of intentions and we all know the policy we are seeking to achieve, the human reaction to it has the reverse effect.



Taking away the demeaning bits that were added by Hon Nick Griffiths, I shall tell members what has happened. I did get a report from the chairman of the committee in which he specifically said, "We are part way through; we have a number of options; but before we go any further, because we believe there is a lot of work on the detail, rather than working on all the options, tell me which of those options is the one that would be most acceptable to the Government." That was a very reasonable request. Why work on the detail of five options if one, in particular, is acceptable to the Government? As it happened, the one that was acceptable to the Government was also the one preferred by the committee. I indicated my preferences and certain qualifications and the matter went back to the committee. It is continuing to consider it and people are continuing to make submissions on it. All members of the public have been given the opportunity to make suggestions to the committee. It is open to every person in Western Australia to make suggestions, and many people have been doing that. I do not consider that to be a source of criticism of the Government. I certainly hope I have the support of Hon Jim Scott, because his party continues to say that legislation should not be the sole province of parliamentarians; it should be arrived at after a process of public consultation. I am pleased to say that I have at least one person on that side of the Chamber who believes in democracy, even if those opposite do not.

Hon Kim Chance: It is not a matter of democracy; it was the numbers.

Hon PETER FOSS: I know what democracy is to Hon John Halden. It reduced him to a runt in this House. I am pleased to say that I am following a process in which the Liberal Party believes, and I know I have the support of Hon Jim Scott in doing so. I do not see it in any way as a criticism of this Government that we are consulting the public and taking the matter carefully. That is an essential part of good legislation. In other circumstances I have heard Hon Nick Griffiths say - I have not had a chance to search *Hansard* - that legislation is flawed because it has been rushed through too quickly. Those opposite cannot have it both ways. We must either be deliberate about it to try to ensure we have full public comment or we must not. I can give this undertaking: In view of the problems that occurred - we should just remember who passed the legislation that caused the problem -

Hon N.D. Griffiths: The Sentence Administration Act?

Hon PETER FOSS: No. The Sentence Administration Act repeated legislation passed by the previous Labor Government.

I will speak to the legislation dealing with the family law registrars' orders later. The processes involved in drafting legislation can be slow. I have been very keen to get our legislation in place; however, as the member knows, we can deal only with de facto marriages, and the principal legislation must come from the Commonwealth. I have tried throughout to keep the public aware of the discussions that have been taking place with the Commonwealth. Most of what Hon Nick Griffiths was quoting was from himself, which does not necessarily reflect what is happening. I remember reading *The West Australian* which had headlines over an article saying what was happening. That headline came from comments by Hon Nick Griffiths, rather than from what had been said by me. I am a little miffed that *The West Australian* seemed to think what was happening was what Hon Nick Griffiths was saying and that it did not seem to believe what I was saying.

Hon N.D. Griffiths: It is a matter of credibility.

Hon PETER FOSS: I have tried to keep the public aware that we have resolved to take retrospective legislation. We are dealing with the Commonwealth and we will bring in the same sort of legislation to deal with this matter, which will mean that the matter will be dealt with between us. That is a responsible attitude and I would be guilty of not handling the matter properly if I had not kept the public fully informed as the matter has progressed.

Another matter is when we will see some of this legislation. Unfortunately, as Hon Tom Stephens is the only member opposite who has been through the experience -

Hon Tom Stephens: No.

Hon PETER FOSS: Of course, Hon Graham Edwards was also a Minister. All Ministers have a difficulty with the resources to get things through. The system is not as good as it could be. I would say that the system we inherited not only from those opposite when they were in government but from Governments stretching back to antiquity is inadequate. I have been a prime mover in saying that we should be looking four, eight or 12 years ahead in some cases in our legislative program.

Hon Tom Stephens: Mr Cash is letting you down.

Hon George Cash: I am a very strong supporter of it.

Hon PETER FOSS: One of the reasons we have a list that could be leaked is the support the Parliamentary Secretary to the Cabinet is providing. It is a first to have a list.

Hon Tom Stephens: We have got him on our list!

Hon George Cash: I have you on mine!

Hon PETER FOSS: Governments have not had such a list before. People must be astounded by that. It is because of the support of Hon George Cash that we have a list. I must confess that at this stage the list is somewhat imperfect. I realise the list is confidential, but I will mention some of the matters that are on it. First, a Bill with a first priority has gone through; that is, the Trustees Amendment Bill. Two have also gone through that were second priorities; that is, the Restraining Orders Bill and the Gender Reassignment Bill. The Sea-carriage Documents Bill has gone through, and that was never on a list. I have also given notice today of the Family Law (Orders of Registrars) Bill, which is not on the list. Most of the legislation on this list has already been prepared during the past year, so it is very easy to deal with that. Generally speaking, we know the legislation is ready and we can put it in the order in which it will be dealt with. Some of the other legislation has yet to be drafted. What has driven the legislative program in the past - not only the former Labor Government but all former Governments did this - was the time of introduction of Bills into the Parliament. The priority was based on how soon the legislation would come before the Parliament.

What I have said and what I have had the acceptance of Cabinet on and what we are moving towards - unfortunately, it does not happen overnight - is that we should be looking at what will be introduced into the Parliament not just this year, but in the long term. Some pieces of legislation will necessarily take between three and four years, and most do. Members cannot believe some legislation will be decided to be prepared today and will be introduced into the Parliament within six months. Some legislation must stay on the list because the process of public consultation requires it. Let us look at how many years the local government legislation took to get here. Nobody said that it took an unreasonable amount of time. The community had to work it through. It had to go to local government. Those opposite started it when they were in government and took about three years dealing with it. We finished it in about another two years. I do not think anybody said that the process was too slow. For a Bill of that size, we all realised that democracy required consultation.

Hon B.K. Donaldson: It took around nine years.

Hon PETER FOSS: Everyone was pleased to see it but I do not think anyone said that the process could have been sped up.

Hon Tom Stephens: That might be the process of the industrial relations legislation.

Hon PETER FOSS: The member can make any comments he likes; however, I am trying to make this point: We, as a Parliament, as a Government, must look at that sort of process. That is what we are doing with the assistance of Hon George Cash. I believe in time we will be in a position to say what we will do not only this year, but hopefully next year, and even indicate the sort of legislation that will be coming up in 12 years. There will be legislation that we can say will take a certain amount of time.

Hon Tom Stephens: You could not even tell the people what you were going to do.

Hon PETER FOSS: Exactly, but the problem relates to the process we took over - I admit we have not been fast to change it.

**HON JOHN HALDEN** (South Metropolitan) [4.28 pm]: I am glad we listen to these debates and lectures from Hon Peter Foss. I thought we would get to the misconceptions that the Government has put around which we are about to see transacted this week in the Budget. Prior to the election the Government was strong on law and order. It said that it would make a safe and secure environment in which all of us could live. It perpetrated that myth and continued to do so until as late as last Sunday. Indeed, on 6 April the Minister for Police said that there would be an additional \$160m in the Police budget. I looked at the forward estimates, the document that the Premier has said is accurate and which he has said he stands by as being totally accurate - those were his words in the Legislative Assembly - and checked the figures. In fact, it shows that over four years the recurrent budget for the Police Department will decrease by \$4m. Its capital budget will increase by \$9m. If these figures are accurate, I ask the Minister for Police, or whoever represents him in this Chamber, this: How did he dream up the figure of an additional \$160m? Was it just something like the Premier said prior to the Budget, that the Government could manage everything and we would all be expected to understand in the fullness of time that the taxpayers' wallets had been hit again and again? The Government made up the story then and it is making it up now. This is another misconception - it wants to tell any story at any time and hope it does not get caught.

The Government told us it would provide a better health system that catered for emergency services. The waiting list was cut and we were told that the Government was managing the health system well. However, last year an \$80m black hole had to be funded. We know that nine months into this year a \$56m black hole must be filled.

[Resolved, that debate be continued.]

Hon JOHN HALDEN: I thank members and the Leader of the House.

Although there is a \$56m hole in this year's Health budget the Government told us again that it could manage the State's finances with great credibility. We were told in this Government's election promises that the Government would do a deal with the Federal Government to secure a large and increased source of federal government revenue. The Premier did well at the last Premiers' Conference; he came back with less! We knew he would receive less.

Again misconceptions will be perpetrated in legislation and in the Budget to be brought down on Thursday. Members opposite keep perpetrating misconceptions. What security is in place to ensure that public hospital services will be provided at Joondalup, Mandurah and Bunbury? We still do not know, nor do members opposite. With overruns in the Health budget, such as those I have mentioned, the Government will have to cut out the heart of what ordinary people expect from health services.

Hon Bob Thomas: Look at what you are doing in Pemberton.

Hon JOHN HALDEN: I do not know what is happening in Pemberton. Almost 600 full-time nurses who were paid nearly \$18 an hour have been taken out of our public hospitals. In some cases they have been replaced with contract nurses at \$28 an hour. That is the good economic management in which we are supposed to believe.

Hon Kim Chance: In some hospitals every registered nurse is an agency nurse.

Hon JOHN HALDEN: In some country hospitals nurses on contract are paid at least \$10 more than staff nurses. That is the sort of better service contracting out is giving us. That is what we are supposed to believe in. However, we do not believe in it; nor does anyone else. This legislative program will see Western Australians bleeding from their wallets.

The Government also promised it would seek from the Commonwealth a better arrangement for our receiving royalties on offshore petroleum. Has that process started? Not one word has been mentioned anywhere. It is crucial that we have an entitlement, as occurs with Woodside Offshore Petroleum Pty Ltd, where the State receives a share of offshore royalties. Nothing has been heard in spite of glowing election promises and an absolute necessity for those royalties. Where are they? They are nowhere to be seen. The State could recover \$100m plus. The royalties offer enormous potential for the next decade or two, but we have not heard a word.

The Government would not have to increase taxes and charges if it decided to play hard ball with its mates in Canberra, but it will not do that. If Keating or Hawke were in power, members opposite would have been screaming from the roof tops that they were being bled to death. However, not a word has been said to their federal mates. As Hon Kim Chance said, the Government would have been spending money on campaigns such as the Fix Australia, Fix the Roads campaign or fix the oil royalty and fix our Budget problems. Not a word has been said. Members opposite are hypocritical in inflicting financial pain on Western Australians.

The Government also intends to inflict a gold royalty on the industry, which measure will presumably be announced in the next Budget.

Hon N.F. Moore: Which you will remove if you are re-elected.

Hon JOHN HALDEN: If the Government were as smart economically as it tells us it is, there would be no need for it. Hon Kim Chance probably got bored to absolute distraction with my continually saying that the Government could not manage this year's Budget because there would be a hole in it. Members opposite knew there was; therefore they introduced a gold royalty.

The Government must now examine what services it will cut. I do not know what are those services or how the Government will manage them. How will it keep its \$60m worth of election promises this year? How will the Government provide this year's component of the \$20m worth of computers to schools?

Hon N.F. Moore: All will be revealed on Thursday as you well know.

Hon JOHN HALDEN: I am sure I will have plenty to say on Thursday and thereafter. Will the Government be able to provide 15 technology focused schools and 100 extra support staff for schools and provide students in 2 000 rural and remote schools with opportunities to access digital satellite technology? Will the Government be able to maintain and increase the school maintenance program to the levels it set in its election document - an additional \$4m next year?

The education promises were mediocre because they were the old pea and thimble trick. I do not think the Government will be able to measure up to them this year. Even if it can manage all it says it can this year, the Government must do it again next year. Members opposite know and everybody else knows that next year they will get less money, particularly from their federal mates, and the situation will get worse. Unless taxation and revenue is increased substantially this year, it will have to be increased again next year.

Hon Max Evans: We will give back less of the federal grants next year. We give back \$90m this year, but that will decrease to \$45m next year.

Hon JOHN HALDEN: I hope that will occur. I will examine my own figures. After last year and what I was told, I am less convinced that the Government is always accurate. The legislative program before us, particularly on economic matters - as the Leader of the House said, we are about to have all revealed on Thursday - will perpetrate misconceptions on us and continue to do so. The additional \$160m promised by the Minister for Police is rubbish. The Finance Minister knows that there is not an additional \$160m in the Police Service budget.

Hon Max Evans: About \$360m.

Hon JOHN HALDEN: The Minister knows it is not there. Nonetheless, he keeps on with the same old rubbish. He believes that if he says it long enough somebody will believe it. However, nobody will believe this nonsense any longer.

Our health system is at the point of crisis if it is not already there and the Minister knows it. It is a sore into which he cannot put enough money to heal it. The Government does not have a commonwealth financial deal on Medicare because it could not negotiate one with its mates. The Federal Government will not give us enough money. The Government has enormous problems with the growth of that sector for a range of reasons. At the end of the day, be it on the Government's head because it promised much more.

[Motion lapsed, pursuant to Standing Order No 72.]

### STATE TRADING CONCERNS AMENDMENT BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

#### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [4.40 pm]: I move -

That the Bill be now read a second time.

The purpose of the Bill is to amend the State Trading Concerns Act. The Government supports the underlying philosophy of the State Trading Concerns Act, which prohibits Governments from entering into any business beyond the usual functions of state government unless expressly authorised by Parliament. Therefore, the Bill, as drafted, will retain this important feature. However, legal advice has called into question the ability of departments to provide and market a wide range of services and products which clearly would not have been contemplated to be prohibited by the Act. The effect has proved a disincentive for departments to identify new sources of revenue which financial management reforms, such as net appropriations for departments, were intended to encourage. These include pay for use or cost recovery arrangements. Members will appreciate that commercialisation of the services and products to which I refer would reduce a department's dependence on general revenues and help to ease the burden on the taxpayers of this State.

In particular, this Government recognises the benefits that international projects can bring to the State through the export of public sector knowledge, skills and technology in participation with the private sector. Participation in international business ventures benefits the State, provides future trade opportunities and further enhances the economy and culture of Western Australia.

Clause 5 of the Bill will enable the Treasurer to authorise by regulation individual departments or subdepartments to carry on an activity involving the provision of goods, information or intellectual property; scientific, technical, education, training, management or advisory services; and advertising opportunities, which would include sponsorships. The categories of activities specified in the Bill will facilitate the Government's commercialisation and export of public sector expertise initiatives in a limited form while still preserving the general constraint on the Government entering into business activities. The requirement for activities to be prescribed provides an additional safeguard as the regulations will be subject to scrutiny and the power of disallowance by the Parliament.

The Crown Solicitor has advised that in addition to the Treasurer's power to authorise agencies to conduct a specific activity, there needs to be a power which will allow the agencies to charge for the services they provide. Therefore, clause 5 also provides for the Minister to set a fee or charge and to delegate that power to the chief executive officer of the agency. For administrative convenience the Bill also allows a fee or charge to be set in accordance with a procedure approved by the Minister.

Members will note that the Bill does not extend to statutory authorities or statutory positions which operate under the framework of a department, as their powers should be spelt out in their enabling legislation. This Bill provides an important step forward in advancing the Government's financial management reforms. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

## **JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION**

### *Assembly's Message*

Message from the Assembly received and read requesting the Council's concurrence in the appointment of a Joint Standing Committee on the Anti-Corruption Commission.

## **GENDER REASSIGNMENT BILL**

### *Committee*

The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

### **Clause 1: Short title -**

Hon PETER FOSS : I have been approached by Hon Paul Sulc about amendments to this Bill. I have had drafted the amendments which I believe would be suitable, but I do not wish to move them at this stage because it is important that those people affected by them have an opportunity to consider them. Rather than hold up the passage of the Bill I suggest I table the amendments, members continue with the remainder of the Committee stage and the amendments be considered in the other place. Under those circumstances, there would be an opportunity for full public consultation without holding up the passage of the Bill, because there is considerable public interest for it to proceed. If the amendments are acceptable to the other place they will come back to this place for consideration. Therefore, I seek leave to tender possible amendments to the Bill relating to the question of replacement qualification certificates.

Leave granted. [See paper No 377.]

Hon P. SULC : This is the first time I have spoken on this long overdue Bill. I have known quite a few transsexuals, or gender disphoric people as they are now known, and included in the many problems they encounter after their gender reassignment is misunderstanding, prejudice and discrimination. Most of these difficulties arise because persons present as one gender, yet their official documentation states that they are another gender; therefore, an image forms in people's minds which is contrary to the way the people in question wish to be perceived.

I note that the Gender Reassignment Bill allows for a board to issue recognition certificates and also makes consequential amendments to other Acts regarding matters such as equal opportunity, births, deaths and marriages.

I thank the Attorney General for considering my amendments. The amendments as tabled basically will allow a person with a recognition certificate to approach qualifying bodies like universities and TAFE colleges to have amended certificates and qualifications issued in the original format. This primarily aims to stop any confusion between a person appearing under one name and identity, and having qualifications and certification in another name. Another amendment relates to the privacy of such procedure.

I have a few concerns with the Bill which mainly relate to the Equal Opportunity Act. For example, a person will be able to claim that he or she is being discriminated against only after the issuing of a reassignment certificate. These concerns about the legislation can be sorted out in due course. I support the Bill.

Hon N.D. GRIFFITHS : I am very pleased about the degree of accommodation on the part of the Attorney General in relation to the matters raised by Hon Paul Sulc. I join with the Attorney General in seeking to expedite the passage of this Bill through the Chamber and look forward to his potential amendments, or similar amendments, being considered by the other place.

Hon TOM STEPHENS : Briefly, I am now the longest serving member on this side of the Chamber. My colleague Paul Sulc is only with us in this Chamber for a short time, and he might not realise exactly how extraordinary it is for a Labor Party member's legislative amendments to be taken on board by a conservative Government! It is something which in my experience, and the experience of many of my colleagues, is most unusual.

Hon Graham Edwards: It happened all the time when we were on the other side.

Hon Peter Foss: You did not have any choice!

Hon TOM STEPHENS: I join my colleagues in paying tribute to the Attorney General for accommodating Hon Paul Sulc's suggestions. I do not want to let the matter pass without reflecting upon the fact that in the brief time my esteemed colleague Hon Paul Sulc will be in this place, he has the prospect of doing what I achieved only once in my parliamentary life -

Hon W.N. Stretch: Does that tell you something?

Hon TOM STEPHENS: - that is, to succeed in getting the Government to amend, or even consider to amend, legislation. They are very sensible proposed amendments by the member, and I congratulate him and hope that the process the member has initiated is completed in the other place.

Hon PETER FOSS: I cannot let those words pass without comment. If the Leader of the Opposition checks the record, he will find that on regular occasions I have accepted amendments. Sometimes I have accepted them in legislation which people have regarded as most extraordinary; for example, I remember the sheer amazement and delight of one member opposite upon my acceptance of an amendment to the first wave of industrial relations legislation. He skipped down the corridor saying, "He accepted one of my amendments!"

Hon Tom Stephens: That is how rare it is. I promise to skip, Mr Foss!

Hon PETER FOSS: No. It is probably unusual with such legislation. I have tried to make clear to members opposite that I will always give serious consideration to such amendments. That does not mean that I will agree to them. However, where amendments fit with government policy, and where they make eminent good sense, I have a record of accepting amendments. Hon Nick Griffiths would agree that several of his amendments have been accepted. My policy is that where an amendment is not inconsistent with government policy, and it appears to be sensible, I will accept it.

**Clause put and passed.**

**Clauses 2 to 12 put and passed.**

**Clause 13: Annual report -**

Hon N.D. GRIFFITHS: Clause 13 deals with the delivery of the annual report to a Minister, and indicates when a Minister is to cause the report to be laid before each House of Parliament. It is not an unusual provision, but unfortunately it does not appear in every relevant piece of legislation. I wish that the procedure set out in clause 13 would apply to every relevant board and authority. Nothing is worse than receiving annual reports for the previous financial year during the Christmas break.

Hon PETER FOSS: It has been a practice - even when we were in opposition - since the Burt report on accountability, to include such provisions as a matter of course. The Burt Commission on Accountability dealt in considerable detail with statutory authorities. We also included as a matter of course the right for the Minister to give direction and the Minister to have access to information for the purposes of parliamentary questions. Those three aspects are very important in relation to statutory accountability. As the member would be aware, Parliament has often inadvertently, strictly speaking, taken away the accountability of a Minister. A practice has been to give statutory boards independence from the Minister, yet they continue to behave as though the accountability applied. The strict constitutional position is that an established board which is independent of the Minister ceases to be accountable. That issue was raised by the Burt Commission on Accountability. His Honour said that it is important that the provisions be included to ensure that the Minister remains accountable. As a general rule, these provisions go in without necessarily specifically having attention drawn to them. This tends to happen because Parliamentary Counsel now include them.

**Clause put and passed.**

**[Questions without notice taken.]**

**Clauses 14 and 15 put and passed.**

**Clause 16: Effect of recognition certificate -**

Hon N.D. GRIFFITHS: This clause provides that a recognition certificate is conclusive evidence with respect to the matter set out in subclause (1)(a) and (b). I have some concerns about the wording of subclause (2), and particularly the phrases "equivalent certificate" and "corresponding law". Precisely what is referred to? Does the latter phrase deal with legislation in other Australian jurisdictions or to legislation in non-Australian jurisdictions? What will be the precise effect of this subclause? I understand its intention but I am concerned that this Parliament may be grafting onto legislation that has been passed elsewhere to which this Parliament is not privy and into which it has had no input. At

the very least I would like the Attorney General's assurance that there is no real cause for my concern. If there is, I ask that consideration be given to appropriate amendments before the Committee stage is completed in the other place.

Hon PETER FOSS: This is a matter commonly dealt with by regulation. The procedure in this case is for recognition to be accorded by executive act. The interpretation of "corresponding law" in clause 3 provides that it is a law of another State or Territory or a law of another country declared by the regulations to be a corresponding law.

Hon N.D. Griffiths: It is not very satisfactory.

Hon PETER FOSS: This is not an uncommon process. The reciprocal enforcement of foreign judgments is an example of this procedure. If in each case it were dealt with as legislation rather than delegated legislation, it would become a tedious process. Similarly, if any changes were made in that Act, it would be harder to remove them. This proposal is acceptable because of the supervision of both Houses over regulations. If either House is not satisfied with the extension by regulation, it has the capacity to disallow the regulation. It has been through a number of legislative variations over the years, and this has emerged as the most satisfactory process. In many of those Acts the additions and subtractions are made by proclamation and, of course, they are not subject to disallowance by either House. This is an appropriate balance between initiation by Parliament and total control by the Executive. In the middle is the ability for the Executive to pass regulations and the Parliament to disallow them. An "equivalent certificate" then means a certificate issued under a corresponding law that corresponds to a recognition certificate issued under this Act. Obviously, the Minister with responsibility for the regulations must satisfy himself or herself before moving the regulation that not only is the law equivalent, but also the documentation and effect of it is such as to make it appropriate to pass that regulation. I think this is the best solution in using regulation rather than proclamation or amendment to the Act.

Hon N.D. GRIFFITHS: Is the Attorney able to advise the current position with respect to the other States and Territories in Australia; that is, is there anything which on his understanding approaches a corresponding law at this stage?

Hon PETER FOSS: Yes. Reference was made in the second reading speech to gender reassignment legislation enacted in South Australia in 1988, and recently in the Australian Capital Territory, New South Wales and the Northern Territory. I am not saying that it is equivalent to this legislation. Once this legislation is passed I must then look at that legislation in light of this Bill to see whether it would be appropriate to pass regulations. Similar legislation exists also in other countries, including Germany, Greece, Italy and Holland, in at least 25 jurisdictions in the United States, and in a number of Canadian provinces.

Hon N.D. GRIFFITHS: I note the wording of the Attorney General's response and his second reading speech. We should be informed before the Bill is enacted whether the legislation in other jurisdictions to which the Attorney General refers are in his view corresponding laws for the purposes of clause 16.

Hon PETER FOSS: I am happy to start that review of the legislation. It may be a lengthy process. The essential factor is for our legislation to be available to people who live in the State. It will be a continuing operation so far as other legislation is concerned because other people will pass more legislation. It will require a detailed examination by the Crown Solicitor's Office to determine whether the Government will recommend that legislation. I will put in place measures to see how far we have progressed and whether we have identified any legislation as suitable for recognition. That is probably the best undertaking I can give on whether the Government has identified any such legislation and to notify the member of those provisions it believes would be included in regulations.

**Clause put and passed.**

**Clauses 17 to 28 put and passed.**

**Schedule 1 put and passed.**

**Schedule 2 -**

Hon P. SULC: I am concerned about the definition of "gender reassigned person" in item 4 insofar as it alters the Equal Opportunity Act. Are measures being considered to prevent any discrimination prior to the issuing of a recognition certificate?

Hon PETER FOSS: The scheme of this Bill is to have a trigger point, which is the issuing of the certificate. The Bill is based on the fact that the people are gender dysphoric - not merely that they have dressed in clothes that are inappropriate for their initial gender, but that they are committed to the fact and feel that they are of another gender. The process they go through to receive the benefit of this antidiscrimination provision does not take effect until they have satisfied the board that they have that disability and that they are genuinely committed to having a gender other than that with which they were born. There will be no process for addressing discrimination against people prior to

receiving their gender reassignment certificate. The purpose of the certificate is to trigger all that happens in the legislation, and to achieve recognition in the birth certificates and qualifications certificates, and also under the discrimination provisions of the Equal Opportunity Act.

**Schedule put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

**HON PETER FOSS** (East Metropolitan - Attorney General) [5.45 pm]: I thank members for their endorsement of this legislation and for their cooperation and sympathetic approach during the course of debate on the Bill. I have great pleasure in commending the Bill to the House.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

**METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST AMENDMENT BILL**

*Second Reading*

Resumed from 26 March.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [5.48 pm]: The Australian Labor Party opposes this Bill because the Minister in his second reading speech indicates that the purpose of this legislation is to repeal section 7(4)(a) and (b) of the principal Act. The Act provides for the Metropolitan (Perth) Passenger Transport Trust to include representatives from the Trades and Labor Council of WA and a transport consumers' representative. The Opposition objects to the repeal of those two provisions of the Act. This move is evidence of a concerted approach by the Government to show a disregard for the union movement. This Bill is up for debate in this place at the same time as another savage attack on the union movement is on its way from the other place. I will not try to pretend that it is of the same order as the Bill in another place. However, it removes representatives of the Trades and Labor Council from the Metropolitan (Perth) Passenger Transport Trust.

The Minister in his second reading speech stated -

The purpose of this Bill is to provide for greater flexibility in the appointment of members to the Board of the Metropolitan (Perth) Passenger Transport Trust, which is now more commonly known by the commercial name of MetroBus. The amendment continues the implementation of the Government's transport policy to improve MetroBus's efficiency by removing unnecessary restrictions on the appointment of trust members and to ensure MetroBus can meet all necessary demands in a competitive transport operation.

The composition of the trust, as determined under the current Act, served a time when the sole provider of public transport was a bureaucratic organisation in a relatively unchanging environment.

We know that MetroBus is no longer part of that unchanging environment; it has been significantly changed by this Minister and many of those changes have been regrettably for the worse. The Minister continued -

Perth now has a number of providers of public transport operating in a competitive and ever changing environment. Given these circumstances, the provisions of section 7(4) of the Act are unnecessarily restrictive, and in the case of section 7(4)(b) irrelevant.

Hon W.N. Stretch interjected.

Hon TOM STEPHENS: The troglodyte from the bush said "Hear, hear!"

The PRESIDENT: That term is unparliamentary and the member should not use it.

Hon TOM STEPHENS: Is he not from the bush?

Hon W.N. Stretch interjected.

Hon TOM STEPHENS: I will not press on with my comments.

The PRESIDENT: The member can bet on that.



Hon TOM STEPHENS: The Minister also stated -

It is also important that trust members be sufficiently independent in their judgment, have objectivity, skills and experience and the desire to improve the trust's effectiveness and not be constrained or limited due to other conflicting interests. This policy has been consistently applied to all boards across the Transport portfolio.

The amendments contained in the Bill are necessary to provide the flexibility for the trust to comprise members who have the necessary skills, knowledge and ability to support MetroBus's continuing efforts to operate in the competitive commercial environment.

The Bill has six short clauses, but its offending clauses include clause 4, which provides -

Section 7 of the principal Act is amended by repealing subsections (4) and (5).

Section 7 of the Act refers to the membership of the trust, which is established in section 5. The Act provides that the membership of the trust will comprise the chairman and six other members, all of whom shall be appointed by the Minister. However, it also provides -

- (3) The Minister shall not appoint a person to be Chairman or a member under subsection (1)(b) unless the Minister is satisfied that the person has wide experience and shown capacity in transport, industrial, commercial, or financial matters or in the conduct of public affairs.

Section 7, which is to be repealed, provides -

In relation to the members appointed under subsection (1)(b) -

- (a) 1 person shall be appointed on the nomination in writing of the body known as the Trades and Labor Council of Western Australia;
- (b) 1 person shall be a person who in the opinion of the Minister is a user of the services provided by the Trust. Otherwise the Minister has complete discretion.

So, by introducing this Bill, the Minister is removing the only fetter on his discretion.

We know from a reading of the Act that the trust consists of seven members and the Minister is constrained in the appointment of only two members. The Act requires that the Trades and Labor Council have the opportunity to nominate a person for appointment. As I understand the way these things have operated in the past, when nominating a representative, bodies such as the Trades and Labor Council have been obligated, perhaps by ministerial request, to provide a list of three names from which the Minister would choose one. I do not know whether that is the way this Minister has operated, but it was the way the Ministers operated during the Labor Administration when a representative organisation had the right in Statute to recommend specific appointees.

Hon Graham Edwards: The Local Government Act is an example.

Hon TOM STEPHENS: Local governments would be invited to submit a list of three names and the Minister would choose one at his discretion. This is an unnecessary restriction on the way this trust will operate. The Trades and Labor Council is a very representative organisation.

Hon E.J. Charlton: It puts a very harsh restriction on the TLC representative because that person is in a no-win situation. That is why this has come about; it is not some philosophical move. It is designed to give the trust the opportunity to do what it needs to do. On the one hand, that representative must appear to be looking after the interests of the union movement and on the other hand he or she must be seen to be doing what is best for the future survival of the trust. I have made a commitment that the trust will have every chance of not facing competition in the future. That is why it has said to me that it wants to be able to operate in this way.

Hon TOM STEPHENS: I appreciate the Minister's comments and his involvement in the debate. Nonetheless, I do not accept the proposition which was put to the Minister and which he now puts to the House. Many people are regularly in this situation; that is, they are representatives nominated to serve on various bodies, statutory or otherwise. They are not there simply to look after the interests of the organisation they represent but rather to bring the expertise they have gained as a result of their experience and presumably because of their involvement in that industry and their connections to the board's deliberations.

Hon E.J. Charlton: This relates to situations when the trust wants to deal with the union movement - it would want to have that the person with that expertise at the table but not actually part of the final decision making group. This will enhance the TLC representative's role rather than degrade it.

Hon TOM STEPHENS: Clearly, the Minister is quite genuine in the presentation of the argument that has been put to him by the trust, but I do not accept that argument.

*Sitting suspended from 6.01 to 7.30 pm*

Hon TOM STEPHENS: Before the House suspended the Minister for Transport explained his motive for bringing this Bill to the House. His observations on why the Government is pressing on with the legislation were clearly sincere. I have been thinking about the Minister's response and there is some merit to his argument. During the dinner break many things happened. I understand that government members are now in a position to tell us all about the Budget! Some of them are now almost as up to speed on the Budget as are the *Sunday Times*, Geof Parry and ABC television journalists!

Hon B.K. Donaldson: That is tomorrow night.

Hon TOM STEPHENS: That was not a budget briefing that members opposite were getting? I thought members opposite would have as much information as Geof Parry and Janet Wainwright. However, it seems they have been kept in the dark and have not been briefed on the Government's Budget Bills.

Having had the opportunity to think about the Minister's interjection, I am not persuaded by his arguments. He told us in the second reading speech and in his interjections that the union representative on the MetroBus board has such a conflict of interest that that representative would be better off removed from the board than to have to argue in some sort of confrontationist way with the Government because all board members are appointees of the Government. I am not suggesting that a nominee from the Trades and Labor Council should be a TLC missile to argue the case for the union movement or for the union from which that board representative from the TLC has come. I am suggesting that, under the current legislation, the TLC is well positioned to consult with its membership - regrettably a diminishing membership but an extensive membership nonetheless - and constituent unions which are affiliated with the TLC, or even those which are not, and through that process come up with a nomination.

People tried to present the Minister's case to me over dinner. The Minister sent a message through my wife that I should think seriously about the argument he put to the House. I did because I always do what my wife asks me to do! She asked me to listen seriously to the argument put to me by the Minister by way of interjection. Having done what she asked - that is, to think carefully about what the Minister said - I came down on the side of rejecting his proposition because I believe that the trust would be better off if the Act stayed intact and the Trades and Labor Council was able to draw upon the wide expertise that is available to it through the union movement, through the work force and through any other section of the community from which it would draw a nomination to put before the Minister. For instance, it might decide to appoint somebody who was not from the trade union movement. It might, under the provisions of the current Act, select somebody whom it thought had skills that were desperately needed on the board and therefore complemented the structure of the trust and could bring to the trust expertise that ensured that MetroBus operated in an optimum fashion. The Minister made a mistake in accepting the argument that a nomination from the TLC cripples that trust member to be able to take on board only the trade union's argument in deliberations by the trust. It is an unacceptable interpretation of the role of people such as the nominees of the TLC. Their task is not simply to be representatives of the TLC. They are appointed to boards - in this case, the trust - and as the issues arise they take their responsibilities much more broadly than simply representing the interests of the TLC. One cannot call those narrow interests. They are broad interests. The TLC has the task of representing a very extensive group of workers and a broad range of unions. In that context, a nominee from the TLC has the task of juggling those competing interests. I am sure that many members in this House in their personal experience have had the task of rising above the organisation by which they have been nominated, to serve on a particular board or trust. People who take on the role of a member of Parliament are nominees of various parties. We are elected to Parliament as nominees of our respective political parties but I hope that none of us sees that as the only way of operating.

Hon E.J. Charlton: When in government, you will not be restricted. You will be able to nominate someone from the TLC, or anyone else you think is the best person.

Hon TOM STEPHENS: We think that it is in the best interests of the trust to have on it a nominee of the TLC, because within that organisation is much wisdom, experience and familiarity with the structures of MetroBus and the public transport system in the metropolitan area. It would be a pity for the Minister for Transport and any of his successors to be deprived of this opportunity or obligation to receive from the union movement, in the first instance, a nominee. The custom has been to offer three names and for the Minister to make a decision. It is intrinsically wrong to simply conclude that by virtue of the trust member's nomination originating from the TLC the trust member must be an agent for the nominating organisation. Those obligations are much broader. We are familiar with the process of having broader obligations. As I said, as members of Parliament we have obligations, though nominees of various parties, to serve the broader community interests, and to be representatives of all Western Australians. A trust member has an obligation to the whole organisation, to take on board his or her experience, and perhaps to be a conduit for the TLC

- the union movement, and the work force - and to draw on the experience he or she invariably will have had by coming from that background. These members will draw on those links and associations. They will bring the rich flow of information available by virtue of those links, to the deliberations of the trust.

The MetroBus trust is a changing instrumentality but that is not adequate justification for making this move. In many ways it is because the trust's role is changing, because competition is now part of the mode of operation of the environment for public transport in the metropolitan area, that this expertise and those links to the work force and union movement are more important than ever. Too often ideology can too easily blind people to the decision-making processes. If the Minister were of a mind to position before the Cabinet only a trust board membership that was driven by the same ideology that has overwhelmed the Government in many areas of the Minister's recent experience on the Treasury benches, I fear MetroBus' future would be adversely affected and seriously impacted on by the absence of these links to the union movement and the work force. The other very limited fetter in the Act, which will soon be removed by this Bill, is an obligation on the Minister to appoint someone who effectively is a user of the service provided by the trust. That is a very sensible statutory obligation on the Minister.

We are familiar with the "Yes, Minister" series which had the public servants seriously putting to the Minister a proposition that if a hospital could just be saved the inconvenience of having any patients -

Hon E.J. Charlton: A patient-free day.

Hon TOM STEPHENS: Yes; or if it had a patient-free week, or even if it were a patient-free hospital, it could no doubt get on and do its task more effectively and efficiently, and the hospital administration would not be troubled by the problems that come with having to take on board the needs of the consumer group - patients! However, the parallel is what an extraordinary MetroBus it would be if it did not have to take on board the interests of the travelling public.

Hon E.J. Charlton: That is pretty well how they worked. It did not matter if they picked up passengers, as long as everyone else was happy.

Hon Bob Thomas: That is a gratuitous statement.

Hon E.J. Charlton: It is a fact.

Hon TOM STEPHENS: I am reluctant to agree now, because Hon Bob Thomas has said that it is gratuitous. However, the thought had dawned on me from time to time during debates in our party room - not in reference to MetroBus but in reference to other public transport facilities in Perth. The one way of ensuring that MetroBus can operate without any regard for the needs of the consumers - that is, the travelling public - is to do exactly what will be done as a result of this Bill.

Hon E.J. Charlton: The future of MetroBus will be determined by how many people are carried. That will be the emphasis on the future of the operation.

Hon TOM STEPHENS: The Minister is arguing in support of the Opposition's opposition to the Bill. The Act contains an obligation that MetroBus have on its membership someone who is a user of public transport.

Hon E.J. Charlton: It was the union that pointed out that the focus is not on its operation. It is a focus on so many other things.

Hon TOM STEPHENS: It is the Minister's Bill, and regrettably it will make it that much more likely. I will not say too much more about this legislation. I will await with interest the contributions by my colleagues. I will see which way the Minister responds. It appears that the board must operate in an impartial way. That does not require the Minister's turfing off union nominees, the travelling public nominees or the TLC nominees.

At present the chairman is Russell Allen whose activities on the board receive a lot of meritorious comment. It is said that he has been involved in Australia for Freehill Hollingdale and Page. I am told that firm supplies a lot of information to MetroBus and to the Government of Western Australia. That does not necessarily represent an inevitable conflict of interest between his being the chairman and the fact that he works for Freehill Hollingdale and Page. Rather, he draws on his background and brings that to the position. He does not or should not become the operative of Freehill Hollingdale and Page on the MetroBus board, nor does the TLC representative become its operative on the board. I put to the Minister that those two representatives are in exactly the same situation. There is no reason for the Government to press on with this Bill. I think the Minister makes a grave mistake in knocking off the representative of the consuming public in this way.

I look forward to the Minister's response to this significant point: We understand the real objective is to privatise the remaining bus operations in the metropolitan area.

Hon E.J. Charlton: It is probably fair to say that is what will happen if I do not manage this.

Hon TOM STEPHENS: I hope the Minister can assure the House that he will not take further steps in the direction of privatising the remaining operations of MetroBus, so that there will be a consequent reduction of services offered in the metropolitan area that will continue along the path that has been followed since the tendering out process first began. The rumours are that the Department of Transport will offer for tender three of the five remaining MetroBus area contracts before December 1997. I hope the Minister will assure the House that he is prepared to rule out this prospect categorically. That would reduce the MetroBus board to complete irrelevancy and, therefore, it would not matter whether the legislation were to be amended or not. Effectively the board would no longer operate for any reasonable purpose.

It seems to me that the MetroBus board's obligations are very real; that is, to protect the existing public transport system in the metropolitan area. It is an important public transport service that has been enhanced over the years by previous Governments. It has had some changes to it since the Minister has had the Transport portfolio which, surprisingly, have not been completely disastrous. The Minister seems to have pulled off quite a successful change with the central area transit system, the CAT system.

Hon E.J. Charlton: That was just an accident!

Hon TOM STEPHENS: I guess so. Maybe it came about as a result of the consumer representation on the board, or maybe it was at the instigation of the TLC representative.

Hon E.J. Charlton: It was not a MetroBus initiative.

Hon TOM STEPHENS: The Minister may be able to tell us more about that in his response. With the privatisation strategy that has been in place, it seems more important than ever that the interests of the travelling public and the work force are represented. I fear that simply reducing the overview of public transport in Western Australia to the bureaucratic observations of the processes by the Department of Transport, without the assistance of a board such as this - I do not necessarily say that MetroBus should overview everything that is going on in the metropolitan transport area - is inadequate. To leave all of that simply with the Department of Transport, without consumer or work force representatives in the process of keeping a watchful eye on what is happening with the Minister's innovations -

Hon Cheryl Davenport: It is all about accountability.

Hon TOM STEPHENS: That is right; that is exactly the point.

Hon E.J. Charlton: Management has now been sent out to the depots where people wanted them to be. That is what the union movement and the membership and the employees wanted.

Hon TOM STEPHENS: All I can say is that consumer representatives and union representatives on structures such as this and perhaps an additional structure that overviews the privatised contracts that are occurring all over the metropolitan area would be a better amendment to the legislation than the Bill we are debating now. For those reasons I still oppose the legislation before us.

**HON JOHN HALDEN** (South Metropolitan) [7.55 pm]: I have listened to some of the comments made by the Minister for Transport by way of interjection and have looked at the second reading speech. One of the more unfortunate things is that I am probably more inclined to want to know more about the interjections than what I read in this piffling excuse for a second reading speech. It does not justify in any way why we should make this change to this legislation. By comparison with what is in the second reading speech, the Minister's interjections gave more enlightened reasons for changing this legislation. In my view the second reading speech contains absolute bureaucratic waffle. I will go through the speech to make the point that this House is being asked to justify a change to legislation with which we do not agree, but which, at least, I am prepared to consider if a decent argument is presented.

The first paragraph is of no consequence, but as such is a reasonable opening stanza on behalf of the Government. The second paragraph states -

The composition of the trust, as determined under the current Act, served a time when the sole provider of public transport was a bureaucratic organisation in a relatively unchanging environment. Perth now has a number of providers of public transport -

I agree with that -

- operating in a competitive and ever changing environment.

Let us just go to the word "competitive". I understand the tendering process is competitive.

Hon E.J. Charlton: It does not mean competitive in terms of getting the contract; it means in supply of the service.

Hon JOHN HALDEN: That is exactly my point. I never read that word as being competitive in terms of the contract or the tendering process. I am prepared to accept that. Is it really any more competitive than the old system?

Hon E.J. Charlton: Yes.

Hon JOHN HALDEN: There is nothing in here that leads me to that conclusion.

Hon E.J. Charlton: It is reflecting what it takes for granted, which you and other people know.

Hon Bob Thomas: Are the private operators subsidised?

Hon E.J. Charlton: Yes.

Hon Bob Thomas: They are getting exactly what the others are?

Hon E.J. Charlton: They are getting \$10m less.

Hon JOHN HALDEN: We can agree that it is competitive in terms of the tender process; however, it is not competitive if the contractors want to put on more buses, because that situation is still controlled by MetroBus. It must provide additional funding for additional routes.

Hon E.J. Charlton: By Transport.

Hon JOHN HALDEN: It is not competitive in terms of providing more services because it is still controlled by the bureaucratic agency.

Hon E.J. Charlton: It is competitive in terms of scheduling, on-time services, cleanliness of buses, running the routes that it says it will. That is what that means.

Hon JOHN HALDEN: In terms of the points the Minister has raised - that is, cleanliness, scheduling and being on time - that was the same demand we made of the former Metropolitan Transport Trust.

Hon E.J. Charlton: With respect, it did not matter whether it did or did not because nobody else demonstrated that it could be done any better. That was one organisation.

Hon JOHN HALDEN: Exactly. The reality now is that once a company has a contract, if a bus is dirty the contractor will say that it was made dirty by the people using it and the contractor would clean it up. That is what the MTT used to say. The contractors will say that if the bus was not on time it was because of traffic or whatever, which is exactly what the Metropolitan Transport Trust used to say.

Hon E.J. Charlton: It is not MetroBus versus the privates, it is three privates competing against each other. There are four operators.

Hon JOHN HALDEN: The Minister has divided up the metropolitan area, so they are not competing against each other for the same client. All they are competing for is a tender at the beginning of the day.

Hon E.J. Charlton: It is important you understand this. I know I am in the privileged position of receiving weekly reports. It demonstrates how operators are faring against each other. When there is nothing to compare you are encouraging people to perform better; they do not have anything to compete with.

The PRESIDENT: Order! I could see Hon John Halden about to interject on the Minister's interjection! I was trying to stop him.

Hon E.J. Charlton: We will have to change it so that I can speak longer in the second reading speech.

The PRESIDENT: We will make more progress if the member on his feet makes his comments and looks forward to the Minister's responses when he closes the debate.

Hon JOHN HALDEN: I know that the Minister is somewhat stretching the standing orders. However, as I said at the beginning I have the feeling that more information can be provided by exchange across the Chamber rather than from the second reading speech. That is being substantiated now. There is an element of overviewing the competitive arrangements. I think he said before that all one could do was compel the operators. There may be some validity in that. As he said, I am not in his privileged position.

In his speech the Minister referred to an ever changing environment. Public transport is an ever changing environment. To say that in a speech is like saying that the sky is blue. Public transport changes as a result of increased demands, growth, the environment, a requirement for new buses, etc. The Minister's comment in the second reading speech tells us nothing.

The Minister says that section 7(4) of the Act is unnecessarily restrictive and in the case of 7(4)(b) is irrelevant. It is my recollection that 7(4)(b) refers to the consumer representative. The speech reads -

It is also important that trust members should be sufficiently independent in their judgment, -

That is probably true -

- have objectivity, skills and experience and the desire to improve the trust's effectiveness and not be constrained or limited due to other conflicting interests.

The difficulty with comments about independence is we can all make reflections about people we may believe to have bias. I do not wish to make any personal comments about the current board, but I could draw conclusions that independence does not exist. From the 1995-96 Transport annual report I have information on the background of some of the members on the board. One member was previously employed as the General Manager of Bell Freight Pty Ltd and Bell Tyre Co. He served as the Vice President of the Australian Road Transport Association and President of the Western Australian Road Transport Association. Having met the members of the Road Transport Association I am certain he came with biases about how public transport in the metropolitan area should be run. It is seemingly okay to have those biases unless one happens to represent a union, the workers or consumers. I am not suggesting this person does not do the job adequately; I am making a point.

Another person operates a consultancy and business training enterprise and is a chartered accountant. He may have a bias regarding those operations, although they are not as clear as those of the previous gentleman. As did Hon Tom Stephens I refer to the gentleman from Freehill Hollingdale and Page. We know about that firm's involvement with the Government. I do not know whether the gentleman on the MTT board has the same general approach as the company on industrial relations in this State. However, from a biased point of view, members on this side of the House allege that there is not necessarily any independence of judgment. He may not be objective, but he may have skills and experience which are not necessarily relevant to the running of the organisation. This gentleman particularly may have conflicting interests.

All that is supposition. Nonetheless, what is the reasoning behind the Government's amendments when we can highlight issues such as those regarding those individuals and others? The Minister could say that they are squeaky clean, there is nothing wrong with them and they add new dimensions. However, if people happen to represent workers or consumers the impression is that they are not important enough, they will not be sufficiently independent and they will not have the skills, experience, or objectivity necessary and they may be constrained or limited due to other conflicting interests.

Everybody on the board qualifies under every one of the criteria in the Bill. That is the nonsense of what is proposed in this Bill, but those criteria are not justified. To be honest it is the sort of reasoning put at a Labor Party conference to which we refer as motherhood or parenthood. It is not justified. The Government puts it forward and thinks we will believe it because the Government said it. I do not think anyone could meet the criteria laid out in the legislation. I am sure the current members are not always objective. They probably have conflicting interests, although not by any means illegal or in any sense that conflict with the best interests of the board. We all have a value system and interests in an area which will guide our judgment. There is nothing wrong with that, but that is not justification for removing two specifically identified representatives.

If the Minister had justified in a detailed way why workers should not be represented, I would have examined his argument. If he told me that the workers' representative traditionally had been obstructive or did not attend meetings or whatever I would weigh up that as a specific issue. However, I can apply equally to every member of the existing board subjectively this claptrap in the Minister's speech because I do not know these people or the workers' or consumers' representatives. I could apply these standards against everybody and form the view that they should all be put off under the criteria established in the second reading speech. There is no justification whatsoever in that part of the second reading speech for changing the legislation.

The next sentence in the Minister's second reading speech reads -

This policy has been consistently applied to all boards across the Transport portfolio.

I have examined some of the boards. From a biased perspective I suggest that from time to time there have been a few appointments of mates, not necessarily only in Transport. Barry MacKinnon, Huston and Hussey are probably earning more money on government boards than they would earn as members in this place. I am not saying they are not appropriate people to serve on boards; however, they would not comply with the criteria outlined in the Minister's second reading speech.

Hon E.J. Charlton: It does not say they have to be the ex-Leader of the Liberal Party or whatever to get a position on the board.

Hon JOHN HALDEN: Or the failed member for Applecross. I understand that. At the end of the day there is no justification for what the Minister said in his second reading speech. Some of the port authority boards have on them people whom I perceive to be mates of the Liberal Party and they would not exercise an independent judgment because they have a perspective. By the way, I would not expect them to.

Hon E.J. Charlton: You should judge them on their performance and not on whether I know them.

Hon JOHN HALDEN: I am happy to say that in some cases they have been successful. Perhaps that will come to light further down the line. If I applied the criteria outlined in the second reading speech across the boards in the Transport portfolio there would not be one board or even a member.

Hon E.J. Charlton: It is saying that the Act did not state that a union representative be appointed to the port authority boards, and when their time was up I replaced them with people in the community, rather than with a member of the TLC or the union movement. That is what it means.

Hon JOHN HALDEN: I am glad that is what it means; it is not what it says.

Hon E.J. Charlton: It says it is consistent with what is happening in the other sections of the Transport portfolio.

Hon JOHN HALDEN: I thought that part referred to the previous sentence. I thought paragraphs had to have something in common from one sentence to the next.

Hon E.J. Charlton: You have to make allowances for me.

Hon JOHN HALDEN: The difficulty is the Minister did not write it. We need some justification for what we are doing with these Bills.

The penultimate paragraph states that -

The amendments contained in the Bill are necessary to provide the flexibility for the trust to comprise members who have the necessary skills, knowledge and ability to support MetroBus's continuing efforts to operate in the competitive, commercial environment.

In all honesty I do not know what it means.

Hon E.J. Charlton: I will explain it in detail.

Hon JOHN HALDEN: After opposition members have made their contributions to the second reading debate and decided to oppose the Bill, based on the information before the House -

Hon E.J. Charlton: That is when you will decide whether to vote for or against it.

Hon JOHN HALDEN: The Parliament should not work like that; it should have appropriate information provided to it.

Hon E.J. Charlton: I take your point.

Hon JOHN HALDEN: I will now go to the specifics of this Bill. I would like the Minister, not in the gobbledegook of his second reading speech, to explain why it is not necessarily a good policy to have a representative of the workers on the board. I do not necessarily mean a member of the union, bearing in mind the situation we have in this industry. I ask specifically about a representative of the workers, bearing in mind that their commitment and knowledge can be of significant importance to the operation of this industry.

I then come to the point of why there is not a consumer representative on the board. I wonder how often Mr Gilham catches the bus to work.

Hon E.J. Charlton: He is no longer on the board.

Hon JOHN HALDEN: I wonder how often the former chairman and the other members of the board, with the exception of Mr Wells, actually catch the bus to go to work, go shopping or go to some form of entertainment. I do not know but I suggest not too many do. It would be appropriate to have on the board a truly representative consumer - someone who uses the service on a regular basis and can comment on its adequacy. Without that information, how does the board know what consumers are thinking? It may be annoying in terms of the macro decisions the board is making, but we are taught that in politics we must keep in touch with the grass roots or the customer. It seems that the board needs that sort of information if it is to be able to deliver a service, as the second reading speech said, which is competitive and ever changing. Competition can be reasonable in terms of pricing, but it can be hellishly destructive in terms of consumer perception of what is the service which is provided.

Hon E.J. Charlton: I totally agree.

Hon JOHN HALDEN: If that is the case I do not know why we have that amendment.

Hon E.J. Charlton: I will explain the changes.

Hon JOHN HALDEN: I am pleased the Minister will do that. Without that sort of affinity with what is being provided those people make decisions from the position of the ivory tower, not without expertise in their field but without expertise in that perspective of the organisation.

With reference to what the Minister said earlier about removing workers or consumer representatives from boards, one of the significant things the previous Labor Government did was to encourage the concept of worker and consumer participation. It provided a significant opportunity to give those people on boards the knowledge so they could impart it, be it good or bad, to either the work force or the consumer. What is happening is a return to pre-Labor days.

Hon E.J. Charlton: It is done in a different way and I will explain it in detail.

Hon JOHN HALDEN: I understand that. It is interesting that the Minister said that. On Saturday night I was at a wedding with people who work in one of the Minister's authorities. The difficulty is they are confronted under the new regime with the problems of the organisation, but they feel no ownership of, involvement in or loyalty to the organisation. Basically they feel that for a significant period of time - in fairness, a lot of that time was when the Labor Party was in government - they made significant sacrifices. They committed themselves to new technology, regimes in terms of multiskilling, industrial relations codes and occupational health and safety requirements. At the end of the day they have reached the point of exhaustion. They are perpetually told at the workplace of the necessity for greater efficiency and more effort from them. Their commitment to the organisation is now very low. I can assure the Minister I am referring to one of the organisations in his portfolio. On financial figures it has been quite successful but worker morale is at an all time low. It was not just one worker, as it involved three people from a very small area. I do not know that the new regime for employee-employer relations is necessarily any better; in fact, from what I hear, it is worse than the regime of three or five years ago. The area in question has experienced exactly the same changes to its board as the Minister is now proposing for this body. It seems that although the structure may be flatter - I do not wish to exaggerate - it has not made things better. I put it no stronger than that. My view is that the situation has deteriorated.

Hon E.J. Charlton: Where was this?

Hon JOHN HALDEN: It is fair enough to tell the Minister that it was the Fremantle Port Authority. The new regime of trying to devolve information down to a flatter structure needs examination. This involves talking more directly to workers by management, particularly middle management, and requires more skill development.

Hon E.J. Charlton: The great problem that they have had to confront is the continuing considerable change.

Hon JOHN HALDEN: I would be totally wrong not to concede that point. Likewise, MetroBus has experienced significant changes in the last decade, and the organisation may well feel that same burnout in terms of information overload with more requirement for change and new efficiencies. I do not want to be too outrageous, but many people involved in this process are at the latter stage of their employment cycle and change becomes more difficult as we become older. At that stage of life, we want change to be slower and our environment to be more secure, stable and routine.

Some consequential problems arise. I know that the Minister is looking at them so he understands what I am saying.

Hon E.J. Charlton: I do.

Hon JOHN HALDEN: He is aware of the situation. One can take the ideological view that a union representative should be on the board. I am not personally convinced of the argument supporting this change. The Minister may later add argument in support of the Bill and justify this change. However, I cannot see it. The Minister could not be terribly critical of that comment. I was prepared to extend the argument and state that this position could be filled not by a union representative, but by a worker representative. The Minister could still appoint such a person.

Hon E.J. Charlton: Exactly.

Hon JOHN HALDEN: However, I have not seen a propensity for the Minister to take such action with other boards. The consumer representative is not an ideological issue for the Opposition; it is more a matter of the practicality of appointing somebody to this point in decision making who has some direct knowledge - the Minister used the word -

Hon E.J. Charlton: Affinity.



Hon JOHN HALDEN: Yes, the person needs an affinity with the service provided. The Minister has the power to appoint such a person, although it is not mandatory to do so. The difficulty for the Opposition is that no justification is given for taking that mandatory obligation away from the legislation. The reason given is that the change is the Government's policy. Some subjective comments are provided regarding why the mandatory provisions are not justified, and I will be interested to hear the Minister's response in providing us with reasons for the non-mandatory nature of the provision.

I am not sure who advises the Minister about appointments, but I assume in this case that, apart from the two mandatory positions, the Minister either calls for expressions of interest or the department advises him on who is acceptable.

Hon E.J. Charlton: It is a combination of a whole range of processes. The key is to get the best people to run the organisation with a whole spread of backgrounds and capacities.

Hon JOHN HALDEN: I am sure that the Minister would tell the department to do that; I or any other member would do the same if we were the Minister. I have known Ministers from both sides of the House who have been heavily influenced by the department and how it presents its proposition.

Hon E.J. Charlton: It is not the case in this case!

Hon JOHN HALDEN: I hope so. I do not know the true situation, so I cannot comment.

Hon E.J. Charlton: I could give the member a run down of all the board members to show that they are a varied group of people.

Hon JOHN HALDEN: Even though I have made some subjective comments about board members, I do not know the situation. Some very notable successes have occurred at MetroBus, although we wait to see the results with privatisation. The new CAT service has been a particularly successful service which is held in high regard.

Hon Bob Thomas: It is a quality service.

Hon JOHN HALDEN: Indeed. I am sure the Minister will not be the first or the last Minister to be snowed by the department. I cannot understand why he will not have these two people appointed to the board. Sure, it is appropriate to have on the board people with marketing and accounting expertise, legal backgrounds and practical knowledge of running trucking operations - I have no problem with that. Bearing in mind that we are dealing with MetroBus, why not have a workers' representative and a consumers' representative on the board, and why not make the positions mandatory? I think the legislation was right in the first place. I recall that we are amending the Minister's legislation.

Hon E.J. Charlton: Yes.

Hon JOHN HALDEN: The Minister had it right the first time, so why does he want to make the change?

Hon E.J. Charlton: If I had my time over again, I would have gone this way when the matter was here two or three years ago.

The PRESIDENT: Order! I have already told the Minister to let the member finish his comments.

Hon JOHN HALDEN: I can understand why the Minister did not apply this policy the first time, but it might have had nothing to do with transport. Nevertheless, it is incumbent on the Minister to answer a couple of simple questions.

Returning to where I started, the Opposition wanted the second reading speech to justify not having the two positions as part of the board, and why they are not mandatory. The second reading speech takes up five paragraphs, which is a half-page in *Hansard*. I seek answers to the two simple questions. I could rabbit on for another 12 minutes, but it is unnecessary to do so. We await the response of the Minister. These simple questions in some respects can only be answered by the Minister. I can be critical of the second reading speech, which I know the Minister did not write.

Hon Kim Chance: He read it!

Hon JOHN HALDEN: I concede that. However, the House is entitled to be better informed on this matter. Bearing in mind the structure of the board, in a political sense the numbers are not with the consumer or the industrial representative in any respect.

Those people were there to give a distinct and different view, rather like a lawyer, accountant, trucking company executive or whoever. Their views gave a nice broad scope. At the end of the day, nothing at all will be gained by removing that. I await the Minister's response. The subject has obviously been to the party room. I cannot change my position but I will be joining the Leader of the Opposition in opposing this Bill.

**HON KIM CHANCE** (Agricultural) [8.31 pm]: I will speak very briefly on this legislation. The Leader of the Opposition, Hon Tom Stephens, and Hon John Halden have both fairly adequately covered the ground the Opposition wanted to raise about this matter. I want to join with other members of the Opposition in expressing my opposition to the outcome of this Bill, even though I recognise that it is not a major change. I will go further: I recognise that the proposed change fits the general context and thrust of the attempts of the Minister for Transport and the Government in the transport area. The Bill is not apart from that policy thrust.

I had a sense of *deja vu* when I read the second reading speech and particularly when I heard my colleagues' contributions. I remember putting all of the same arguments in the context of the Geraldton Port Authority legislation, again handled by the Minister. I thought I saw in the second reading speech a few lines that were the same as those used in that argument.

Hon John Halden: I hope you did not waste too much time on them.

Hon KIM CHANCE: No. With the Geraldton Port Authority a very similar sequence of events took place because it was a similar amendment Bill. One of the outcomes was that the Waterside Workers Federation representative on the board, whom the Minister knows and for whom I believe he has a high regard, was removed from the board because the board wanted to become more commercialised and had a different role. The replacement for the Waterside Workers Federation representative, who was well qualified and highly regarded in Geraldton, did not attend that many meetings of the board and fell off the board not long after. Perhaps it is a little unfair to single out one specific seat and one board, but the net outcome for the Geraldton Port Authority and the mid west region was negative.

I share the concern expressed by Hon John Halden that we are dispensing with a valuable source of expertise if we are to do away with "as of right" representation. The Minister will argue that there is no reason on earth that an employee of an authority, be it a port authority or MetroBus, cannot be appointed to the board. If the Government is to adopt this strategy, the advice the Opposition should be giving to the Government is that it must give more consideration to having an employee on the board. I feel quite strongly about this because I have some personal experience in the matter.

In 1984, just before the amalgamation of the Metropolitan Water Authority and the Public Works Department, I sat on the interim board of the Water Authority of Western Australia, which essentially had responsibility for completing the amalgamation of those two authorities. From that point virtually until I became a member of Parliament I sat on the restructured board of the Water Authority. The board that was established under the then legislation had a statutory requirement for one union representative directly elected by the union member employees of the PWD and the Metropolitan Water Authority, later the Water Authority. The Water Authority then was covered essentially by three major unions. Employees might have been in other unions but essentially the unions were the then Miscellaneous Workers Union, the Australian Workers Union and the white collar Civil Service Association, now the Community and Public Sector Union. The interim appointment of the union representative went to an MWU member, who is now an industrial relations commissioner. Although he was appointed as an interim member, the way the elections were held made it almost necessarily follow that after that the elected member would be a member of the then CSA. Therefore, we lost our blue collar representation. So valuable was the contribution of the union member of the board that the Government later moved, at our request, to increase the number of union members on the board to two.

I know very well, having worked for the authority during that time, how valuable it was to have worker representation on the board. To give an indication of how successful it was, and not taking anything away from other members of the board or the executive of the authority at that time, when I joined the board the elements we later came to know as the Water Authority had one of the worst industrial relations reputations in Western Australia, both for work practices and for productive work history. After about four years of the operation of the board, as it was later structured, we had one of the best records for industrial stability and also a rapidly declining number of days lost to industrial accidents, which, as everyone knows, is more a measure of morale in the workforce than of industrial safety. The board members included a person who became a District Court judge and another who became the Premier of Western Australia. Without detracting from any of them, the contribution made by the initial one and later two union representatives on the board was quite outstanding.

I give the advice gratuitously that if the Minister intends to follow this pattern, he must give far more consideration to the value of a worker representative, not necessarily a union representative, on the boards.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [8.38 pm]: I thank the members for their very constructive comments during this debate. I was obviously aware when I introduced this amendment into the Parliament that concern would be expressed by members of the Opposition who might believe that this was a concerted effort solely to get a union representative off the board. That is not the case at all. The whole thrust of the legislation is to try to ensure that the Government of the day has the opportunity to appoint people, regardless of their background

and their associations, who are the best people to manage and take responsibility for, in this case, the future of MetroBus.

MetroBus has two basic responsibilities: To run the organisation efficiently and at the lowest cost to the taxpayers of Western Australia; and, secondly and very importantly, to attract the maximum number of people into its vehicles for the benefit of the users. In order for MetroBus to run the business efficiently, both employees and employers must have a good working relationship, good morale, and a sense of belonging to the organisation. It does not mean just running the business at the lowest cost.

When we came to government, MetroBus, or the Metropolitan Transport Trust, as it was known previously, had 900-odd buses operating from a number of depots around the metropolitan area, and a head office in Adelaide Terrace with hundreds of people. One of the first things I did as Minister for Transport was to travel to almost every depot and speak to the employees. Members know what it is like when the Minister of the day - it does not matter who he or she is - goes to the workplace. It is very difficult for employees to be relaxed and to level with a Minister because he is from the Government and they wonder why he is there, but I genuinely wanted to hear their point of view.

The overwhelming message that I received from my visits was that morale was low. The employees were concerned about the lack of communication between them and management about their jobs, and about the distant link between them and management. The employees used to refer continually to the white house where all the white collar people made decisions about MetroBus but had no understanding of the people who were delivering the service. The employees believed that they knew about the changes that should be made to the bus services, the maintenance, the routes and the timetables, but the board and the management did not understand them. There was a breakdown in communication.

I gave the employees a commitment that in addition to the things that I wanted to do in MetroBus, which are now history, I would take up their fight to try to bring about better communication and links between management and employees. I think that has been done to some extent. MetroBus is now 50 per cent of what it was when I visited the depots two or three years ago. Recently, I visited the Palmyra depot, and I saw a difference between the attitudes of the employees at the Palmyra and Causeway depots. The employees at the Palmyra depot were looking to the future and how they could do things better. However, the employees at the Causeway depot were concerned about whether they and MetroBus had a future. One of the reasons for their concern is that it has been decided to close the Causeway depot.

It has also been decided that rather than have a head office with several hundred people, in the next few weeks head office will have only 17 people, who will be located at a shop front in Mill Street in Perth. That will allow people who want to make direct contact with MetroBus management to do so, but the real management of MetroBus will be at the depots and will work from the same buildings as the work force. The employers and the employees will be together, rather than have a "them and us" situation, and that is the way it should be. One example that was given to me is that if someone's pay did not come through on time, a month would go by before the matter had gone through the system and there was a resolution. A problem like that can now be resolved in half an hour by the employee's talking to the manager. That is a tremendous step forward.

Why do we require these changes? MetroBus now has 50 per cent of the business and is in a position where the competitive tendering process has been completed and the Government's policy has been fulfilled. It is to the great credit of MetroBus, as I keep saying publicly, that it made enormous changes during the 18 months which led to the tendering process. MetroBus now has a couple of years to take a deep breath and concentrate on deciding how to run the organisation.

Management will go out to the depots, head office will be changed, and the Causeway depot will be split up and absorbed by other depots. In achieving all of that, the important things that the management and the board need from me as the responsible Minister are flexibility and the ability to draw on the expertise that is in the community and that is needed to balance the board's structure. The current members of the board include an industrial lawyer, whose expertise in worker-management relations is his life - not from a confrontationist point of view, but to get a good organisation, because a business cannot be successful if it does not have good worker-management relations; a female former merchant banker, whose training and financial skills have added a new dimension to the board; a former partner in Bird Cameron, who has an accounting background and expertise in making financial decisions; and a public relations person who has expertise in marketing, because it is no good an organisation's having the best product in the world if it cannot market it properly. I do not want to make any criticism of the Trades and Labor Council member, but we wanted to give the board other expertise. That expertise might come, as Hon Kim Chance said, from an employee.

I am sometimes accused by people in government and in departments of taking too personal an interest in these things, and I do. I do take an interest in people and their backgrounds and in whether they will make the best contribution. Sure, I am human; I do not always get it right and I make mistakes, because sometimes people, for one reason or

another, do not perform the way I think they will perform. The current members of the MetroBus board, all of whom I appointed, are outstanding and absolutely dedicated. They worried themselves sick during the contracting out period because they wanted to be successful. They wanted to win the contracts. They knew they were hard up against it because they did not have the same flexibility as the private operators. This Bill will give us the opportunity of putting people onto the board with no restriction because of their background.

I will mention a number of points that have been raised. The board has a responsibility to the Government, the community, the passengers and the employees. Every board member shares that responsibility and each, regardless of his or her background, must take that responsibility into account. It would be difficult for a person nominated by the Trades and Labor Council to take all those things into consideration. I realise, from my association and communication with the TLC, that it felt its role was to protect the welfare of the employee. It has attempted honestly to represent the employees; however, because of the changing world we are in it has not done that.

I refer to the points made by Hon Tom Stephens. MetroBus is in competition with the private operators. It does not compete in the tender process, but it is being judged by its passengers in such areas as driver courtesy and knowledge of the routes. I am not suggesting that MetroBus will not match the performance of the private operators. I want MetroBus to provide the best service. If the Government wanted to do away with MetroBus, it would have sold it off to private operators. The Government could have done that under the legislation. However, it did not do that. It wanted to give MetroBus the opportunity to succeed.

The Government wants the highest quality public transport system for the dollars that it spends. That is the only philosophy that is driving the Government. MetroBus is competing to provide the highest quality service delivery. Competition is coming from not only the private operators but also different MetroBus depots. Each depot is being monitored from within and by the Department of Transport. MetroBus employees want to be judged depot by depot, because operations vary from depot to depot. Wanting to be the best is human nature.

Hon Kim Chance: It is called tribalism.

Hon E.J. CHARLTON: That is the way it is. That is a consequence of the changing world that I referred to in the second reading speech.

Hon John Halden wanted a representative of the workers on the board. I have explained that situation. It also should be noted that one member of the current board is a regular public transport user. He prides himself on that. We do not need to appoint someone else if that is the sole criterion. A marketing representative on the board focuses on surveys of the public for their response to public transport.

I acknowledge the comments that have been made by the Opposition. They are valid and I am not surprised by them. However, I would like the Opposition to acknowledge that they are operating in a changed world. The Government does not want to do away with MetroBus. We want to give it the opportunity to succeed. That is what this is all about.

I spoke to a number of workers at the Causeway depot. I asked management whether those workers reflected the views of MetroBus workers. They said we should contract the whole lot out. They did not want to wait a couple of years while their performance was assessed; they wanted to know now what they would be doing for the next 10 or 15 years. I told them that they were not the only service provider who was under the microscope, that the private operators were in the same position. In 18 months' time we might conclude that the private operators are not performing. We might not want to hand over the other 50 per cent of public transport to the private operators.

Hon Tom Stephens asked whether I would make a commitment to those workers. The Government wants to give MetroBus the greatest opportunity to succeed. That is the reason that we are making these changes. At the end of the day we will rely on good management and employer-employee relations.

The new buses are on their way. The tenders have been called. The Government will retain ownership of buses, control of fares and minimum service delivery. The only change is to the day to day operations.

I thank members opposite for their constructive comments. I am sorry that they have not been able to see their way clear to supporting the Bill. I was looking forward to holding a briefing for members, and I was surprised the Bill was brought on. I had hoped we could go through some of these issues in detail at the briefing, although that might not have made any difference.

Question put and passed.

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

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

*Second Reading*

Resumed from 26 March.

**HON J.A. COWDELL** (South West) [9.00 pm]: The Australian Labor Party supports the Acts Amendment (Marine Reserves) Bill, albeit with reservations. It is appropriate that the Bill be amended to satisfy a number of legitimate concerns. I will deal briefly this evening with the precise dimension of ALP support, the Government's timetable for this legislation, the philosophy per se of marine protected areas, the Minister's second reading speech and particular matters of detail arising from that.

Hon Max Evans: A brief speech.

Hon J.A. COWDELL: Indeed, a 36 page brief speech, as is the Minister's wont. I will deal also with the petroleum industry's views and the expectations for the future of this legislation under the current Government. It will be a brief response to the Minister's cursory comments in introducing the legislation.

The ALP supports the concept of this legislation and, in particular, the establishment of a marine management authority as the agency responsible for marine conservation. The advantage of a separate authority lies in its ability to formulate policy independent of the Department of Conservation and Land Management's terrestrial management plans, thereby taking into account the specific needs of the marine environment. CALM's current role, as an aggregator of interests dealing with total management systems, can lead on occasion to a lack of focus. It is hoped that the new authority will provide that focus within the framework of CALM. At the same time the ALP is pleased that the legislation will give CALM more control over some fishing activities in marine conservation areas.

There are a number of anomalies. Most apparent, of course, is the fact that the Minister for the Environment must seek the concurrence of the Minister for Mines and the Minister for Fisheries to declare a marine park, yet the Minister for Mines has only to notify the Minister for the Environment before any petroleum-related concessions are given for marine conservation areas. The other area of concern that arises from this is that, although by this measure there will be an improvement in management, this is no substitute for governmental commitment, and substantial governmental commitment will be needed to make this work. Marine conservation has been sadly lacking in Western Australia in recent years, with few marine conservation areas established. Members will be aware that more than 70 recommendations for conservation were made in the 1994 Wilson report on a representative marine reserve system for Western Australia. The Government must be judged on its actual performance, rather than this management structure. It is hoped that it will do better than it has done with national parks. In its first term no addition whatsoever was made to the national parks of this State.

Hon Max Evans: I do not think that is right, although I do not have the statistics with me.

Hon J.A. COWDELL: I recall distinctly Hon Peter Foss, when Minister for the Environment, answering a question from Hon Jim Scott and I took a copy of the answer that replied precisely to that question. The interesting point was that there had been a reduction in the reserve area, albeit based on resurveying some parks and finding there had been an overestimation of area. Nevertheless there had been no increase.

Obviously with respect to this legislation and its operation, the Opposition will look towards some level of compliance with national standards and it hopes to see some cooperation, which cooperation has not been apparent from this Administration in the past with regard to national conservation standards. The Opposition hopes some headway can be made with these marine protected areas. It hopes there will be provision for an adequate review of management practices in the marine protected areas. The Labor Government, through the Conservation and Land Management Act of 1984, introduced the first provision for marine parks in Western Australia. Prior to that there were no aquatic reserves. The previous Government built on that initial legislation in the provision of parks and reserves. There were initiatives in 1987 and 1990 to establish significant marine parks. The particular initiative here may in some senses be seen as an enhancement of a conservation initiative, but by the same token it can be seen primarily as a Bill to improve protection for commercial activities in reserve areas. This is a significant impetus of this legislation. The Government has been tardy in progressing this initiative. In 1993 the Liberal Party made an election promise to introduce comprehensive marine park legislation in order to effectively manage the marine environment. Things moved slowly after that. A media statement in November 1994 by Minister Minson, who at the time was Minister for the Environment, states -

The State Government's new marine conservation policy has been set out in a booklet . . .

The booklet - New Horizons in Marine Management - outlines the Government's strategy to achieve a balance between conservation of the coastal environment and other usages.

Specific reference was made that an appropriate management structure would be put in place and that -

Some parts, such as Ningaloo Reef and Hamelin Pool are of great international significance and need to be afforded the highest level of protection.

Therefore, protection was promised through this new management structure. Mr Minson said the marine conservation strategy was released at the same time as the report of a working group of eminent scientists who considered about 70 sites around the coast as worthy of further investigation for possible marine reserves. The Minister concludes his comments about the policy as follows -

Its release is timely, given that the public consultation period for comment on the working group report has been extended to January 31.

That was 31 January 1995. It has been slow going since then. Members are aware of the fights between the Department of Conservation and Land Management and the Fisheries Department, and various Ministers who were changing chairs throughout the melodrama, and interests outside government. At the same time the Opposition was pursuing this matter by regularly questioning the various Ministers for the Environment about the progress of the new management structure. The Government promised much in "New Horizons" - the document referred to by Minister Minson. The document contains a statement signed by the Premier and the Minister for the Environment. It is essentially broad, sunlit uplands, as follows -

In July 1994, the Government released the State's first comprehensive strategy for conserving the marine environment. It lays the foundation for an exceptional level of protection for our sensitive marine ecosystems. As a demonstration of the Government's commitment, the strategy expressly excludes drilling in Ningaloo Marine Park for petroleum exploration and production.

The Government goes on to mention the wonderful things it would do with more expertise and more resources. It said that a key part of the "New Horizons in Marine Management" strategy would be the new Marine Parks and Reserves Authority. That was all in 1994. The cornerstone is what we are getting to here in 1997.

Hon Max Evans: Very slowly; very methodically. We are trying to do the job properly.

Hon J.A. COWDELL: Yes, it is very slow. I will get to the methodical nature of it shortly. It looks more like a dog's breakfast than a considered product. Perhaps it had to be rehashed on many occasions. In "New Horizons" the Government refers in glowing terms to the working group and the 70 proposed parks. It is all here in the 1994 document. The Wilson committee spent seven years considering the State's 12 500 kilometres of coastline from the Kimberley to the Great Australian Bight. It stated that the report was the most significant marine conservation reserves document released in Australia. The working group identified about 70 areas that represented distinct coastal types around Western Australia's coastline, and listed those as areas for incorporation in the marine reserves network. There was great promise, but little result.

"New Horizons" raises one situation that will continue to be a nagging doubt. Under the heading "Department of Conservation and Land Management" it states -

CALM will manage all marine conservation reserves vested in the Marine Parks Authority. The Department also is responsible for preparing and implementing management plans for each conservation reserve.

This of course takes us back to the perennial problem of whether any budgetary allocations have been made. I will return to that matter. Although the Government is finally putting in place some sort of management structure to do all these wonderful things that were suggested in "New Horizons" in mid-1994, it is only now getting to the management structure. It must then proceed to look at areas and provide the financial resources to ensure that something happens. This is an initial stage and a delayed stage.

The philosophy behind the protected marine areas is apparent to members. They can find an outline of this in the Wilson report and in "New Horizons". It is obvious that the fundamental and distinguishing feature of the marine environment is its interconnectedness. As water is the basis for all marine ecosystems, its fluidity means that what happens in one ecosystem affects those surrounding, as Dr Zann points out in some detail in his book *Our Sea, Our Future. Major findings of the State of the Marine Environment Report for Australia*. Of course, a consequence of this is that marine life in protected areas may need to be large in order to avoid feeling the adverse effects of exploitative activities in areas that are intended to be protected. If a management plan covers a large area, it has a better chance of realistically achieving its aims as it considers the impact of the wider environment on the area which is aimed to be protected.

There is a number of marine management principles. The preservation of special areas is a well established environmental management practice. It serves the important purpose of maintaining the balance in threatened areas, thereby preserving the special features of that area. However, we also need the reservation of areas because of their representativeness of biodiversity in existing ecosystems. This ensures the continued healthy functioning of the whole

marine environment. The management of a small part or parts benefits the greater ecosystem because of the principle of interconnectedness. Good management has a flow-on effect. The protection of normal areas can ensure that the biodiversity is retained throughout a significant proportion of the environment.

The strategies may include what is generally referred to in the literature as "reactive management", which focuses on preventing damage to a particular area while antagonising the least number of identified user groups. Typically, this involves banning uses that have been demonstrated to be damaging and sustainably managing allowed uses. By contrast, one can have a proactive approach to marine management that does not rely on what it already knows of the marine environment to inform its management priorities. Instead, it would adopt what is known as the "precautionary approach": It is assumed, in the absence of contrary evidence, that unnatural activities will have a detrimental effect on the environment. It is apparent in a number of areas that the traditional management of systems, of being reactionary, is of limited effectiveness and, therefore, we have need of various strategies.

Part one of the Wilson report recommended the establishment of a network of marine protected areas. The proposal was a comprehensive policy; the network was to consist of four areas of differing levels of protection. The first applied to the marine environment as a whole, thereby affording some basic level of protection to the entire marine environment. The remaining three were to offer greater protection as needed and limit uses that were incompatible with the purpose for which the area was declared to be protected. The management options ranged from declaring an area to be a no-take zone to allowing uses of the marine environment in a manner not inconsistent with the conservation of that area. By the time the Government's "New Horizons in Marine Management" policy was released, we had a somewhat different philosophy, which followed a traditional method of managing the environment; that is, a recommendation that specific areas were to be declared marine protected areas on the basis of either their need for special protection or their representativeness of existing ecosystems. This is the alternative to a more holistic view of marine environmental management - perhaps something akin to the first part of the Wilson report. It is indeed this model that has been predominantly adopted in this legislation.

Various models have been implemented in the other Australian States. New South Wales has adopted this model and there has been a shift in focus from the need to preserve the marine environment to the maximum number of uses that can be derived from it. The possible problem with this model is that focusing on the idea of incorporating multiple use as a primary management aim runs the risk of compromising the importance of no-take zones as a management technique. They become merely an alternative, and not a very attractive alternative, to multiple use. A number of commentators have looked at the New South Wales system and said that it has developed in a particularly ad hoc fashion and that this State seems to be going in a similar way. Others refer to the Queensland example as nearer to the recommendations in the first Wilson report and are more laudatory of the 90 MPAs that are declared collectively under the Marine Parks Act 1982 and 1988 and the Queensland Fisheries Act 1994. This model seems to attract much favourable attention in national literature, more so than the New South Wales system that we tend to be edging towards.

The philosophy behind this legislation is of some concern. It would be worthwhile if the Government were to take note of the Queensland example and perhaps also the New Zealand example. I read an article by Mr Ballantine to the Second World Fisheries Congress in Brisbane in 1996 entitled "'No-take' marine reserves networks support fisheries". Although it was aimed within the context of fisheries legislation, it had some very valid points to make in respect of marine management systems and what should be adopted, particularly in the development of no-take marine reserves. Mr Ballantine comments of the New Zealand example -

Despite a slow start (the first reserve took 12 years!) -

I do not want the Government to take its lead from this, although it is well on the way -

- the above principles are now widely recognised in New Zealand. There are now 13 established 'no-take' marine reserves. They are scientifically useful, valuable in education, popular for recreation, appreciated by tourists, supported by the local communities and clearly helpful in conservation. As a result, the rate of establishment is increasing. At least 25 more are in various stages of active public discussion. All the main political parties are promising "more marine reserves" and some are advocating "10% by the year 2000". The official aim is "to establish a network of marine reserves" including "representative examples of the full range of habitats and ecosystems.

The author points to some existing problems in fisheries that can be addressed by a wide range of no-take reserves. This model looks as though it will minimise that class of reserves considerably. However, the author states -

When a fish stock crashes or has critical problems, we are usually informed that this was due to some combination of:

inadequate data

changing economic conditions

inappropriate analysis	new technology
political interference	natural changes
insufficient enforcement	

The main public discussion then becomes a search for scapegoats and compensation. It tends to be assumed that the 'causes' listed above are relatively rare and could be predicted or avoided. A more dispassionate analysis indicates that some levels of ignorance, error and unforeseen changes are to be expected even in the best regulated systems, and consequently some higher level control is also required.

Problems regarding by-catch and bait fish, . . . complex analytical difficulties, natural changes in stocks or currents . . . are likely to be with us in the foreseeable future. Fisheries also need some forms of control based on principles, rather than stock-specific data.

Mr Ballantine puts a very strong case for a greater number of no take marine reserves.

Hon Max Evans: That is still in New Zealand?

Hon J.A. COWDELL: Yes, although he is presenting it as a model to the conference in Brisbane. To conclude the case -

Most reviews of marine reserves for fisheries management confine themselves to detailed stock-specific points . . . but more general principles are beginning to be discussed . . . . In 1990, a team of fisheries scientists in Florida concerned about the multi-species reef fisheries, suggested making 20% of the whole region 'no-take' as the best management option . . . . This idea was a shock to many people, but a review panel of independent scientists supported both the arguments and conclusions . . . . It seems that when we are forced by local or special circumstances to consider many stocks and whole ecosystems, the advantages of 'no-take' areas to fisheries science and management are obvious and robust. The real problem is that such breadth of vision rarely occurs.

That may be the situation here, as I will point out shortly. Mr Ballantine concludes -

'No-take' marine reserves appeal to the lay public as a form of insurance, not because they doubt the skill of fisheries scientists and managers but because they believe their aims are too narrow.

I have some sympathy with that. I will get to fisheries later. He continues -

Such ideas are reinforced by the discovery that fisheries management is not always successful even in sustaining fisheries.

I commend to the Government this wider view rather than the restrictive argument that will lead to the ad hoc system that prevails in New South Wales. There are elements of that in the Commonwealth's principles to which I will refer shortly. However, they have some greater dimension of the holistic view and take account of the New Zealand and Queensland experiences.

I took some interest in the Minister's comments in his second reading speech. The Minister said -

It cannot be overstated that our marine environment is deserving of a comprehensive and effective marine conservation reserve system . . .

That cannot be doubted by the Minister in either House. He then claimed -

This measure represents an unprecedented strengthening in the protection of Western Australia's marine environment while providing certainty to users.

It provides certainty for users. I do not dispute that achievement in this piece of legislation. The protective element, however, is rather modest and not of the nature of "unprecedented strengthening" as the Government suggests.

The Minister continued -

The principles of this strategy were announced in July 1994 and published in November 1994 in the document titled "New Horizons in Marine Management".

The importance that the Government attaches to this is indicated by the fact that we are now three years on. The Minister said further -

It is also necessary to remove uncertainty for those interests associated with existing and future investment in commercial ventures in marine reserves, and to minimise the potential for conflict . . .



Clearly that is a priority that permeates this whole legislation. It is not a priority of conservation; it is a priority of multiple use which I suggest is in many instances exclusive of conservation. The Government claims with regard to the Marine Parks and Reserves Authority -

It is the Government's view that the marine conservation reserves are deserving of, and should receive, more specialised management. This warrants a separate vesting authority . . .

There is no doubt about that and we support that aspect of the legislation. The Minister continued -

The existing category of marine park also provides for multiple uses in that recreational and commercial activities may occur provided that they are consistent with the conservation and protection objectives assigned to marine parks. . . . The policy functions of the Marine Parks and Reserves Authority will not extend the development of policies which review or otherwise seek to affect fisheries management.

That is to be regretted. There is a role for development of the expertise of the authority and that should impinge on the fisheries area.

The Minister said further -

The Marine Parks and Reserves Authority will have the power to develop policies to preserve the natural marine and estuarine environments of the State, outside of marine reserves; however, where these policies may impact on fisheries, aquaculture or pearling, they will be referred to the Minister for Fisheries for his consideration and appropriate action.

I do not know what "appropriate action" means. However, I regret there is a further qualification, one that goes all the way through the legislation. He continued -

The Marine Parks and Reserves Authority will comprise seven members . . .

He said also that sectoral interests will not be represented. That is up in lights. We had a similar discussion earlier this evening about no representation of sectoral interests. However, the Minister then said -

. . . the Minister for Fisheries will be provided with the opportunity to recommend two persons . . .

Hon Graham Edwards: They will not represent sectoral interests!

Hon J.A. COWDELL: No. They will not be sectorally interested! He said also -

Similarly, other portfolios with a significant interest in the marine environment, such as Minerals and Energy, will also be given the opportunity to make such recommendations.

However, there will be no sectoral interests, certainly not outside those areas! The Minister continued -

Rather, its members will be appointed on the basis of their knowledge and experience or particular function or vocation relevant to the functions assigned to the Marine Parks and Reserves Authority.

That is an excellent and commendable ideal. Let us hope that the Government manages to achieve that ideal rather than end up with a de facto sectorally unbalanced authority. I notice that public sector employees will not be eligible for appointment, although a range of chief executive officers, notably the CEO of CALM, will be cruising around in the near vicinity. I suppose that is an occupational hazard.

Hon Max Evans: He has ultimate responsibility for it.

Hon J.A. COWDELL: Yes.

Hon Graham Edwards: Provided he talks to a couple of other interested CEOs.

Hon J.A. COWDELL: We have examples of where the Minister will take action contrary to that recommended by the authority. Then to ensure that the Minister's actions are fully accountable, the Minister will be required to table a copy of the advice provided by the Marine Parks and Reserves Authority, and his or her decision in respect of that advice, in each House of Parliament within 14 sitting days. That is very good accountability, provided we do not have a completely stacked board which never says anything we do not want it to say. It is a commendable aspect of accountability if it can be made to work.

We will have a Marine Parks and Reserves Scientific Advisory Committee, which is a commendable development for the Minister and the Minister representing.

I turn now to the notice of intent to reserve. It is stated that before establishing any new marine reserves, the Government is committed to assessing biological and other natural resources such as petroleum and minerals in

candidate areas and implementing a rigorous process of assessing the impacts of establishing a new reserve before the notice of intent to reserve is published. This appears to be the wrong way around. We will assess every obstacle there can be and try to find that obstacle to establishment, to make establishment more difficult, rather than seeing some intrinsic worth of the site concerned. This reversal of form takes place all the way through.

The second reading speech states -

To enable possible impacts of marine conservation reserve proposals on those interests managed under the Fisheries and Mining portfolios to be properly considered, those relevant Ministers will be provided with a reservation proposal for their consideration and concurrence before a notice of intent to reserve is published.

The veto power is established, and this continues all the way through. Further on, it is stated that other safeguards will be provided to the fishing, aquaculture and pearling interests in the Bill through similar powers of concurrence afforded to the Minister for Fisheries which, in effect, amount to powers of veto. This is the tenor throughout the Minister's second reading speech; indeed it accurately reflects the legislation before us. This piece of legislation is better than nothing, but it has taken a long time in coming and it has many impediments to satisfactory operation.

In respect of notice of intent it is stated that additional information must include an indicative management plan, a marine reserve's proposed management zones and whether it is intended that the reserve be made class A. Once again, reservation cannot proceed without the concurrence of both the Minister for Fisheries and the Minister for Mines. That is in consideration of the notice of intent in the management plan.

In the case of marine nature reserves it will be clearly stated, for the first time, that neither exploratory drilling for nor production of petroleum can occur in these reserves where no previous rights to carry out these activities exist. Similarly, aquaculture, commercial and recreational fishing, and pearling and hatchery activities will not be permitted to occur in marine nature reserves. That is very commendable. We have only one of them, and I suggest that under this Administration it is not likely that we will see more than one.

All the way through the second reading speech the emphasis is on checking the developments of the marine protected areas, whether they be marine nature reserves, marine parks or marine management areas. The speech states that the operation of the petroleum legislation will prevail outside the exclusion zones in marine parks that will be established by this Bill in the event that a conflict or inconsistency arises between the operation of that legislation in the permissible zone and the purpose of a marine park. That also applies to aquaculture and other commercial activities.

The Minister's comment is instructive with respect to the following -

. . . I hasten to add that the event of a conflict or inconsistency with a marine reserve purpose will rarely occur, if ever, as I am confident that the significant safeguards provided to enable the Minister for Fisheries and the Minister for Mines to ensure that the interests of their portfolios are not compromised will prevent such situations from arising.

That is straightforward. There will not be a park if there is a conflict, so we must not worry about all these overriding powers limiting the park. Further on he says -

These safeguards relate to the establishment of new reserves and management zones and the approval of indicative management plans and management plans in respect of marine parks . . .

There are further qualifications in respect of management responsibilities. It states -

Management of nature-based tourism and recreation in marine reserves is the responsibility of the Department of Conservation and Land Management. Management of recreational fishing is the responsibility of the Fisheries Department.

I understand that some recreational fishers would be more than happy to get out from under the commercial domination of the Fisheries Department, and afford themselves some protection elsewhere.

Hon Graham Edwards: It will never happen.

Hon J.A. COWDELL: I am aware that it will never happen. The empire does not willingly give up its own.

As to the approval of management plans, the second reading speech states that the new Marine Parks and Reserves Authority will be required to submit proposed management plans for marine parks and marine management areas to both the Minister for Fisheries and the Minister for Mines. And so it goes on - limitation after limitation.

The only real protection we have relates to the marine nature reserves, where activity requires the approval of both Houses of Parliament. It appears from the Minister's comments in respect of marine nature reserves and marine parks that the Minister for Mines will be able to grant tenement in these marine conservation reserves if the Minister has the

concurrence of the Minister responsible for the administration of conservation and land management to do so. That seems to be the right of exploration if not the right of actual production, under ministerial authority. All the way through the second reading speech and the Bill we see that it is a very limited initiative on the part of the Government.

Of particular concern to some members - I have brought this to the attention of the House before today - is the continuing veto power of the Fisheries Department in a range of areas where it is not warranted. One would have hoped at least for greater autonomy for the new authority to formulate policies. I say again that the Fisheries Department has failed significantly to meet, or does not recognise, any conservation role. Comet Bay is located just out of Mandurah. The report of the Fisheries Department says that 86 per cent of the 90 tonnes of fish caught in Comet Bay is discarded. The mortality rate of the discards is 100 per cent in most instances.

Hon Kim Chance: Is that the by-catch?

Hon J.A. COWDELL: Yes, it is. It is a huge and absolute waste of resources. At the same time as ludicrous, petty restrictions are placed on recreational fishers, this massive plundering is taking place. Of course, when we try to get some action from the Fisheries Department, we find it is looking at another study. I have no doubt these figures I am about to give are still accurate. They were taken in the twenty-ninth year of this catchment area, in 1991-92. There have been no studies since then relating to this issue, nor have there been any restrictions since then - just more studies. No more figures have been produced since 1991-92; all we have seen is this massive depletion of fishing areas and studies of what the dragnets do to the locality. These operators would be into the Dawesville Channel as well if it were not for the reefs out from the channel. It is disappointing that the authority is not given some role with respect to the Fisheries Department, which in many respects has no conservation function. It is a matter of concern that on each occasion when the new authority might perform some worthwhile role, a veto is applied and it is not allowed to develop in that regard. We must look at amendments to this legislation at a later stage.

We were briefed by representatives of the Australian Petroleum Production and Exploration Association. The record of the petroleum producers for spillage, for environmental damage, is a good one. It is of limited damage and, in fact, there is a good case, which we recognise, for the rights of the industry to exploit the resource and to be given some security of tenure.

I note that 90 per cent of the reserves are in commonwealth waters. Therefore, there is no overwhelming argument that we cannot develop significant marine parks and marine reserves within the state domain for fear that this would unduly curtail gas and petroleum exploration and development. I recognise the importance of that industry and its continued development and the importance of royalties to the State and the Commonwealth; however, that is not our greatest problem with these reserves.

I conclude by referring to expectations and the future under this Government. We have watched a deterioration of performance. I refer to the 1989-90 annual report of the Department of Conservation and Land Management, which says that on 25 May 1990, during the term of the former Labor Government, the State's first marine nature reserve was declared. Rowley Shoals Marine Park comprising approximately 23 250 hectares was created. Shoalwater Islands Marine Park comprising approximately 6 545 ha was created. Swan Estuary Marine Park comprising 340 ha was created. Hamelin Pool Marine Nature Reserve in Shark Bay has the maximum level of protection and comprises approximately 132 000 ha. In September 1990, again during a year of the former Labor Government, the Marmion and Ningaloo Marine Parks were reclassified to class A, providing greater security of tenure. On 30 November 1990 the Shark Bay Marine Park was declared and classified as class A. It comprises an area of approximately 748 735 ha.

Then we had a change of Administration, following which in a number of annual reports produced by CALM we cannot find any reference to marine reserves. Obviously the Government decided that discretion required that a heading regarding this issue not be included for fear of the fact that no development could be mentioned under it. The heading was reinstated in the 1994 annual report and we were told that the Premier had announced a comprehensive marine conservation strategy. The 1995-96 annual report refers to the report of the Marine Parks and Reserves Selection Working Group, commonly referred to as the Wilson report, which is being used as a basis for the selection of prioritisation of new reserve proposals in preparation for public consultation under the Department of Conservation and Land Management Act. This is all very wonderful and the Government is busy doing things, but nothing is actually happening. Everything is under active consideration.

Here we are now. Why here? Why now? Frankly I am surprised we are considering this legislation, rather than the Legislative Assembly doing so. The Minister for the Environment sits in another place. One would expect the legislation to be introduced there. Perhaps the Minister does not immediately want to be associated with its limited achievements that are before us. One might ask why now. I was surprised to hear the Government considered two pieces of legislation had to be brought in before 22 May, one being the industrial legislation and the other being this Bill. One might ask what is in this piece of legislation such that it must be rushed through the Chamber before 22 May.

Hon E.J. Charlton: This is good for any time.

Hon J.A. COWDELL: It was pointed out that the two pieces of legislation had to be passed. One wonders why this piece, if it is a conservation measure, must be passed before the balance of power is held by the Greens WA and the Democrats in this Chamber.

We look to the future. I fear that we may see a rush of Clayton's parks following the passage of this legislation - which I suppose is better than nothing, but deceptive - that is, marine management areas that will look good on paper but provide little protection. With the proclamation there will probably be a number of new marine parks but containing very limited sanctuary areas. The reality may be otherwise, given the restrictive nature of the process and the difficulties put in the way now of establishing parks, particularly nature reserves.

We trust that we do not see any gutting of the current parks under the new zoning system and we hope to see additions made to the one solitary marine nature reserve that exists. As I said, given the record of this Administration, I fear that we may be in for a rush of Clayton's parks with minimal protection afforded. However, I look forward, by the Government's activity, to finding the establishment of substantial new marine parks with significant sanctuary areas and more marine nature reserves.

As I said, we can pass this legislation only on the basis that it is an improvement on the present situation and look to government initiative to utilise the new structure to afford a significant level of marine protection. I hope that future annual reports of the Department of Conservation and Land Management, as they did under the previous Labor Administration, will include a significant section on marine reserves indicating development of genuine conservation in the marine sector.

**HON GRAHAM EDWARDS** (North Metropolitan) [10.03 pm]: I compliment Hon John Cowdell on his speech. If I were going to speak for my full 45 minutes I would probably spend a fair amount of time reiterating the points he made. He was spot on with his remarks.

At best, this Bill represents cap-in-hand conservation. It requires the Minister responsible to go cap in hand to the Minister for Fisheries or the Minister for Mines and plead with them to achieve the things this second reading speech claims she will achieve by right. It is a very sad thing to say that this Bill represents a sell-out to industries with vested interests in our marine parks.

I am very disappointed that the Minister has allowed herself to be rolled in Cabinet the way she has. It is obvious from the second reading speech that comment on the drafts that were sent to industry groups was very strong. I am sure that fisheries interests and the exploration industry got stuck into the Minister for Fisheries and the Minister for Mines. As a result they have gone into Cabinet and savaged the Minister responsible for conservation.

The outcome is a Bill which does not amount to much and a second reading speech which does not inform the Legislative Council about the legislation. In reality it appeases the fishing and exploration industries in the broader community. This second reading speech is an insult to the intelligence of all members of this House. I did not appreciate being treated as cannon fodder in this place by Ministers when I sat on that side. When I was a Minister I did not attempt to do it and I do not take kindly in Opposition to having something like this second reading speech before me.

Anyone who reads the Bill and who knows what is happening in the marine community will know that this second reading speech is an insult to the intelligence of members who sit here.

In her second reading speech the Minister says -

Western Australia's 12 500 kilometres coastline is blessed with an abundant and diverse marine life.

That is true, but it is a diverse marine life under incredible pressure. She says -

It plays a significant part in the quality of Western Australian life through being the focal point for many varied uses from recreation and tourism to conservation and industry. It cannot be overstated that our marine environment is deserving of a comprehensive and effective marine conservation reserve system and this Bill will enable such a system to be established.

That is rubbish. Anyone who believes that must be a dead set mug. I think Hon John Cowdell touched on what the Minister says -

The Marine Parks and Reserves Authority will have the power to develop policies to preserve the natural marine and estuarine environments of the State, outside of marine reserves; however, where these policies may impact on fisheries, aquaculture or pearling they will be referred to the Minister for Fisheries for his consideration and appropriate action.

I think Hon John Cowdell asked what is that appropriate action. Further, under the heading "Marine parks and marine management areas" the speech reads -

With regard to marine parks where compatible commercial activities occur, there has been significant concern expressed that some undertakings are not adequately reflected in the purpose of a marine park as presently described in the Conservation and Land Management Act. This situation will be remedied and, in addition, a management zoning scheme providing for exclusion and permissible zones will be established for marine parks in respect of exploratory drilling for and production of petroleum, aquaculture, commercial fishing, recreational fishing and pearling and hatchery activity.

They are examples of where the Minister must go to either the Minister for Fisheries or the Minister for Mines cap in hand and plead her case. Fair enough; if that is the way it is, why not say that? At least we would know what we were dealing with. However, we have a second reading speech that is an absolute insult to this place.

I have very strong interests in our marine environment. I have spent a lot of time on studying it and I intend to spend much more time on it in the near future. I had the privilege of chairing a select committee with Hon Tom Stephens, Hon Phil Lockyer, Hon Ross Lightfoot and Hon Murray Criddle. We put an incredible amount of work into producing a very good report. The committee saw what is happening to the marine environment in other countries and it put forward recommendations which it believed will go a long way to preserving what we have in this State. Page 3 of the report of the Legislative Council's Select Committee on Cape Range National Park and Ningaloo Marine Park states -

*10% of the coral reefs of the world have already been degraded beyond recognition; 30% are in such a critical state that they will be lost in the next ten to twenty years; another 30% will disappear in twenty to forty years, leaving about 30% which will remain for hundreds to thousands of years.*

*Many coral reefs around the world are under immediate threat of devastation. Other reefs are showing considerable signs of degradation, and virtually the only reefs which are still in excellent health are those which are remote from human activities or under active management.*

For Ningaloo Marine Park to fall into the last category we must ensure that its condition is protected by active management, since its remoteness is unlikely to protect it in the future as it has done in the past.

This Bill is about more than Ningaloo and coral reefs; it is about the entire coastline and marine environment of this State. I repeat that the environment is under incredible pressure.

Another example of what is happening to the environment in this State is the devastation of the seagrass in Cockburn Sound. A very strong and compelling argument can be put that the damage which has been caused cannot be rectified.

Hon E.J. Charlton: How is Molloy Island going? We are not damaging it.

Hon GRAHAM EDWARDS: Molloy Island would not get the go ahead.

Hon E.J. Charlton: But it is there.

Hon GRAHAM EDWARDS: The people who go there make an effort to look after and protect the island. What does Molloy Island have to do with this argument?

Hon E.J. Charlton: It is about use and balance.

Hon GRAHAM EDWARDS: I accept that. Is the Minister saying the people at Molloy Island do not exercise that balance?

Hon E.J. Charlton: You are saying Cockburn Sound should not have the activity that is there. I am saying it applies to everywhere that man has gone.

Hon GRAHAM EDWARDS: I accept that it is about balance; it is not about bulldust. What we have before us is bulldust if you, Mr Deputy President (Hon N.D. Griffiths), will excuse that colloquial expression.

The Government has admitted that what is happening to the seagrass in Cockburn Sound is wrong. However, it will not take action to stop it being destroyed. It is a real compromise and that is a worry. The members of the select committee had the opportunity to look at a particular bay in Mauritius which was once a rich bay full of seagrass. The bay is now devoid of it and is suffering incredible erosion and sand drift. The channels which were once there have silted up and the area has been destroyed. I am not saying that is happening at Cockburn Sound, but the balance is not there. The balance is in favour of the fishing, mining and exploration industries. If that is the way the Government wants it that is fair enough, but members in this place should make a decision based on fact and not on the nonsense contained in the Minister's second reading speech.

The points Hon John Cowdell made were spot on. I could speak for another 33 minutes, but I would only reiterate the points he made. I will not do that. I am disappointed that the Minister for the Environment was rolled and that the legislation was introduced into this place. It should have been introduced into the other place where the Minister for the Environment sits and she could have debated the issue and informed the Parliament of the reasons for doing certain things. Members in this place would then have had the opportunity to review that debate and make decisions. We do not have the opportunity to do that. I am sure the Minister who is handling the Bill is a competent and genuine person. The point is that the legislation should not have been introduced into this place. It is important legislation and its importance will be borne out in years to come.

I spend a considerable amount of time snorkelling on the reefs off the coast in the metropolitan area. One has only to snorkel at the bottom of the Waterman's research area where there is a closed quarantine area, particularly in relation to abalone, to see how many and how big and healthy those abalone are. It is a protected area and it is a great temptation to many people. If one goes further north or south one comes across those areas where abalone are harvested by amateurs or professionals, in the limited time available to them, and one can see the incredible difference in the protected areas compared with the areas where the taking of abalone is permitted. One can understand the need for quarantined areas. It will be incredibly hard for the Minister to establish those sorts of areas in the face of the opposition she will have from Ministers representing competing forces.

The legislation is a disappointment; but, forever the optimist, I agree with Hon John Cowdell: It contains some good things. Let us accept it, but let us not be convinced that it will do the sorts of things the second reading speech says it will do, because it will not. If we are fooled into believing that, we will be letting down not only this generation, but future generations.

**HON KIM CHANCE** (Agricultural) [10.17 pm]: I know that one or two other members wish to speak on this important Bill, so I will take the minimum time possible to put my views to this House.

As the Opposition spokesmen on Fisheries I am required to make one or two comments. Perhaps it is that responsibility which will make some of my comments rather different from those expressed by Hon Graham Edwards. From the outset I advise the House I have a great deal of respect for the views expressed by Hon Graham Edwards. I have shared similar experiences to him, having had the opportunity to dive on pristine coral reefs and to observe the degradation on what are regarded as well managed reefs.

I was very concerned at the figures Hon Graham Edwards read from the Ningaloo select committee report. I have heard similar figures before and seen photographic evidence of the degradation of coral reefs around the world and within Australia's territorial waters. The time it has taken for the degradation to occur is a matter of major concern. Coral reefs are about as near to paradise as most of us will get and to see them reduced to white skeletons covered with crown-of-thorns starfish and other parasitic and predatory animals which are not native to the area is a disgrace. I cannot see how some of those areas can ever be expected to regenerate. Hon Graham Edwards also mentioned the reference in the second reading speech to the bounteous nature of our reserves, or at least of the resources we have within our territorial waters. We could define that as the Australian nautical zone at the 200 mile mark. They may be bounteous but they are nowhere near as bountiful as we may think they are.

In a debate in this place a week or so ago, I referred to the northern demersal fishery, probably the biggest in the country. It extends from the middle of the 80 mile beach between Broome and Hedland all the way to the Western Australian-Northern Territory boundary, and out to the 200 mile Australian fishing zone mark. In that huge area of water, the sustainable yield of gill fish is assessed to be 800 tonnes per annum. Members should think for a moment about the scale of the area to which I refer, which includes some magnificent reef country, including the Rowley Shoals. Members should consider the size of an 800 tonne sustainable annual yield.

To give a rough comparison, the average wheat farm produces 800 tonnes of wheat from a 4 000 or 5 000 acre wheat farm. Obviously, some farms are producing 10 000 to 12 000 tonnes of produce. Therefore, a small farm in Western Australia produces the same amount of produce as the entire fishing zone in the Kimberley. If that is not an indication that we have a slippery grip on Australia-wide fisheries - the same situation is repeated around the coast - I do not know what is needed to convince people that we are so close to reaching full exploitation of our wild fisheries that we could argue they are past a point of no return.

The significance of that situation to this Bill was made by Hon Graham Edwards much more eloquently than I could ever do. The significance of the reserves we establish to protect these areas, particularly the nursery areas, in the interests of the commercial fisheries alone is so great that it cannot be exaggerated. Once those important nursery areas are depleted and degraded, including all coral reef in Australian territorial waters, we will have had no future at all in harnessing the wild fishery.

Like Hon Graham Edwards, but with much more enthusiasm, I support the Bill simply because it attempts to strike a saleable package to put in place new reserves and marine parks. The whole concept of marine parks and nature reserves is relatively new. I understand that it started with the Conservation and Land Management Act in 1984, which was amended in 1988. That legislation first provided for marine parks and nature reserves. The amendment in 1988 was important from my point of view as it provided for the then Fisheries Act to prevail in the event of inconsistency or conflict between the two Acts. To that extent the concept referred to tonight of one Minister overriding another Minister in relation to conflicts is not entirely new.

Consequent to the Wilson report in 1994, a policy document titled "New Horizons in Marine Management" was released. I understand that this legislation followed a public comment period after the release of that document, and broadly follows the policy developed within the report. Hon John Cowdell outlined the effect of this Bill, and it is unnecessary for me to go over that ground again.

My principal concern as opposition spokesperson is that the interests of commercial and recreational fishers are not unduly compromised. Generally, I am satisfied that the special provision put in place by a Labor Government to protect fishery interests is maintained in this Bill. That becomes a question of degree. Obviously, some of us will agree with that concept more than others.

The specific sectorial interests of the fishing industry is not the only matter considered in relation to the overriding responsibilities within the Bill. Boating issues, for example, will remain within the responsibility of the Department of Transport; mining and petroleum issues will remain within the purview of the Department of Minerals and Energy; and environmental assessment will remain within the Environmental Protection Authority and the Department of Environmental Protection. That is a sensible arrangement because it recognises that the appropriate body should manage those areas of specific responsibility.

That view may seem to be in conflict to some degree with the comments of Hon John Cowdell who said that the Bill gives CALM more control over fishing activity in marine reserves, but no real conflict exists. His statement is effective in relation to improved protection which the new legislation will give to the most sensitive areas to which I have referred. The Bill sets out to provide greater certainty for recreational and commercial users in the context of improved protection for sensitive and vulnerable areas. Fishing is ultimately the beneficiary of active conservation, although it is only one of the beneficiaries. No-one could argue that one could maintain a viable commercial wild fishery without protection of the nursery areas. I note with interest the references in the second reading speech to the protection of those sensitive areas.

Another fundamental change in this Bill is the more rigorous process for the creation of new marine reserves. It is in this area that Hon Graham Edwards felt that the Bill left much to be desired. One of the most contentious issue that I have come across from time to time, at least in coastal parts of my electorate, arises from speculation about proposed new marine parks and reserves. I can easily remember - it was not that long ago - the concern expressed by townspeople on the south coast in particular about proposed southern ocean marine reserves. I am pleased to note the proposed change in the establishment process for a reserve, particularly the requirement for the Marine Parks and Reserves Authority to indicate by a clear note of intent the exact zoning proposals. Certainly, the aspect of the southern coast proposal which made the issue contentious was a fear of the unknown. Although some attempt was made to explain the proposal to tourism and hospitality operators in that area, the message simply did not get through. The Bill's proposals will at least help the process of understanding what a new marine park might mean to an area.

I am satisfied with the extension of the public comment period from two to three months. The concurrence of the Minister for Fisheries will be required before the Minister for the Environment can make a submission to the Governor for the creation of a new reserve, and this aspect is contentious but valuable. The point which is missed by some people is that should the Minister for Fisheries or the Minister for Mines reject the proposition for a new marine reserve, that Minister and the Government will remain accountable to this place for that rejection.

I do not see this as a matter which sets the Minister for the Environment aside from either the Minister for Fisheries or the Minister for Mines. It is just that in those circumstances the Ministers would become accountable for the failure of the reserve to extend and consequently, although others might disagree, the whole Government would remain accountable on that issue and would be judged. I do not think that the power would be used capriciously by any Government. I may be wrong but that view has to be weighed against the advice of Hon Graham Edwards. Given those checks and balances, I am hopeful that interested parties in the fishing industry and also the tourism and hospitality industries will feel more secure and involved in the proposals to establish new marine parks and reserves.

During the briefing made available to us by the Minister I raised an issue that sometimes causes heated debates in Geraldton. It is the question of who in the future will or should have legislative oversight of the Abrolhos Islands. The Abrolhos area is not currently administered by the Minister for the Environment or the Department of Conservation and Land Management. The administration falls within the scope of the Fish Resources Management

Act, which is administered by the Minister for Fisheries. It is an unusual and, on the face of it, an illogical situation but one which, for the time being at least, has my wholehearted support. The significance of this unique area to the fishing industry is almost impossible to exaggerate. Suffice it to say that without the Abrolhos our major fishery, the west coast rock lobster managed fishery, would be greatly reduced. Rock lobster fishermen have for many years insisted that the Minister for Fisheries remain the manager of the Abrolhos. They have jealously guarded the integrity of that management. However, times are changing.

Hon Graham Edwards: As the Minister for Transport keeps telling us.

Hon KIM CHANCE: Indeed.

Hon Max Evans: They are also improving.

Hon KIM CHANCE: Not always, but there we are. The public pressure to broaden the use of the Abrolhos Islands is fast becoming irresistible. I do not know whether the Fisheries Department's absolute control will be a sustainable argument. An increased tourist presence on the island would cause the question of management to become a moot point.

Hon Graham Edwards interjected.

Hon KIM CHANCE: For the time being I remain of the view that the Fisheries Department should control the area. I am encouraged by the changes in this Bill. In time the fishing industry will be more relaxed about CALM assuming a greater profile in the management of the area. I do not suggest in the first instance that Fisheries' control of the Abrolhos should be handed over to the Minister for the Environment, but the professional management of CALM could be of great assistance to the Fisheries Department in efficiently managing the area to the extent that in the future perhaps one argument could be that CALM personnel should provide management services as contractors to the Fisheries Department. That might mean the best of both worlds. It would also give the fishing industry and those with a commercial or non-commercial interest in the Abrolhos Islands time to adjust to the idea of CALM management. However, for the time being it is not something -

Hon Max Evans: It might be a calm management!

Hon KIM CHANCE: It might calm people down a bit. It has been proposed to me that at some time in the future all marine and maritime resources and functions should be administered by a single dedicated marine resource management authority. That would mean that the functions of the Department of Transport, which involved the old harbour and lights section, the Fisheries Department, CALM's offshore responsibilities, the Ministry for Planning, the Department of Minerals and Energy and a number of other agencies, obviously excluding the Police Force and the Environmental Protection Authority, would come under a single maritime management authority. That view was put to me by somebody with over 50 years' experience in marine resources mostly as a professional fisherman. The proposal was well thought out. At some time in the future it may be the best option. One of the things that inhibits our management of marine and maritime resources is that we have too many agencies trying to carry out that management with too few resources to do it adequately. I do not believe we will ever have enough resources to responsibly manage our maritime assets but we must maximise the resources we have in order to do the best job.

I am concerned about another factor, which has partly driven my support for the Bill. When I consider that we have fully exploited our wild fishery but then at the same time look at the future of fish exports from Australia, I am struck by the view which has often been expressed by my friend and colleague, Hon Doug Wenn, that much of Western Australia's and indeed of Australia's future in fisheries will be based on aquaculture. When I look at the extent of the coastline which is uncontested by any other land use and is available for aquaculture development, I cannot escape the conclusion, given our unpolluted waters, that we are looking at an industry of a potential scale we might find hard to imagine at present. The potential of the scale is probably greater than the whole of the mining industry in Australia. The huge potential of aquaculture will rely on good management of the environment and our present resource.

During a recent trip to the Kimberley, from which I have not long returned, I was struck by how fortunate we are to be endowed with the Kimberley and how we have done very little with it. My colleagues from the Pilbara inform me that the Kimberley is merely a place to spend all the money that is made in the Pilbara. That is not true. We have a huge potential in the Kimberley, both onshore and offshore. I am also struck with the thought that if we do not develop that part of the State, we will find it more and more difficult to justify our occupation of that immense and valuable part of the world. I do not mean to be alarmist by saying that. We have opportunities there that we have so far not developed. For that reason I am more inclined to support a Bill which tackles the question of maritime management responsibly but will not necessarily get in the way of the responsible development of the resource.



**HON MARK NEVILL** (Mining and Pastoral) [10.40 pm]: I will take a different tack to this Bill from that taken by other speakers, mainly because I do not want to repeat what they said. I thought Hon John Cowdell's contribution was excellent, and I do not intend to go over the points that he made.

I want to differentiate between the effects of the petroleum industry and the fishing industry on the marine environment. I do not have a high opinion of the Fisheries Department in this State. A litany of major mistakes has been made by the Fisheries Department, and a number of fisheries have collapsed because of over-fishing and the gratuitous issue of licences. The fishing industry certainly impacts heavily on our environment. One has only to look at the trawling industry for scallops and prawns. It would be an interesting exercise to compare the aerial photographs taken of the Shark Bay area in the 1940s and 1950s with the current aerial photographs of that area. I think we would find the widespread destruction of large areas of seagrasses from that trawling. There are many other examples.

The environmental record of the petroleum industry is absolutely different. In my view, the petroleum industry has little effect on the marine environment, or at least it has little effect in Western Australia. The petroleum industry contributes about \$8b to Australia, and Western Australia's contribution is well over \$4b annually and increasing rapidly. The petroleum industry produces half of the dollar value produced by the mineral industry yet contributes twice as much to the Australian public in taxes - about 60¢ in every pre-tax dollar goes to the Government. That is worth some \$2.5b a year. It is an important industry, and it is important to understand that its impact on the environment is not what people believe it to be. What people have in their minds are some of the major tanker spills, none of which has occurred in Australia.

The figures that I have been able to dig up indicate that the oil industry in Australia in the past 30 years has spilled about 800 barrels of oil. A barrel is about 150 litres, or about three-quarters of a 44 gallon drum.

Hon J.A. Scott interjected.

Hon MARK NEVILL: I will get to that. That 800 barrels over the past 30 years, or about the average size of a large backyard swimming pool, is out of 500 million kilolitres of oil that has been produced. That is the record of the petroleum industry. I believe its impact on the Western Australian environment has been absolutely minimal. The area where we produce most of our oil is the North West Shelf. Australia produces very light crudes that do not have the bitumens, heavy paraffins and heavy hydrocarbons that are found in some of the other oilfields around the world. Those very light hydrocarbons evaporate quickly if there is an oil spill, particularly if the spill occurs in a warm environment, which we have on the north west coast. If there were a spill, fortunately some factors are in our favour, such as that light crude oils evaporate fairly quickly; I will give some of those figures later.

Hon Jim Scott asked about the source of the spills. Globally, the exploration and production industry is responsible for less than 2 per cent of all oil that enters the marine environment. The most significant source of spills is municipal and industrial run-off, which accounts for about 30 per cent. Atmospheric fallout accounts for about 9 per cent, and natural seeps account for about 8 per cent. In some parts of the Bonaparte Gulf, the gas bubbles to the surface of the water. Tanker operations account for 22 per cent. If we wound back the oil industry in Western Australia, we would not decrease the number of tankers because they would still come here, so we would not reduce that figure. Tanker accidents as distinct from tanker operations account for 13 per cent of oil spills.

A book entitled *Environmental implications of offshore oil and gas development in Australia* outlines the findings of an independent scientific review, which was chaired by John Swan, Professor of Chemistry at Melbourne University, and included two other people. The overview of the book states, under the category of oil spills, that oil is a naturally occurring mixture of organic substances which can degrade in the environment via dissolution, evaporation and biotransformation by fungi and algae, which attack oil and break it down. It states also that the risk of a blowout occurring and causing an oil spill during the drilling of an exploration or production well, or in the oil extraction phase, is now very low due to advanced technology involving blowout preventers and automatic shut-in valves. Nearly 1 100 wells have been drilled and approximately 3 100 million barrels of oil have been produced in coastal and offshore waters in Australia. Only 600 barrels - that is 95 500 litres - have been spilled into the marine environment. The difference between the figures of 600 and 800 is that this book was published in 1994 and probably includes figures up to the end of 1991 or perhaps 1992. That is why the figure is a bit lower.

The book states also that most spills have been small, involving fewer than 19 barrels of oil, and in only a few instances has any of the oil reached the shore. In most cases it has been possible to allow the oil to degrade and disperse naturally. I think I made the point that Australian crude oils are light, low in sulphur and low in paraffin. When spilled into the ocean, oils of this type evaporate rapidly and are easily dispersed with chemical dispersants.

Currently the oil and gas industry contributes one-third of Western Australia's mineral royalties. In the 1995-96 financial year it contributed something like \$160m in royalties alone. That does not include payroll tax and the many other ways it contributes taxes to the Federal Government. The industry in Western Australia is predominantly in the

North West Shelf. It has coexisted with the marine environment for some 30 years. Members in this place may have visited Barrow Island on some of the minerals and energy trips. To the north east of Barrow Island is the Lowendal group, and north again are the Montebellos, which all form part of a platform which is extremely valuable in terms of marine conservation. That area has experienced 30 years of oil drilling and production. I am not aware of any major damage; in fact, a lot of effort has gone into protecting the environment. The industry has been responsible for numerous flora and fauna studies of that environment, many of which are ongoing. Those studies would not have been undertaken without industry funds. Many of those studies were conducted by our local universities.

The Acts Amendment (Marine Reserves) Bill specifically excludes the petroleum industry from marine nature reserves and sanctuary and recreation zones in marine parks. Certain clauses in this Bill will allow access by the mining industry. However, that access will be subject to Environmental Protection Authority assessment. It is not as though the mining industry has any automatic rights. It must meet the same EPA requirements as before. Nothing in the Bill will affect the Environmental Protection Act. I am a supporter of this multiple use approach, particularly in the lower level of reserves. Under this Bill they are called marine management areas and special purpose and general use zones. I do not believe that the blanket exclusion of petroleum production and drilling is the way to go. It is absolutely essential that we have a much more sophisticated approach to those areas. One of those areas is the Hamelin Pool stromatolite reserve, which is a world class reserve of a form of stromatolite that I am not aware is found anywhere else in the world. We all know that stromatolites go back to the prelife era, to the Pre-Cambrian period. One sees these stromatolites in rocks in areas where fossils are not normally found. They are algal or cyanobacteria mats. Those areas must be protected.

The oil exploration industry's record is good. However, if it does have the misfortune to have an oil spill, I hope that the people who are involved will react quickly not just to clean up the spill, but also to determine the effects of that oil spill over the longer term in its effect on the littoral zone, on bottom dwelling fish and issues like that. I hope that some strategy is in place for people to quickly move in and study the effects of any significant oil spill that we may be unfortunate enough to have, so that we learn from it. It is important that we understand the localised effects of an oil spill. That is not something that I hope occurs. However, if it does occur it is an opportunity in one sense that we should not miss.

I have pointed out how important the petroleum industry is to this State. The vast majority of petroleum reserves in Australia are offshore. It is important that we get the legislation right. The Government has been slow to move, as Hon John Cowdell has said. The report titled "A Representative Marine Reserve System for Western Australia" contains a wealth of information with which to start. That report was eight years in the making. I was thumbing through it this afternoon. It is a good document. It reminds me of the 1974 Green Book of the Conservation Through Reserves Committee as a starting point for conservation of marine reserves.

I would like members to think about the impact of the fishing and petroleum industries on the marine environment. They are very different. More oil is spilled by amateur fishermen in boats than by the oil industry.

Hon Graham Edwards: Rubbish! The member has not been out on my boat.

Hon MARK NEVILL: The exhaust of an outboard motor is under the water, and there is no exhaust filter. Oil is pumped under the water. I played water polo at Melville for seven years and we used to train on a Sunday morning. The river would be as flat as a billiard table and all we could see at water level was an oil slick because all Saturday boats had been going up and down the river. Most of that oil slick was pollution from domestic boats. That is one of the reasons I have never owned a boat; another reason is that I cannot afford one!

The offshore continental margins are the areas with the greatest potential for oil and gas discoveries. We need a healthy petroleum industry to sustain our lifestyle. Heaven help us if we do not maintain some sort of self-sufficiency in that area. With our current balance of payments system and our do-nothing Prime Minister who, I am absolutely certain, will not change the situation, we cannot afford another \$8m or \$10b a year in oil imports. The main thrust of my approach is that members should not lump the petroleum industry in with the fishing industry. The impact on the environment of the fishing industry is significantly greater than that of the petroleum industry. I can understand that people have misgivings about the way this Bill is constructed. It gives primacy to the mining and petroleum legislation and the fisheries legislation. I am more relaxed about giving primacy to the mining and petroleum legislation than to the fishing legislation. That is something that should be examined. No-one from the petroleum industry was on the committee which brought down the report titled "A Representative Marine Reserve System of Western Australia". Unfortunately - or fortunately, I am not sure - only one person represented the Western Australian Fisheries Department. I hope that person was a scientist, and not a policy officer, because I would be a lot more relaxed. I presume there was someone from the Museum or that the officer had some involvement in fish ecology and identification of fish. I support the Bill. The Government must move a lot more quickly than it has to date in this area.

[Debate adjourned, pursuant to Standing Order No 61(b).]

**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [11.00 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Liverpool Dockyards*

**HON TOM HELM** (Mining and Pastoral) [11.01 pm]: Before the House adjourns, I bring to its attention an article in *The West Australian* of Saturday, 29 March under the heading "Mersey men warn wharfies". It is an appropriate time to bring this to the attention of the House, in case industrial relations legislation is introduced in this place further down the track. The article deals with only half the reasons that these men from Liverpool, my home town, were in Western Australia to relay to trade unionists in this State the effect of the Thatcher legislation in the United Kingdom and how it was used to try to destroy working people and their representative groups - the unions.

These three Merseyside dockers came to Western Australia to show the people that any industrial relations legislation introduced to curb the unions would have little or no effect in the long run. They represent 500 Liverpool dockers who have been on strike for two years, in spite of the fact that the Transport and General Workers Union could do little or nothing to support them because it would be subject to massive fines and possible confiscation of all its assets. These men came to Western Australia to advise us that no matter how draconian the legislation, and no matter what threats are made by draconian Governments in Western Australia on occasions, workers would never be defeated if their aims were correct. In this case six people were unfairly dismissed from the work force of 500 and, as members will be aware, there are no unfair dismissal laws in the United Kingdom. Their workmates who went on strike in support of those six workers were sacked by the company using Thatcher's laws. Since then the 500 workers have maintained the picket line and the strike.

These men were also able to show us a speech delivered to the H.R. Nicholls Society by Nicholas Finney, OBE. He was the director of Britain's National Association of Port Employers until it was disbanded in December 1989. He had successfully removed national bargaining from the UK's port industry, and he was accused, or applauded in some areas, for having led the campaign to end the national dock labour scheme which had been in place for 42 years around national ports. It was a system of giving permanent employment to people who worked on the wharfs in the United Kingdom and gave security to people who had worked in the industry all their lives. Mr Finney bragged about the fact that he was part of the group that removed all national agreements, 70 port agreements, and all industry conciliation and arbitration procedures. The group also disbanded all national and local employers' associations, and introduced new industrial contracts based entirely on the relationship with each employer's work force. Does it sound familiar? He helped to abandon all artificial demarcation lines, introduced retaining programs without government money, developed entirely new work patterns and totally flexible shift patterns, and eliminated labour pooling. He feels proud of having done that and bragged about it to the H.R. Nicholls Society. Perhaps he did that, but the Liverpool dockers also informed us that these people were able to get industrial disputation and support in various ways from 27 countries around the world. Workers in those countries took some form of industrial action to demonstrate their solidarity with the workers in Liverpool who were faced with draconian legislation, which we may have heard of in this Chamber and to which people in Western Australia may be subjected quite soon.

I bring this matter to the attention of the Chamber to place on the public record the support this side of the House is prepared to give to those dockworkers in Liverpool, and the support the union movement in Western Australia will give to those 500 dockers affected by legislation that may be put in place in this State or about which we have been warned. It may be true that legislation can be put in place that will destroy representative groups and the traditional Australian way of doing things by talking about problems, agreeing to some things and agreeing to arbitration in the Industrial Relations Commission on those matters about which there is no agreement. I understand from some of the information received through the Press and electronic media that these matters are about to be undermined. It is a timely reminder to members that if and when a Bill is introduced in this House similar to the legislation in the United Kingdom, they must be aware of the consequences. Although we may be advised by some people that the consequences of any proposed legislation in those terms might result in a compliant work force and a successful group of industries, it will also have the consequence that ordinary working men and women will stand up for the things they believe in for as long as it takes. The people in Liverpool have been on strike for two years in an attempt to get their jobs back. They are not asking for a pay rise or for improved conditions. I do not know if anyone has counted the cost of the damage done throughout the world during those two years. Any country that trades with Liverpool has been affected by industrial disputation - 27 countries in all. It is no good thinking that if this House were ever faced with similar legislation, it would be the panacea for all ills. Some of those ills may be cured but this State would certainly reap the whirlwind. It is timely to congratulate the Liverpool workers on coming to Western Australia to warn us of the damage that could be done by ill considered legislation. I hope we can learn the lesson that they were so willing to teach us.

The DEPUTY PRESIDENT (Hon Barry House): The member came dangerously close to alluding to debate currently under way in another place. If he wants to engage in similar debate at a later stage, I advise him that he may be in breach of Standing Order No 94.

Question put and passed.

*House adjourned at 11.09 pm.*

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## QUESTIONS ON NOTICE

### ROYAL COMMISSIONS - COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS

#### *Recommendations*

10. Hon JOHN HALDEN to the Leader of the House representing the Premier:

What steps has the Government taken, or is it proposing to take, to implement recommendations 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 35 of the Royal Commission into Commercial Activities of Government and Other Matters?

Hon N.F. MOORE replied:

The matters raised by these recommendations of the Royal Commission into Commercial Activities of Government and Other Matters were the subject of further detailed examination by the Commission on Government established by this Government in 1994. COG addressed the issues and made further recommendations in its First, Third and Fourth Reports published in August 1995 and April and July 1996 respectively. I would accordingly draw the member's attention to the COG recommendations (relative to those of the Royal Commission):

(Royal Commission No.5)	COG	No. 24
(No.6)		No. 25
(No.9)		No. 27 and 30
(No.10)		No. 31 and 32
(No.11)		No. 37
(No.12)		No. 34
(No.13)		No. 36
(No.14)		No. 35
(No.15-19)		No. 148, 150 and 215
(No.35)		No. 183

and to the document titled "Government Response to Commission on Government Reports Nos 1-5" tabled in both Houses on 31 October 1996, which details the Government's response to each recommendation.

### STATE FINANCE - DEBTS

#### *Statistics*

12. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

- (1) What is the percentage of public trading enterprise debt compared to the State's public sector net debt?
- (2) When were these figures compiled?

Hon MAX EVANS replied:

- (1) Public Trading enterprises net debt at 30 June 1996 represented 81.6% of State public sector net debt.
- (2) Net debt figures were published in Analytical Information in Support of the Treasurer's Annual Statements 1995/96 in November 1996.

### INDUSTRY ASSISTANCE - EXPENDITURE

#### *Statistics*

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

- (1) What is the anticipated per capita level of assistance to industry in Western Australia in 1996/97?
- (2) What was it in -
  - (a) 1993/94;
  - (b) 1994/95; and
  - (c) 1995/96?
- (3) What is Western Australia's spending on assistance to industry in 1996/97 likely to be?
- (4) What was it in -
  - (a) 1993/94;
  - (b) 1994/95; and
  - (c) 1995/96?

Hon N.F. MOORE replied:

- (1),(3) Payments to business and industry in the form of grants, loans and subsidies by the Department of Commerce and Trade in 1996/97 are anticipated to be \$12,905,418. ABS predicts a population level at 30 June 1997 of 1,798,100 persons. The per capita expenditure on this basis is anticipated to be \$7.18.
- (2),(4) Payments to industry in the form of grants, loans and subsidies by the Department of Commerce and Trade in previous years, the ABS population data at 30 June in these years and the resulting per capita expenditure are as indicated below:

Year	Expenditure	Population	Per Capita
1993/94	\$13,927,927	1,701,100	\$8.19
1994/95	\$19,428,164	1,732,100	\$11.22
1995/96	\$10,516,000	1,762,700	\$5.97

#### STATE FINANCE - CAPITAL EXPENDITURE

16. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

- (1) What was the increase in public trading enterprise capital expenditure from 1995/96 to 1996/97?
- (2) What were the reasons for this increase?
- (3) What was the forward projection for public trading enterprise capital expenditure up to 1999/2000?

Hon MAX EVANS replied:

- (1) Public trading enterprises (PTE) sector capital expenditure is expected to increase from \$935 million in 1995/96 to \$1.23 billion in 1996/97.
- (2) This increase is largely due to expenditure on new generation and transmission facilities such as the Collie Power Station, the provision of underground power, expansion of the capacity of the Dampier to Bunbury Gas Pipeline and the infill sewerage program.
- (3) Estimated PTE sector capital expenditure is as follows:

	\$m
1996/97	1,230
1997/98	1,166
1998/99	1,012
1999/2000	948

#### STATE FINANCE - FEES

##### *Gross Receipts*

27. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

What are the gross receipts collected by the Government for -

- (a) Auctioneers Licence Fees;
- (b) Credit Providers Licence Fees;
- (c) Employment Licence Fees;
- (d) Finance Brokers Licence Fees;
- (e) Land Valuers Licence Fees;
- (f) Marine Collections Licence Fees;
- (g) Motor Vehicle Licence Fees;
- (h) Pawnbrokers and Secondhand Dealers Licence Fees;
- (i) Real Estate and Business Agents Licence Fees;
- (j) Security Agents Licence Fees;
- (k) Settlement Agents Licence Fees; and
- (l) Travel Agents Licence Fees?

Hon MAX EVANS replied:

Collections are shown in the section "Business - Agents' Licence Fees" under the "Taxes and Licences" heading of the Consolidated Fund revenue estimates.

Annual revenue figures for the items are:

	1995/96 Actual \$'000	1996/97 Estimate \$'000
(a) Auctioneers	155	165
(b) Credit Providers	288	250
(c) Employment Agents	52	30
(d) Finance Brokers	56	20
(e) Land Valuers	142	72
(f) Marine Collectors	4	7
(g) Motor Vehicle Dealers	541	492
(h) Pawnbrokers and Second Hand Dealers	91	347
(i) Real Estate and Business Agents	974	940
(j) Security Agents	201	170
(k) Settlement Agents	53	52
(l) Travel Agents	293	240

#### GOVERNMENT CONTRACTS - HOMESWEST

##### *Construction of Houses*

28. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Housing:

(1) Since February 1993, how many contracts has Homeswest awarded to -

- (a) Collier Homes Pty Limited;
- (b) Corser Corporation;
- (c) Fine Home Group of Companies; and
- (d) First Choice Homes?

(2) What has been the value of each contract?

(3) Was each contract won by tender?

(4) Since 1993/94, what has been the total value of contracts let by Homeswest for the construction of houses (on a financial year basis)?

Hon MAX EVANS replied:

(1) (a) One.

(b) Nil.

(c) Nil - This question has been construed as the FINI Group of Companies.

(d) Nil.

(2) The value of the contract to Collier Homes Pty Ltd was \$387,150.

(3) This contract was awarded under the House and Land Scheme where developers provide a total house\land package at a fixed price.

(4) \*1993\94 \$144.90 million  
 \*1994\95 \$147.20million  
 \*1995\96 \$118.91 million  
 \*1996\97 \$ 92.36 million (anticipated as at December review)

\*The above figures represent expenditure through the Rental Construction, Aboriginal and Community Housing programs and include figures from spot purchased properties. The figures do not include figures from the Keystart and Realstart programs.

#### COMPETITION POLICY - GOVERNMENT INSTRUMENTALITIES

##### *Review*

34. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

(1) Has the Government commenced its competition review in line with the Competition Policy Reform (Western Australia) Act 1996?

(2) If yes, what agencies/departments are, or have been, reviewed?

Hon MAX EVANS replied:

- (1) The Competition Policy Reform (Western Australia) Act 1996 effectively applied Part IV of the Trade Practices Act to all persons carrying on a business. No reviews were required for this purpose. Legislation reviews, as required under the Competition Principles Agreement, have commenced in accordance with the timetables published.
- (2) It is not agencies/departments which are reviewed but items of legislation. The legislation review timetable published by government lists the reviews to be undertaken each year to the year 1999/2000.

#### CONTRACTORS - GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Appropriation*

38. Hon JOHN HALDEN to the Leader of the Government:

For each agency within each ministerial portfolio, can each Minister advise -

- (1) How many contractors are currently engaged, either on a casual or full-time basis, to perform tasks previously undertaken by public servants?
- (2) How many contractors/consultants in 1996/97 were, or are, engaged to provide advice, assistance or technical expertise to the Government and each agency?
- (3) What is the 1996/97 appropriation, in each agency, for those people engaged under the terms of (1) above?
- (4) What is the 1996/97 appropriation, in each agency, for those people engaged under the terms of (2) above?

Hon N.F. MOORE replied:

Much of the specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information requested, particularly given that the request is for the period 1996/97 which is not yet complete.

The Government is currently making information available on these matters. This includes the public issue of the biannual Consultants' Report which details the contracting of consultants. This was tabled in both Houses on 13 March 1997. Moreover, the findings of the competitive tendering and contracting survey 1994/95 have been provided to Ministers and to members of the Opposition on request. The report on the findings of the 1995/96 survey is to be completed.

In addition, the Government is identifying options for the development of an information system or systems designed to enable agencies to provide contract-related information to Parliament, the public and industry. This would enable the Government to meet its commitment to enhance public disclosure of contract information.

#### CONSULTANTS - STATE SUPPLY COMMISSION ACT

##### *Compliance*

39. Hon JOHN HALDEN to the Leader of the Government:

- (1) What departments/agencies under your portfolio are subject to the State Supply Commission Act 1991?
- (2) Have departments/agencies, subject to the above Act, always obtained written quotes where the estimated value of the consultancy is less than \$50 000 but more than \$5 000?
- (3) If no -
  - (a) what departments/agencies have not complied;
  - (b) on how many occasions have they not complied; and
  - (c) on how many occasions have they complied?
- (4) Have departments/agencies, subject to the above Act, always called for public tenders where the value of a consultancy exceeded \$50 000?
- (5) If no -
  - (a) what departments/agencies have not complied;
  - (b) on how many occasions have they not complied; and
  - (c) on how many occasions have they complied?



- (6) On all occasions that a consultancy went to tender was there a representative of the Public Sector Management Office on the selection panel for the consultancy?
- (7) If no, on how many occasions wasn't there?

Hon N.F. MOORE replied:

The information requested by the member would take some time to collate. I am not prepared to direct considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

#### STATE FINANCE - CORPORATE CREDIT CARDS

##### *Management*

56. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

- (1) Does any one financial institution manage the Western Australian Government's corporate credit card business?
- (2) If yes, who?
- (3) If not, which financial institutions manage the business?
- (4) What were the fees paid in 1995/96 for such a service?
- (5) What was the level of corporate card expenditure in 1995/96 by employees/consultants of the Western Australian Government?

Hon MAX EVANS replied:

- (1) No, there are two providers of the service.
- (2)-(3) Contract 190A1994, was awarded to two card providers, these being American Express (AMEX) and Westpac (MasterCard)
- (4) The contract fees for each of the card providers are as follows:
- |                         |  |                            |
|-------------------------|--|----------------------------|
| American Express:       |  |                            |
| Annual Charge per card: |  | \$5.00 each                |
| Protection Plan Charge: |  | Free                       |
| Westpac:                |  |                            |
| Annual Charge per card: |  | \$15.00 each               |
| Protection Plan Charge: |  | \$4.00 per card (optional) |
- (5) The level of corporate card expenditure in 1995/96 was approximately 0.75% of total expenditure on goods and services.

#### PUBLIC SERVANTS - RESIGNATIONS

59. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Public Sector Management:

What is the average percentage of employees who transferred or resigned during 1995/96 from public sector departments?

Hon MAX EVANS replied:

Information not centrally co-ordinated for 1995/96.

#### JUSTICE, MINISTRY OF - SUPERANNUATION LIABILITY

##### *Judges*

62. Hon JOHN HALDEN to the Attorney General:

- (1) What is the latest calculation of unfunded superannuation liabilities for judges' pensions produced by the Ministry of Justice?
- (2) When was the figure arrived at?
- (3) Why did it decrease from \$7.201m in 1994/95 to \$1.969m in 1995/96?

Hon PETER FOSS replied:

- (1)-(2) As at June 30 1996, current liabilities totalled \$1.5m and longer term non-current liabilities totalled \$54.1m.
- (3) Liability movements are reported annually. When the liability was first calculated in 1993/94 under accrual financial reporting, corrections were subsequently required in 1994/95 due to actuary advice. Now that the changes to accounting for this liability have stabilised, annual movements will reflect current and non-current expected retirements by judges.

#### MISCELLANEOUS SERVICE - SALARIES AND WAGES

##### *Global Provisions*

66. Hon JOHN HALDEN to the Minister for Finance:

- (1) Could the Minister provide an itemised breakdown of all expenditures from the Miscellaneous Services Global Provisions for Salary and Wage Increases from 1995/96 till present?
- (2) Have all wage increases in the public sector been taken from this item?
- (3) If not, why not?
- (4) Could the Minister detail which specific wage increases have not been taken from this item since 1995/96 and why?

Hon MAX EVANS replied:

- (1) See attached table. [See end of questions on notice.]
- (2) No.
- (3) The 1995/96 and 1996/97 Miscellaneous Services Global Provisions for Salary and Wage Increases made provisions for a maximum contribution of 3.5% towards the cost of agencies' salary and wage agreements. With a number of the larger agreements it was necessary to provide funding directly to the agencies concerned (in addition to the 3.5% contribution transferred from the Global Provision).
- (4) The following agencies were provided with supplementary funding in 1995/96 to meet the cost of approved salary and wage agreements:

	\$'000
Health Department	21,243
Ministry of Justice	870
	<u>22,113</u>

#### EMPLOYMENT AND TRAINING - TRUST ACCOUNTS

##### *Balances*

70. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:

- (1) As at 1 March 1997, what was the balance of the -
- (a) Adult Migrant Education Scheme Trust Account;
- (b) National Skill Centre Program Trust Account; and
- (c) ATSIC Inworks Training Trust Account?
- (2) How much money has been transferred to the Consolidated Fund in 1996/97 from each trust account?

Hon N.F. MOORE replied:

- (1) (a) \$2,489,000
- (b) \$ 683,000
- (c) \$1,090,000
- (2) (a) \$1,864,000
- (b) \$ 981,000
- (c) \$ 468,000

## TRAINING, DEPARTMENT OF - TREASURER'S INSTRUCTIONS

*Compliance*

71. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:
- (1) Has the Treasurer's Instruction No 410 now been complied with by the Department of Training?
- (2) Why was it not complied with at the time of compiling the 1995/96 Annual Report?

Hon N.F. MOORE replied:

- (1)-(2) The Department of Training did maintain a register of public property in 1995/96 as required by Treasurer's Instruction 410. To address the Auditor General's comments regarding controls over the recording of public property a significant amount of work has been undertaken by, and is currently underway within, the Department of Training to improve procedures. Under the Vocational Education and Training Act 1996 colleges are directly responsible for maintaining their own registers of public property from 1 January 1997.

## TRAINING, DEPARTMENT OF - ADMINISTRATION FEES

*Revenue*

72. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:
- What was the revenue collected by the Department of Training from administration fees in -

- (a) 1992/93;  
 (b) 1993/94;  
 (c) 1994/95; and  
 (d) 1995/96?

Hon N.F. MOORE replied:

- (a) \$3,110,000  
 (b) \$5,179,000  
 (c) \$7,282,000  
 (d) \$8,381,000

## TRAINING, DEPARTMENT OF - ADULT EDUCATION FEES

*Revenue*

73. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:
- What was the revenue collected by the Department of Training from adult education fees in -

- (a) 1992/93;  
 (b) 1993/94;  
 (c) 1994/95; and  
 (d) 1995/96?

Hon N.F. MOORE replied:

- (a) \$2,184,000  
 (b) \$2,380,000  
 (c) \$2,100,000  
 (d) \$1,963,000

## TRAINING, DEPARTMENT OF - CUSTOMISED TRAINING AGENCY FEES

*Revenue*

74. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:
- What was the revenue collected by the Department of Training from customised training agency fees in -

- (a) 1992/93;  
 (b) 1993/94;  
 (c) 1994/95; and  
 (d) 1995/96?

Hon N.F. MOORE replied:

- (a) \$ 5,166,000
- (b) \$ 8,183,000
- (c) \$10,750,000
- (d) \$10,192,000

#### TRAINING, DEPARTMENT OF - SMALL BUSINESS CHARGES

##### *Revenue*

76. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:

What was the revenue collected by the Department of Training from small business charges in -

- (a) 1992/93;
- (b) 1993/94;
- (c) 1994/95; and
- (d) 1995/96?

Hon N.F. MOORE replied:

- (a) \$123,000
- (b) \$160,000
- (c) \$147,000
- (d) \$100,000

#### ENVIRONMENT - ADDITIONAL REVENUE

##### *Programs*

83. Hon JOHN HALDEN to the Minister for Finance representing the Minister for the Environment:

What additional revenue has been provided to the -

- (a) Salinity Management Program; and
- (b) Waste Management and Disposal Program,

since the presentation of the 1996/97 Budget on 2 May 1996?

Hon MAX EVANS replied:

- (a) Additional consolidated funding commitment for 1996/97 for salinity management under the Salinity Action Plan is \$1m which is proposed to be allocated as follows:

Agriculture WA	\$474,000
Department of Conservation and Land Management	\$280,000
Department of the Environmental Protection	\$40,000
Water and Rivers Commission	\$206,000
TOTAL	\$1,000,000

The Government is committed to increasing this figure to \$5 million in 1997/98 and \$10 million in 1998/99.

- (b) The waste management subprogram of the Environmental Protection Program has been provided with the following funds since the 1996/97 State Budget was presented.
  - \$60,000 for the implementation of the Government's initiative to license waste management facilities.
  - \$189,000 carried forward from 1995/96, for the provision of GPS and volume sensing equipment on liquid waste tankers.

#### STATE FINANCE - TAX COLLECTION

94. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

What amount of money has been collected via -

- (a) metropolitan region improvement tax; and
- (b) land tax,

as at March 1, 1997 for the 1996/97 financial year?

Hon MAX EVANS replied:

- (a) \$24,674,229; and
- (b) \$148,761,496.

#### PASTORAL LEASES - OWNERSHIP

96. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

Can the Minister for Lands inform the House -

- (a) how many pastoral leases are there in Western Australia;
- (b) how many of those leases are owned by individuals;
- (c) how many are owned by business entities;
- (d) how many are owned by individuals or business entities from other States of Australia;
- (e) how many are partially or wholly owned by overseas interests; and
- (f) how many are owned by resident operator managers?

Hon MAX EVANS replied:

- (a) 563 leases which form 513 stations.
- (b) 263 stations.
- (c) 250 stations including Aboriginal Corporations.
- (d) 26.
- (e) 15.
- (f) The Pastoral Board does not have statistics available to define which pastoral stations are owner managed. Many pastoral lessees appoint managers to run the station on their behalf. This information is not required by the Pastoral Board.

#### EMPLOYMENT AND TRAINING - COURSES

##### *Tenders*

99. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:

- (1) Can the Minister for Employment and Training advise the number of courses that have been offered under tender arrangements since 17 October 1995?
- (2) What is the total value of courses offered under tender since 17 October 1995?

Hon N.F. MOORE replied:

- (1) 516.
- (2) \$20.9m.

#### GOVERNMENT CONTRACTS - DEPARTMENT OF TRAINING

104. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:

- (1) Is it correct that the Department of Training has contracted out -
  - (a) cleaning and gardening;
  - (b) clinical counselling services;
  - (c) child care;
  - (d) information technology support;
  - (e) fleet maintenance; and
  - (f) administration of apprenticeship training agreements?
- (2) Have any other services, previously provided by the Department of Training, been contracted out in 1996/97?
- (3) How much money was saved in 1995/96 as a result of contracting out?
- (4) How much money is expected to be saved in 1996/97 as a result of contracting out?

Hon N.F. MOORE replied:

- (1) (a) The Department of Training has contracted out cleaning and gardening services at the following colleges:  
 North Metropolitan College of TAFE  
 Central Metropolitan College of TAFE  
 South Metropolitan College of TAFE  
 South East Metropolitan College of TAFE  
 Geraldton College of TAFE  
 South West Regional College of TAFE  
 Great Southern Regional College of TAFE  
 Midland Regional College of TAFE  
 CY O'Connor College of TAFE  
 Kimberley College of TAFE
- (b) No. In 1996 the Department abolished the position of Student Counsellor which was replaced by Career and Information Advisory positions. Full time registered psychologists are employed at some colleges all year round.
- (c) Yes. The provision of child care services has been transferred to community based management and, in the case of Geraldton, to a private contractor. Arrangements at Balga are still to be finalised.
- (d) Yes.
- (e) Yes.
- (f) While the department has decided to contract out this area, so far the process has not been completed, and two regional areas remain to be finalised.
- (2) Yes.
- (3) In 1995/96 the direct saving associated with contracting out was approximately \$2m.
- (4) It is expected that the same savings will continue to be made in 1996/97 where the current situation remains.

#### JUVENILE JUSTICE - TEAMS

##### *Referrals*

108. Hon CHERYL DAVENPORT to the Attorney General:

- (1) Will the Attorney General table the statistics of Aboriginal and non-Aboriginal juveniles who have been referred to each metropolitan juvenile justice team from July 1996 to December 1996?
- (2) Are statistics available for Aboriginal and non-Aboriginal juveniles referred to country juvenile justice teams?
- (3) If not, why not?
- (4) If so, will the Attorney General table those statistics?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)
 

Non-Aboriginal	1147
Aboriginal	237
Ethnicity not known	177
- (2) Yes.
- (3) Not applicable.
- (4) This data is available only through manual collation. The statistics immediately available for country locations from 13 March 1995 to 12 March 1996 are -
 

Non-Aboriginal	1048
Aboriginal	784
- (5) Not applicable.

## GOVERNMENT POLICY - PLAIN LANGUAGE

*Attorney General's Department*

131. Hon MARK NEVILL to the Attorney General:

- (1) Do any of the departments or agencies or other bodies for which the Attorney is responsible have a formal policy regarding the use of plain English (also called "plain language")?
- (2) If so -
  - (a) which ones; and
  - (b) will the Attorney provide a copy of the policy or policies?
- (3) What initiatives have each of those departments, agencies or other bodies taken to encourage the use of plain English?
- (4) What reporting mechanism do they have to show progress in the promotion and use of plain English?
- (5) Which of them has undertaken or obtained trials, tests or assessments of the content, language and suitability of -
  - (a) the data collection or application forms they use to obtain information from their clients or the public; and
  - (b) explanatory brochures and other material intended for public information?
- (6) What special measures or initiatives have they taken to meet the needs of clients or members of the public with literacy or numeracy difficulties or who are of non-English speaking backgrounds?

Hon PETER FOSS replied:

- (1) Yes.
- (2) (a)-(b) The Justice Charter (1994), which is a public document, outlines standards by which customers of all services provided by the Ministry of Justice have access to information that is readily available in plain language.
- (3) A Language Services Plan which details specific strategies and actions to ensure that language is not a barrier to servicing the needs of customers with limited English fluency or hearing impairments.
- (4) The Ministry's Annual Report performance indicators for the Registrar General's Office, Victims Support and Public Advocates Office include information regarding customer satisfaction. This information is collected from random and annual surveys of customers and includes questions relating to the clarity of verbal and written communications.
- (5) A survey into customer satisfaction undertaken by Donovan Research in December 1995 evaluated aspects relating to the clarity and appropriateness of the Ministry's written communications. Specific divisions described within (4) survey customers regarding the availability and clarity of information.
- (6) - The Commonwealth Telephone Interpreter Service is provided by the Ministry Offices which have contact with members of the community
  - Staff with bi-lingual skills
  - Professional interpreters
  - Brochures in other languages. The Registrar General's Office has brochures available in thirteen different languages. The Public Guardian's Office is currently designing information brochures in a number of languages.

## COURTS - PETTY SESSIONS

*Listing Intervals*

138. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) What are the current listing intervals for matters going to trial in each of the Courts of Petty Sessions in -
  - (a) the metropolitan area; and
  - (b) non-metropolitan area?

- (2) What was the listing interval at the first sitting day of those courts in each of the last 12 months to March 1 this year?
- (3) What is being done to minimise listing intervals?

Hon PETER FOSS replied:

- (1) (a) At the end of February 1997:

Court Location	1/2 day trial	1 day trial	Multiple day trial
ARMADALE	8	10	11.5
FREMANTLE	10	12	14
JOONDALUP	8	8	8
MIDLAND	20	22	24
PERTH	12	14	18
ROCKINGHAM	14	17	17

The listing interval shown is the number of weeks.

- (b) At the end of February 1997:

Court Location	1/2 day trial	1 day trial	Multiple day trial
ALBANY	7	8	9
BROOME	5	8	10
BUNBURY	12	12	12
BUSSELTON	14	14	14
CARNARVON	7	8	10
COLLIE	6	17	By appointment
DERBY	1	1	8
ESPERANCE	4	8	8
GERALDTON	14	21	21
KALGOORLIE	20	20	21
KARRATHA	5	5	By appointment
KATANNING	8	12	By appointment
KUNUNURRA	3	6	6
MANDURAH	11	11	11
MANJIMUP	16	20	By appointment
MERREDIN	1	3	12
MOORA	9	9	By appointment
NARROGIN	11	By appointment	By appointment
NORTHAM	10	12	15
PINJARRA	6	6	6-12
PORT HEDLAND	4	6	8
ROEBOURNE	1	4	By appointment

The listing interval shown is the number of weeks.



(2) The listing intervals data reflects the interval as at the last working day of each month:

Court Location	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	J a n	Feb
ALBANY	12	9	10	8	10	8	10	12	14	12	10	*
ARMADALE	7	6	6	6	8	8	8	8	9	8	7	*
BROOME	8	8	7	6	6	6	8	8	4	4	6	*
BUNBURY	11	14	13	10	13	14	11	14	14	11	12	*
BUSSELTON	8	11	10	11	13	15	18	16	17	18	15	*
CARNARVON	4	4	6	5	6	8	5	7	6	7	7	*
COLLIE	15	12	12	16	11	10	8	12	14	11	12	*
DERBY	5	4	6	4	4	4	4	4	4	0	4	*
ESPERANCE	6	6	6	6	6	6	6	6	6	8	8	*
FREMANTLE	8	8	8	7	8	12	9	10	9	14	13	*
GERALDTON	10	11	11	15	15	20	20	24	24	18	17	*
JOONDALUP	15	10	12	12	10	10	10	9	9	10	8	*
KALGOORLIE	14	14	13	10	11	16	16	14	22	21	20	*
KARRATHA	10	10	10	7	5	6	6	6	6	4	6	*
KATANNING	20	16	12	16	16	16	16	12	16	16	12	*
KUNUNURRA	6	6	6	6	6	6	8	6	6	6	6	*
MANDURAH	6	6	6	7	9	18	18	18	18	16	10	*
MANJIMUP	6	10	8	8	8	8	12	14	16	16	16	*
MERREDIN	8	6	6	6	6	8	6	6	6	6	2	*
MIDLAND	21	18	16	16	19	19	24	25	29	29	27	*
MOORA	4	4	4	4	4	4	4	4	6	6	5	*
NARROGIN	8	8	8	7	7	7	7	7	7	11	15	*
NORTHAM	6	6	6	6	6	6	6	6	8	8	8	*
PERTH	16	17	16	17	17	17	18	18	17	17	12	*
PINJARRA	10	8	8	8	8	8	4	8	8	6	2	*
PORT HEDLAND	6	6	6	6	6	6	6	6	6	6	6	*
ROCKINGHAM	14	16	16	15	14	17	14	15	16	15	13	*
ROEBOURNE	6	8	6	6	4	6	6	5	5	6	2	*

\*The intervals for February 1997 are outlined in the answer to Question 1. Interval data prior to February 1997 related generally to one day trials only.

- (3) I am informed that the Chief Stipendiary Magistrate monitors listing intervals throughout the State and provides assistance to those centres where he deems appropriate. City magistrates are sent to suburban and country centres on a regular basis.

Listing intervals are approaching acceptable levels and this will be achieved now that there is a full complement of magistrates available. Discussions are held with court users as to acceptable listing intervals and listing practices.

#### HEALTH - DENTAL

##### *Disadvantaged Persons - Access to Treatment*

144. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) What are the eligibility criteria for disadvantaged persons seeking access to dental treatment under programs the Minister for Health's department administers?
- (2) Based on those criteria, how many people are currently eligible for treatment in Western Australia?

- (3) How many people obtained treatment in 1996?
- (4) What proportions of those were residents of the -
  - (a) metropolitan; and
  - (b) non-metropolitan areas?
- (5) How many Aboriginal people obtained treatment under these programs -
  - (a) in the metropolitan; and
  - (b) in the non-metropolitan areas?
- (6) In the Kimberley, Pilbara, Gascoyne and Murchison regions what Aboriginal communities received visits by clinics or visiting dental services and when in 1996?
- (7) What visits are proposed to these and other communities in these regions in 1997 and when?
- (8) Are there any recent studies of the oral health and treatment needs of Aboriginal children and adults in Western Australia?
- (9) If not, are any studies proposed to determine the extent of these needs?
- (10) What are the main oral health and treatment needs of Aboriginal people in Western Australia?
- (11) What educational and communication strategies are used to educate Aboriginal adults and children in remote communities to improve oral health?
- (12) Are any Aboriginal people from these communities involved in the development and implementation of these strategies?
- (13) What printed or other information material is available to inform -
  - (a) the general public; and
  - (b) special needs groups such as Aboriginal people and people of non-English speaking background of the eligibility criteria for these programs?
- (14) Will the Minister provide a copy of this material?

Hon MAX EVANS replied:

- (1) Financially disadvantaged persons who are in receipt of one of the following:
 

Job Search Allowance	Austudy (independent rate only)
Newstart Allowance	Abstudy (independent rate only)
Widow Allowance	Mature Age Allowance
Sickness Benefit	Full Australian Pension
Partner Allowance	Some Overseas Pensioners
Parenting Allowance	
Youth Training Allowance	

A qualifying period applies for general dental care but not for emergency care. Geographically disadvantaged persons who cannot access private dental care because of their location.

Other disadvantaged groups -

Wards of State  
Orphans  
Institutionalised Persons.

- (2) Number of persons in this category who are eligible for treatment in Western Australia (based upon 1995 figures supplied from the Department of Social Security) is:-
 

Pensioners	224, 500
Benefits	72,500
TOTAL	297,000
- (3) 84, 371
- (4)
  - (a) metropolitan (72%)
  - (b) non-metropolitan (28%)

- (5) Not available. Dental Services has recently commenced recording the race or national group of patients and will be able to provide numbers in the future where patients disclose this information.
- (6)-(7) Yes, see tabled paper. [See paper No 380.]
- (8) No.
- (9) A Review of Oral Health Service requirements has been commissioned by the Commissioner of Health and has been requested to address the extent to which the oral health care needs of Aboriginals and other groups are being met. The UWA School of Oral Health Sciences is also understood to be planning a survey of the oral health needs of Aborigines in the northern part of Western Australia.
- (10) Refer to (8) and (9).
- (11) Dental Services is regularly involved with educational programs for Aboriginal health workers. Lectures on oral health promotion utilising culturally appropriate terminology and resources are provided to Aboriginal health workers at the Marr Mooditj Foundation and to Aboriginal child care students at Thornlie TAFE college. Dental Services staff who provide care for Aboriginal people also use culturally appropriate resources to promote dental health. Dental Services staff in the Kimberley, in collaboration with the Kimberley Aboriginal Medical Service's Council, have given presentations on oral health promotion to Aboriginal health worker students. It is envisaged that a dental component will be introduced into the curriculum for the Advanced Certificate in Aboriginal Health Work at the School of Health Studies of the Kimberley Aboriginal Medical Service's Council.
- (12) Yes.
- (13) (a) (i) Information from the Department of Social Security to pensioners and beneficiaries.  
(ii) Dental Services Customer Service Charter.  
(iii) Enrolment forms provided each year to all pre and primary school children who have not previously been offered enrolment in the School Dental Service.
- (b) None.
- (14) Yes, see tabled paper. [See paper No 380.]

#### HEALTH - PATIENTS

##### *Transfer from Carnarvon*

145. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

I refer the Minister for Health to a report in the *Northern Guardian* of 19 February 1997 concerning the transfer of various patients from Carnarvon to Perth.

- (1) Was Mr John Troy transferred to Perth on a commercial flight suffering from the effects of a stroke condition?
- (2) Did that aircraft proceed to Perth via Learmonth, an hour's flight to the north of Carnarvon, adding additional time to the journey?
- (3) Was Mr Troy accompanied by a nurse on the flight?
- (4) Who made the decision that he be accompanied by the nurse?
- (5) Why was he accompanied by a nurse?
- (6) Was there any medical equipment on board the plane in case Mr Troy needed treatment during the flight?
- (7) If not, why not?
- (8) Was the airline or Air Services Australia advised that Mr Troy was ill and might require emergency medical treatment on the flight?
- (9) Did Mr Troy suffer discomfort and distress during the flight and require medical attention?
- (10) If so, who rendered that medical attention and what did it involve?
- (11) Why was Mr Troy not transferred by Royal Flying Doctor Service aircraft in the light of his condition?

- (12) Has the Minister or his department received any correspondence from the airline concerning this flight and the condition of Mr Troy?
- (13) If so, what is the nature of that correspondence?
- (14) Why was Mr Troy not provided with ambulance transport on arrival in Perth?
- (15) Has the Minister or his department contacted Mr Troy or his family to respond to his complaints about the manner in which he was transferred to Perth or any of the other concerns raised in the Northern Guardian article?
- (16) If so, when?
- (17) If not, why not?

Hon MAX EVANS replied:

- (1) Unable to reply due to patient confidentiality.
- (2) Airline unable to advise as records no longer available.
- (3) Yes.
- (4) Medical Officer - Carnarvon Regional Hospital.
- (5) Medical decision.
- (6) Yes - standard airline first aid and oxygen.
- (7) Not applicable.
- (8) Yes, an Ansett medical fitness for air travel form was completed by the Medical Officer at Carnarvon Regional Hospital and faxed to Ansett prior to Mr Troy's travel.
- (9)-(11) Unable to reply due to patient confidentiality.
- (12) At no stage has Skywest approached Carnarvon Regional Hospital, the Health Department, the Office of Health Review or the Minister for Health's office to raise any concerns.
- (13) Not applicable.
- (14) Unable to reply due to patient confidentiality.
- (15) No
- (16) Not applicable.
- (17) At no stage has Mr Troy or his family or any other patient referred to in the press article approached Carnarvon Regional Hospital, the Health Department, the Office of Health Review or the Minister for Health's Office to raise any concerns about their treatment.

#### HEALTH - PATIENTS

##### *Transfer from Carnarvon*

146. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

I refer the Minister for Health to a report in the *Northern Guardian* of 19 February 1997 concerning the transfer of various patients from Carnarvon to Perth -

- (1) Was a patient suffering or suspected of suffering from renal failure flown to Perth from Carnarvon by commercial airline on or about January 21?
- (2) Was there any medical equipment on board the plane in case the patient needed treatment during the flight?
- (3) If not, why not?
- (3) Was the airline or Air Services Australia advised that the patient was ill and might require emergency medical treatment on the flight?
- (4) Did the patient's condition deteriorate during the flight?

- (5) Did anyone provide the patient with medical assistance on the flight?
- (6) If so, who?
- (7) Did the pilot of the aircraft call for an ambulance to be ready to take the patient to hospital on arrival at Perth?
- (8) Was the patient provided with a taxi voucher to obtain transport from Perth airport?
- (9) What was the patient's condition on arrival at Royal Perth Hospital?
- (10) Did the patient require urgent medical treatment on arrival at RPH ?
- (11) Has the Minister or his department contacted the patient or his family to respond to his complaints about the manner in which he was transferred to Perth or any of the other concerns raised in the Northern Guardian article?
- (12) If so, when?
- (13) If not, why not?

Hon MAX EVANS replied:

- (1) A patient was transferred to Perth from Carnarvon on 21 January 1997. The patient was assessed by an attending doctor as having a worsening renal condition but was not assessed as suffering from renal failure. The selection of a commercial airline as an appropriate mode of transport for the patient was made by the attending doctor.
- (2) Airlines are equipped with oxygen and advanced first aid equipment. No specific medical equipment is carried by commercial airlines.
- (3) Not applicable.
- (4) Medical records show no advice of the attending doctors, or instruction to advise, the airline or Air Service Australia of the patient's condition.
- (5) See (4) above.
- (6) Not applicable.
- (7) Unknown.
- (8) Yes, as determined by the patient's attending doctor in Carnarvon.
- (9) The patient arrived at Sir Charles Gairdner Hospital requiring medical treatment.
- (10) See (9) above.
- (11) The patient or his family have not complained regarding the facts of this matter to the Health Department, the Office of Health Review or me.
- (12) Not applicable.
- (13) This matter has not been enquired into as no complaint has been raised.

#### PRISONS - HEPATITIS

##### *Incidence*

147. Hon TOM STEPHENS to the Minister for Justice:

- (1) Has the Minister seen the findings of a report in the Australian Medical Journal of February 3, 1997 on the prevalence of hepatitis B and C in prison populations in NSW?
- (2) What is the incidence of these diseases in the Western Australian prison population among -
  - (a) Aboriginal prisoners; and
  - (b) non-Aboriginal prisoners?
- (3) Is the carrier rate for hepatitis B significantly higher among Aboriginal prisoners than among non-Aboriginal prisoners in Western Australia?

- (4) What are the factors which contribute to transmission of hepatitis in Western Australian prisons?
- (5) What is being done to minimise the risk of transmission of hepatitis in prisons?
- (6) Are prisoners offered or provided hepatitis B vaccination upon entry to Western Australian prisons?
- (7) What procedures are in place to make sure prisoners who are released while undergoing a hepatitis vaccination course complete that course after release?
- (8) What procedures are in place to make sure former prisoners who have suffered with hepatitis are quickly detected within the prison system upon re-entry to prison at a later date to minimise risk to other prisoners and prison staff?

Hon PETER FOSS replied:

- (1) No, however the Ministry of Justice advises me that it has a copy of that report.
- (2) (a)-(b) This is not known. This information can only be obtained if all prisoners are obligated to undergo testing. Currently, we can only rely on advice from the prisoner. There is also a "window phase" for hepatitis where a person may be positive, but the result shows negative.
- (3) Yes.
- (4) Abnormal sexual behaviour, anal intercourse, tattooing, intravenous sharing of needles.
- (5) Prisoners who do not have hepatitis B are offered vaccinations. There is no vaccination for hepatitis C. Education programs to reduce the risk of hepatitis are run for prisoners in accordance with guidelines set by the Commonwealth Government.
- (6) Yes.
- (7) They are advised to follow up treatment with their general practitioner.
- (8) A "Ministry of Justice Routine Medical Screening Form" is completed for every prisoner that is admitted (including readmissions) to prison.

#### GOVERNMENT CONTRACTS - DISTRIBUTION

##### *Performance Monitoring*

148. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) What services formerly provided by government, have been contracted to the private sector since February 1993?
- (2) How many contracts or tenders to provide these services have been awarded to -
  - (a) Western Australian companies or businesses;
  - (b) other Australian companies or businesses; and
  - (c) foreign owned or controlled companies or businesses?
- (3) What -
  - (a) savings; and
  - (b) additional costs,

have resulted from the provision of each of these services by private contractors instead of by government?
- (4) Who measures these savings or additional costs?
- (5) What mechanisms are in place to monitor the performance of private contractors to maintain the quality of services provided?
- (6) As a result of the contracting out of these services, what access do members of the public retain to -
  - (a) the Ombudsman; and
  - (b) administrative law remedies,

if they are dissatisfied with the provision of those services?

Hon MAX EVANS replied:

- (1) The specific information sought in this question is not reported centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present it in the format requested. This would be a costly exercise if conducted across the public sector. Such information, where it is of specific interest, could be made available by individual agencies.
- (2) It is not possible to answer the question because there are no strict criteria for establishing whether a company or business is Western Australian, Australian or foreign owned or controlled. Moreover, it is contrary to National Competition Policy to discriminate between Western Australian, Australian and foreign businesses.
- (3) The specific information sought in this question is not reported centrally. Significant time and numbers of staff would be required to report the information in the format requested. Such information, where it is of specific interest, could be made available by individual agencies.
- (4) Individual agencies calculate the savings or additional costs, using the Treasury Department's costing guidelines.
- (5) Individual agencies utilise a variety of mechanisms to monitor the performance of private contractors to maintain the quality of services provided. The mechanisms utilised reflect the specific nature and circumstances of each contract.
- (6) Government agencies which contract out to the private sector for the provision of services still remain accountable for administration of those contracts. Therefore, members of the public can seek the same remedies against those government agencies from the Ombudsman and under administrative law.

#### GOVERNMENT INSTRUMENTALITIES - CLOSURE

149. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

How many state government entities, providing services to the public, have been -

- (a) closed;
- (b) liquidated; or
- (c) sold,

since February 1993?

Hon MAX EVANS replied:

In response to this question, state government entities are deemed to include state government departments, agencies or significant business enterprises.

BankWest and the State Government Insurance Office are two such entities, providing services directly to the public, which have been sold since February 1993. Healthcare Linen Services which provides services to the public indirectly through hospitals has also been sold.

Stateships has ceased trading. The legal entity - the Western Australian Coastal Shipping Commission - is still in existence to preserve the insurance cover of past employees.

This answer does not cover various consultative committees and those entities with functions which have been transferred to another public agency.

#### GOVERNMENT CONTRACTS - HOSPITALS

150. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

Which government services have been contracted out to the private sector in public hospitals since February 1993?

Hon MAX EVANS replied:

Many small contracts throughout the State have been let for gardening, window cleaning, non-clinical cleaning, patient transfer services, car parking, general maintenance, radiology and information technology.

Under the current Competitive Tendering and Contracting policy I am advised that the following major contracts have been awarded:

Joondalup Health Campus  
Catering at Royal Perth Hospital  
Housekeeping services at Royal Perth Hospital  
Orderly services at Sir Charles Gairdner Hospital  
Gardening and Grounds Maintenance at Graylands Hospital  
Non-ward cleaning at Graylands Hospital  
Internal Audit services at Royal Perth Hospital  
Gardening and Grounds Maintenance at Fremantle Hospital  
Medical imaging services for Bentley Health Service  
Non-clinical cleaning at Sir Charles Gairdner Hospital  
General management with clerical services for Harvey-Yarloop Health Service  
Medical imaging services for Rockingham/Kwinana Health Services.

GOVERNMENT CONTRACTS - SCHOOLS

151. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

Which government services have been contracted out to the private sector in public schools since February 1993?

Hon MAX EVANS replied:

The following services have been contracted out:

- . Cleaning
- . Lawnmowing
- . Management of the Leasing of Equipment Contract.

GOVERNMENT CONTRACTS - PRISONS AND JUVENILE DETENTION CENTRES

152. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

Which Government services have been contracted out to the private sector in prisons and juvenile detention centres since February 1993?

Hon MAX EVANS replied:

Services include:

Supply, installation and maintenance of prison pay phone equipment  
Screening of substances used by prisoners  
Substance use counselling  
Offender programs (community based) presenters  
Provision of laundry chemicals/services  
Cleaning services  
Skills training in aggression control  
Waste collection  
WAFL umpiring services  
Provision of addiction behaviour training  
Bus feeder service  
Veterinary services  
Air charter services  
Provision of family support services  
Conflict management training  
Delivery of performance management system  
Provision of sessional tutors/clerical services  
Provision of driver training courses for prisoners  
Counselling and assessment of sex offenders  
Prison based counselling service for victims of sexual assault  
Fleet management  
Building services through the Department of Contract and Management Services.

LAND - PORT KENNEDY

*Development*

162. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

- (1) Did the Government promise, prior to the 1993 state election, to establish a Scientific Park at Port Kennedy?
- (2) If yes, when was it established?
- (3) Did the Government promise, prior to the 1993 state election, to construct a vermin proof fence around the Port Kennedy Scientific Park?



- (4) If yes, when was this completed?
- (5) Did the Government promise, prior to the 1993 state election, to provide a site for the Port Kennedy Land Conservation District Committee to use as a base for its operations?
- (6) If yes, has this been done?
- (7) Has the Minister for Planning authorised any variations to the agreement between the Port Kennedy developers and the State of Western Australia?
- (8) If yes, please provide details.

Hon PETER FOSS replied:

- (1) Yes.
- (2) DOLA is progressing matters to vest the land in the NPNCA as an A class reserve for the purposes of nature conservation so as to create the Port Kennedy Scientific Park.
- (3)-(6) No.
- (7) Yes.
- (8) In May 1995, an Agreement Varying the Port Kennedy Development Project Agreement was tabled in both Houses of Parliament for 12 sitting days, with no motion to disallow the agreement passed during that time. Hon Jim Scott did give notice of motion to disallow this agreement, but did not move the motion.

#### HOSPITALS - WOODSIDE

##### *Report*

178. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:
- (1) Will the Minister for Health table the report on the role and functions of Woodside Hospital presented to the Board of Management of Fremantle Hospital in July 1996?
  - (2) Who comprised the review team?
  - (3) Who at Woodside Hospital were consulted by the review team?
  - (4) Who was responsible for the management of Woodside Hospital prior to January 1996?

Hon MAX EVANS replied:

- (1) Yes, see tabled paper. [See paper No 378.]
- (2) Professor Con Michael, Head of Obstetrics and Gynaecology, King Edward Memorial Hospital. Professor David Fletcher, Head of Surgery, Fremantle Hospital. Dr T. McAuliffe, Director of Anaesthesia, Fremantle Hospital.
- (3) Wide consultation was carried out by the above review team with staff at Woodside Hospital including meetings with the Medical Advisory Committee and the visiting doctors at that hospital.
- (4) On 1 July 1985 the administrative control of Woodside Maternity Hospital was transferred to Fremantle Hospital by the Minister for Health. This arrangement continued until 1 January 1996 when the Fremantle Hospital and Health Service Board was constituted under the terms of the revised Hospitals and Health Service Act 1927. The new entity is an amalgamation of Fremantle Hospital, Woodside Maternity Hospital, Rottnest Island Nursing Post and community health services.

#### SAFETY DRIVING COURSE - KUNUNURRA

##### *Cost - Recovery*

179. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 401(2) of 19 June 1996 -

- (1) Where was the course held?

- (2) Who was responsible for damage to -
  - (a) the premises where the course was held; and
  - (b) the premises used for accommodation?
- (3) Did the Health Department of Western Australia attempt to recover the \$400 paid for damage referred to in question on notice 401(6)?
- (4) If not, why not?
- (5) If yes, what action was taken?

Hon MAX EVANS replied:

- (1) In the conference room Warringarri Aboriginal Corporation, Kununurra.
- (2)
  - (a) There was no damage to the premises where the course was held, however there were costs associated with cleaning and linen replacement at one of the venues used for accommodation.
  - (b) There was no damage to any premises used for accommodation.
- (3) No.
- (4) The Health Department was unable to identify the persons responsible although the room where the cleaning and linen costs applied was booked for accommodation for course attendants. The costs of pursuing them would have been considerably greater than the outlay.
- (5) None.

#### PRISONS - PRISONERS

##### *Aborigines*

194. Hon MARK NEVILL to the Attorney General:

- (1) What percentage of the adult gaol population are Aboriginal?
- (2) What percentage of the juvenile gaol population are Aboriginal?
- (3) What percentage of juvenile repeat offenders are Aboriginal?
- (4) What percentage of adult repeat offenders are Aboriginal?
- (5) What date do the figures given for the above relate to?

Hon PETER FOSS replied:

- (1) 33 per cent of sentenced adult offenders were Aboriginal as at 28/2/1997.
- (2) 57 per cent of sentenced juvenile detainees were Aboriginal as at 7/3/1997.
- (3) 71 per cent of sentenced juvenile detainees, who had served prior terms of detention, were Aboriginal (as at 7/3/1997).
- (4) 47 per cent of sentenced adult offenders, who had served prior terms of imprisonment as a sentenced adult offender, were Aboriginal (as at 28/2/1997).
- (5) Adult figures relate to 28/2/1997, juvenile figures relate to 7/3/1997.

#### HOUSING - HOUSING ADVISORY SERVICES

##### *Aboriginal Housing Board*

234. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

I refer the Minister for Housing to the 1989 Commonwealth-State Housing Agreement, Financial Statement B6, which states that Housing Advisory Services received a \$600 000 grant, and ask -

- (1) Was this funding used for funding the Aboriginal Housing Board?
- (2) What other areas were funded from the Housing Advisory Services source?

Hon MAX EVANS replied:

- (1) Yes.
- (2) None.

## CORRUPTION - ANTI-CORRUPTION COMMISSION

### *Complaints Registered*

236. Hon J.A. SCOTT to the Leader of the House representing the Premier:

- (1) How many complaints were registered with the Anti-Corruption Commission in the first month of its existence?
- (2) How many complaints have been registered after the first month?
- (3) When and how often does the ACC sit to hear complaints?
- (4) Is it correct that the ACC cannot advise complainants of reasonable time frames in which their complaints may be heard?
- (5) Why is this the case?

Hon N.F. MOORE replied:

- (1) The Anti-Corruption Commission came into existence on 30 August 1996 and amendments to the Anti-Corruption Commission Act 1988 came into full effect on 1 November 1996. Twenty-five complaints were registered between 30 August and 30 September 1996. Of these five were voluntary reports under section 16 of the Anti-Corruption Commission Act and 20 were mandatory reports by principal public officers under section 14 of the Act.
- (2) Between 1 October 1996 and 12 March 1997, 150 complaints were registered. Of these 51 were voluntary reports under s.16 of the Act and 99 were mandatory reports by principal public officers under s.14 of the Act. Many of the mandatory reports to the ACC by principal public officers, including those reported by the Commissioner of Police and the Ombudsman, were already under investigation when the reports were made.
- (3) The ACC does not sit to hear complaints. The Commission receives allegations in accordance with section 13 of the Anti-Corruption Commission Act and considers allegations in accordance with sections 17 and 18 of the Act. Presently the Anti-Corruption Commission, at least monthly, formally considers every allegation, the progress of all current matters and reports received. During the month commissioners consult with each other and staff on a continuing basis to advance the work of the commission. The formal monthly meetings are now taking about three working days.
- (4) The ACC cannot advise complainants how long it will take fully to consider their allegations. The time required varies depending on the complexity of the case and the quality of information received. Some complainants submit voluminous documentation in support of their allegations. Assessing this material can take a long time. In some cases, additional material arrives which can further extend the time taken to consider a matter. Similar conditions apply when the complainant warrants further action and that is taken.
- (5) The question cannot be answered as the Anti-Corruption Commission does not hear complaints like a tribunal. As to time generally, see (4) above.

## GOVERNMENT CONTRACTS - MANAGEMENT PROCESS

### *Contract Standards*

241. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Services:

In view of the Government's handling of the Elle Racing and Global Dance Foundation contracts, could the Minister for Services -

- (a) give this House a guarantee that the practice of contracting out will not reduce the quality of public funded goods and services;
- (b) outline what correct management processes will be put in place to ensure there is no further waste of taxpayers' money; and

- (c) outline how project management processes will guarantee that -
  - (i) stringent checks are carried out before awarding contracts;
  - (ii) day to day management of the contract is carried out; and
  - (iii) contract outcomes are met to standard?

Hon MAX EVANS replied:

- (a) The "buying wisely" policy affirms the Government's commitment to achieving sound contract outcomes. Through the policy chief executive officers are obliged to ensure high levels of customer service are sustained throughout the term of any contract. This includes having appropriate service standards, mechanisms to resolve problems and improvement processes.
- (b) There are a range of processes in place to ensure that sound outcomes are achieved from contracting, including:
  - \* risk management processes through the State Supply Commission to manage devolution arrangements with agencies
  - \* tender rules for public contracting
  - \* procurement planning to examine risks and outcome options in high value contracts (over \$1m)
  - \* monitoring of outcomes by the State Supply Commission.
- (c) (i) There are comprehensive checks and balances in place throughout the tender process, including:
  - \* checks by the State Supply Commission for purchases of over \$1m through procurement planning;
  - \* checks by the Department of Contract & Management Services through its State Tenders Committee to oversee proper process is being followed; and
  - \* by larger agencies through internal Tenders Committees.

The State Supply Commission is also preparing enhanced due diligence guidelines to assist agencies with checks on contractors.

  - (ii) The "buying wisely" strategy introduces active contract management processes across government.
  - (iii) Contract standards and outcomes are part of the procurement planning process and are integral to the due diligence, contract negotiation and contract management process.

#### ABORIGINAL ART - ROCK ART

##### *Western Australian Museum*

243. Hon TOM STEPHENS to the Minister for the Arts:

Further to the Minister's answer to question without notice 28 of 1997 relating to the rock art of Western Australia -

- (1) Has the work of the Western Australian Museum on the microclimates of rock paintings in the West Kimberley region led to any recommendations being put to the Government on strategies for the protection of this heritage?
- (2) If yes -
  - (a) what were those recommendations;
  - (b) to whom were the recommendations made; and
  - (c) what work has been done by the Government in implementing the recommendations?
- (3) What was the total cost in 1995/96 of the Western Australian Museum's work on the microclimates of Aboriginal rock paintings in the West Kimberley region?
- (4) Is the Museum doing any more research or other work in this area in 1996/97?
- (5) If not, why not?

Hon PETER FOSS replied:

A number of reports have been produced by staff of the Western Australian Museum, using external grant funds. These are:

- (1) Report 1: *Microclimate studies and development of site management programmes for conservation of rock art in West Kimberley Region of Western Australia*. Ian D. MacLeod, Philip Haydock and Bruce Ford, August 1991 pp1-89. Report to the Western Australian Heritage Committee.

Report 2: *Conservation research into the preservation of rock paintings in the West Kimberley Region of Western Australia: Wet Season Report*. Ian D. MacLeod, Philip Haydock and Bruce Ford, March 1994 pp1-143, Report to the Western Australian Heritage Council.

Report 3: *Research into the Conservation of Rock Paintings in the West Kimberley: Microclimate Data Analysis*. Ian D. MacLeod and Philip Haydock, May 1996, pp1-132, Report to AIATSIS.

The recommendations made in reports 1-3 are shortly to be presented to the traditional owners of the sites in the West Kimberley by Philip Haydock. After they have discussed the implications of the reports, it is envisaged that representations will be made either through the museum or through staff of the Aboriginal Affairs Department.

- (2) The details of the recommendations made in the reports are still subject to clearance from the relevant funding bodies and from the Aboriginal traditional owners but they include various strategies for minimising the impact of animals (native and stock) on the sites and ways in which controls can be exercised on managing access by visitors by road and by foot. Delays associated with the follow up of the recommendations based in the reports are largely due to the difficulties associated with the changing reporting structures within the communities and the work commitments of Philip Haydock who was the primary liaison person with the community elders. Mr Haydock is a private rock art conservator and the WA Museum is funding his trip to the Kimberley from the residue of funds associated with the grants which has been set aside for community consultation.
- (3) The total cost of the microclimate studies work done by the Museum is based on the time of Dr MacLeod in supervising the AIATSIS grant and working on the interpretation of the data by Mr Haydock who was employed under the grant.

Time for salary and on-costs of MacLeod	\$10 707	
Cost in kind of office space, computers etc	\$ 3 500	
Total Museum contribution		\$14 207

- (4) The current work programs of the Department of Materials Conservation is currently focused on the applied outcomes of its past research programs in terms of preparation of materials from the collections for public exhibition. It is anticipated that Dr MacLeod will write up sections of the work on microclimate modelling for publication during 1996/97 at an equivalent cost of two weeks full time work or \$2 723.
- (5) The amount of work being done in the area of conservation of rock paintings is limited owing to the fact that such work can only be carried out at the wish of the community representatives and that the resources of the Museum are currently being focused on public outcomes associated with the redevelopment programs across the State. Professional contact is maintained with key staff in the Aboriginal Affairs Department who would alert us to any specific problems and request our assistance in managing the same.

#### ENVIRONMENT - NATURE CONSERVATION STRATEGY

##### *Completion*

249. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Is the Minister for the Environment aware of a document called the Draft Nature Conservation Strategy for Western Australia which was released for public review in 1992?
- (2) Is the Minister also aware that her predecessor promised to complete it, but failed to do so?
- (3) Does the Minister intend to complete the Nature Conservation Strategy for WA?
- (4) If yes, when?
- (5) If not, why not?

Hon MAX EVANS replied:

The Minister for the Environment has provided the following answer:

- (1) Yes.

- (2) In response to question 598, my predecessor informed the Legislative Council on 20 August 1996:

The reason that the nature conservation strategy has not been completed is that in court action taken against the Government by non-government conservation organisations on some aspects of forest management, the question has arisen as to the legal duties created by policy documents of the Department of Conservation and Land Management such as the proposed nature conservation strategy. As this litigation has not yet been finally determined by the courts, I am unable to give a commitment on when the strategy will be completed.

- (3) Yes.  
 (4) No timetable has been finalised.  
 (5) See (2).

## COURTS - LOCATION

### *Consideration*

251. Hon TOM STEPHENS to the Attorney General:

- (1) At what stage are plans to re-locate or co-locate the Supreme and District Courts?  
 (2) What are the current sites being considered?  
 (3) Are all these sites within the Perth Central Business District?  
 (4) If not, what other sites are being considered?  
 (5) Do all the proposed sites allow for retention of the existing Supreme Court building and its continued exclusive use as a court?  
 (6) If not, for what will the existing Supreme Court building be used?  
 (7) Has the Government considered reducing the demand for court space and resources in the central business district by developing Supreme and District Court facilities in the northern and southern suburbs of Perth such as exist in other Australian cities and overseas?  
 (8) If not, why was this option not considered and what are the objections to it?

Hon PETER FOSS replied:

- (1) Consultants have been appointed to prepare the accommodation brief.  
 (2) Over 20 sites have been considered.  
 (3) The sites lie between the Causeway to the east and Kings Park to the west.  
 (4) None have been considered outside the above broad area.  
 (5) Yes.  
 (6) Not applicable.  
 (7) Studies indicate that by the time the proposed complex is fully utilized there will have been sufficient growth in the outer metropolitan areas to support larger court complexes in these areas.  
 (8) Refer (7) above.

## HEALTH - ACT

### *Local Government Services*

252. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) Will the Government introduce legislation to amend the *Health Act* to allow councils to be able to secure debts arising out of services provided by that local authority?  
 (2) If not, why, not?

Hon MAX EVANS replied:

- (1) The current Health Act is being reviewed by an Environmental Health Legislation Review Working Party, and a new Public Health Bill is being prepared. In this Bill provision will be made for local government to require financial security in relation to the payment of fees and charges. An amendment to the present Health Act, which took effect from 22 July 1996, enables local government to seek financial security in respect of meat inspection fees.
- (2) Not applicable.

#### LAND - SWAN LOCATION 7399

##### *Ownership of Part Lot 27047*

277. Hon GEORGE CASH to the Minister for Finance representing the Minister for Lands:

- (1) Who is the registered owner of Swan Location 7399, Part Lot 27047, Freedman Road, Menora?
- (2) What is the use to which this land is put?
- (3) What is the width of Part Lot 27407?

Hon MAX EVANS replied:

- (1) Swan Location 7399 being Part Reserve 27407, is set aside for the purpose of drainage and vested in the City of Stirling.
- (2) Drainage.
- (3) The width of the reserve is 4.02 metres at the Freedman Road end.

#### LAND - ALBANY FORESHORE

##### *Ownership*

295. Hon BOB THOMAS to the Minister for Finance representing the Minister for Lands:

I refer to the area of land between the Princess Royal Harbour foreshore and the Railway Reserve in the area commonly known as stage 2 of the Albany Foreshore Redevelopment and ask -

- (1) Who owns this land?
- (2) When did this organisation acquire this land and who did they acquire it from?
- (3) What is the approximate area and the boundaries of the land involved?
- (4) What was the sale price?
- (5) Was any of this land reclaimed land?
- (6) If so, who owned the reclaimed land?

Hon MAX EVANS replied:

- (1)-(2) The area referred to is crown land and comprises portions of -

Reserve 34218 vested in the Albany Port Authority for Harbour Purposes since 1976.  
Reserve 40635 vested in the Minister for Transport for Harbour Purposes since 1988.  
Reserve 11325 vested in the Minister for Railways for the purpose of Railway since 1908  
Reserve 36164 vested in the Town of Albany for the purpose of Park since 1981.  
Former road reserve.

- (3) The area is 6.4901 hectares, having an irregular shape with a length of approximately 650 metres and a width of 100 metres.
- (4) The land has not been sold.
- (5) Yes.
- (6) The Crown.

## HEALTH - ABORIGINES

*Women*

296. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

According to the Government Two Year Plan for Women 1996-1998, there is an indication on page 3 of the publication that \$5m has been allocated to close the gap between the health of Aboriginal and non-Aboriginal people and that such service will be contracted statewide through the Aboriginal Medical Service -

- (1) What part of that \$5m is for programs to be specifically targeted at women?
- (2) Will, and have, Aboriginal women be/been consulted on programs that they believe are necessary?
- (3) What emphasis in the funding allocation will concentrate on prevention?

Hon MAX EVANS replied:

- (1) Of the \$5m allocated for gap closing initiatives, approximately \$412 000 is spent on services specifically for Aboriginal women. These services include cervical cancer screening and education, maternal and infant health, and domestic violence.

Other programs not specifically identified as Aboriginal women's health programs have clinical, preventative and educational components that also contribute to the health and wellbeing of Aboriginal women.

- (2) Yes.
- (3) All of the programs purchased with these funds have a primarily preventative focus.

## WOMEN'S INTERESTS - ECONOMIC INDEPENDENCE

*Government's Proposal*

304. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

I note the Government's goal on page 4 of the Government Two Year Plan for Women is to increase women's economic independence by promoting flexible work practices in order to make it easier for women to balance work and family commitments. How does the Minister for Women's Interests propose to achieve this goal?

Hon MAX EVANS replied:

The promotion of flexible work practices to make it easier for women to balance work and family commitments is one of a number of the Government's goals to increase the responsiveness of government agencies to women. The actions of government agencies being undertaken between 1996 and 1998 are being monitored by the Women's Policy Development Office. The goal will be achieved through the actions of a range of government agencies to promote the widest possible distribution of information on flexible leave arrangements, assisting with family care arrangements, work arrangements and case studies such as the booklet *Work and Family Makes Cents*. A training program for labour relations practitioners and others focusing on practical ways in which an agency can adjust working arrangements to accommodate work and family matters will be developed. A database of work and family initiatives in Western Australian workplaces to provide best practice examples is in the process of being developed. Awards to recognise public, private and community sector organisations which demonstrate a commitment to family-friendly work practices will be introduced. The Graduate Scheme, a proven success in assisting women into industrial relations positions, is continuing.

## WOMEN'S INTERESTS - COMMITTEES AND BOARDS

*Representation*

305. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) What action has the Minister for Women's Interests taken to establish processes which ensure that composition of government decision making bodies (ie. boards and committees) is representative of its stakeholders?
- (2) How will the Minister ensure an increase in gender and diversity on government boards and committees?



Hon MAX EVANS replied:

- (1)
  - (i) The Women's Policy Development Office contributed to the Public Sector Management Office's publication *Getting on Board* which contains guidelines for the recruitment and induction of members of government boards and committees. This has just been released.
  - (ii) The Government Two Year Plan for Women released in November 1996, contains commitments by 15 government agencies relevant to improving women's participation in decision making.
- (2)
  - (i) Identifying suitable women and representatives of diverse interest groups for appointment to government boards and committees.
  - (ii) Assisting with the promotion of the Register of Interested Persons maintained by the Ministry of Premier and Cabinet.
  - (iii) Proactive work with government agencies through the Women's Policy Development Office.
  - (iv) Monitoring implementation of the Women and Decision Making commitments in the Government Two Year Plan for Women.
  - (v) Awareness raising activities with bodies which nominate representatives to government boards and committees regarding government policy about gender balance.
  - (vi) Cabinet scrutiny of recommendations for appointment.

#### HOSPITALS - HARVEY AND YARLOOP

##### *Cost Overrun*

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

Can the Minister for Health list which areas of hospital operation in the Harvey and Yarloop hospitals were cut back as a result of the 39 per cent cost over-run in administration costs?

Hon MAX EVANS replied:

No areas of hospital operations in the Harvey-Yarloop hospitals have been cut back as a result of any increase in administration costs.

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[The following tables relate to question 66.]

**CONSOLIDATED FUND**  
**CLAIMS AGAINST GLOBAL PROVISION FOR SALARY AND WAGE INCREASES**

AGENCY	Estimated Transfer 1996/97 \$'000
Aboriginal Affairs	241
Agriculture	485
Agriculture Protection Board	85
Art Gallery of Western Australia	96
Arts	45
Bush Fires Board	63
Chemistry Centre (WA)	142
Commerce and Trade	277
Commissioner for Equal Opportunity	42
Commissioner of Workplace Agreements	11
Country High School Hostels Authority	44
Disability Services Commission	1 380
Education	
- Teacher Aides	971
- Cleaners and Gardeners	1 240
- Other	2 751
Fair Trading	205
Fisheries	410
Gascoyne Development Commission	17
Goldfields-Esperance Development Commission	14
Great Southern Development Commission	14
Justice	725
Kimberley Development Commission	14
Kings Park Board	94
Law Reform Commission	16
Legal Aid Commission	106
Library Board of Western Australia	352
Local Government	63
Mid West Development Commission	14
Minerals and Energy	466
Office of Energy	143
Office of Multicultural Interests	12
Office of the Auditor General	210
Office of the Director of Public Prosecutions	180
Office of Water Regulation	3
Parliament	
Legislative Council	35
Legislative Assembly	34
Joint House Committee	74
Joint Library Committee	17
Joint Printing Committee	103

AGENCY	Estimated Transfer 1996/97 \$'000
Perth International Centre for Application of Solar Energy Perth Theatre Trust Pilbara Development Commission Recreation Camps and Reserves Board Registrar, Western Australian Industrial Relations Commission Resources Development Screen West Secondary Education Authority Small Business Development Corporation South West Development Commission Sport and Recreation State Supply Commission Transport Western Australian Department of Training - Other Western Australian Electoral Commission Western Australian Museum Western Australian Sports Centre Trust Western Australian State Emergency Service Western Australian Tourism Commission Wheatbelt Development Commission Zoological Gardens Board	12 117 18 5 12 167 5 70 45 69 114 48 680 14 351 41 234 60 84 226 14 55
<b>TOTAL</b>	27 621

**CONSOLIDATED FUND  
CLAIMS AGAINST GLOBAL PROVISION FOR SALARY AND WAGE INCREASES**

AGENCY	Actual Transfer 1995/96 \$'000
Agriculture	421
Agriculture Protection Board	75
Arts	16
Chemistry Centre (WA)	66
Commerce and Trade	48
Commissioner for Equal Opportunity	13
Conservation and Land Management	555
Education	
- School Based Staff	24 170
- Other	1 000
Environmental Protection	132
Fair Trading	63
Family and Children's Services	690
Gascoyne Development Commission	7
Goldfields-Esperance Development Commission	5
Health	13 101
Heritage Council of Western Australia	7
Kimberley Development Commission	6
Land Administration	54
Legal Aid Commission	53
Library Board of Western Australia	96
Mid West Development Commission	2
Minerals and Energy	435
Office of Racing, Gaming and Liquor	14
Office of Seniors' Interests	14

AGENCY	Actual Transfer 1995/96 \$'000
Office of the Auditor General	60
Office of the Information Commissioner	10
Parliament - Joint Library Committee	10
Peel Development Commission	7
Planning	83
Police	3 096
Premier and Cabinet	376
Productivity and Labour Relations	75
Secondary Education Authority	35
South West Development Commission	8
State Revenue	118
Swan River Trust	16
Transport	138
Valuer General's Office	113
Western Australian Electoral Commission	18
Western Australian Planning Commission	4
Western Australian Sports Centre Trust	16
Western Australian State Emergency Service	9
WorkSafe Western Australia	37
<b>TOTAL</b>	45 272

## QUESTIONS WITHOUT NOTICE

### GOVERNMENT - LEGISLATIVE PROGRAM

#### *Draft*

**164. Hon TOM STEPHENS to the Leader of the House:**

This question follows from the discussions we had in the urgency motion and refers to the leaked report to the *Sunday Times* newspaper about the existence of the Government's draft legislative program. I could not ascertain this information from the comments by the Leader of the House during the urgency debate: Is the Leader of the House prepared to table a draft legislative program so that the House will know its intention?

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

I said during the urgency debate that I am discussing this matter with my colleagues who also have an interest. I indicated to the Leader of the Opposition that I have some interest and enthusiasm for his proposition. I have looked at Senate arrangements. Adopting a similar process may have some merit. As Hon Peter Foss explained to the House in his contribution to the debate, it has not happened in this State. The collating of the legislative program has been ad hoc for many years. I remember when I was Parliamentary Secretary to the Cabinet in the former Court Government, problems always arose about knowing which legislation would or would not be ready. I suspect the same applied during the period of the last Labor Government. During the urgency debate I said to the Leader of the Opposition, and I will say again, I have some enthusiasm for the idea but I must think about it more thoroughly and discuss it further with my colleagues. I have raised the issue on a number of occasions. It will be considered. If the Government decides collectively that information should be made available to members, we will go down the path of the position in the Senate. I cannot give a guarantee, other than to say that I am working on the matter.

### LIQUOR - LICENSING COURT

#### *Supermarkets - Alcohol Sales*

**165. Hon TOM STEPHENS to the Minister for Racing and Gaming:**

I refer to the decision by the Liquor Licensing Court to uphold appeals by supermarkets on the restriction of alcohol sales.

- (1) Will the Government be introducing amendments to the Liquor Licensing Act to protect opportunities for the restriction of the flow of alcohol into communities?
- (2) If so, will health considerations of people in those communities be a determining factor in the amended Act?
- (3) Will some of the decision making power in relation to restriction of the sale of alcohol to communities reside with those communities?

**Hon MAX EVANS replied:**

- (1)-(3) I put out a press release on 1 December in respect of Derby. Amendments will be coming through based on the strong points made in response to the review of the Liquor Act which were contained in the annual report of the Minister for Health that I tabled in Parliament. As members know, the system works currently by the directors making a decision and then the matter going to court. We are strongly considering this.

Hon Tom Stephens: You must get on with it, Minister.

Hon MAX EVANS: We hope to table the legislation in the Parliament before the end of June.

### ROADS - FREMANTLE

#### *Eastern Bypass*

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

- (1) Has an origin destination model study been carried out for the planned Fremantle eastern bypass route?
- (2) If yes, how many of the following vehicles are predicted to use the roads -
  - (a) passenger vehicles,
  - (b) trucks,
  - (c) delivery vehicles?

- (3) Where will the traffic on the Fremantle eastern bypass be coming from and where will it be going to?
- (4) Will the bypass result in a shorter travel time between Perth's southern and northern suburbs and, if so, why?

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

I thank the member for some notice of this question.

- (1)-(4) To provide the member with an accurate reply would require a considerable amount of research and time and, therefore, given our current time frame, I am unable to respond. I ask that the member place the question on notice.

LEGAL AID - FUNDING

*Federal Agreements*

**167. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Has the Attorney General conferred with the federal Attorney General since Parliament last met to resolve Western Australia's legal aid crisis?
- (2) If so, when?
- (3) Is he aware of agreements entered into by other State Governments on legal aid funding?
- (4) Has he been made an offer in respect of legal aid funding by the federal Attorney General and, if so, what are the terms of that offer?

**Hon PETER FOSS replied:**

- (1) Yes, I have.
- (2) At the Standing Committee of Attorneys General.
- (3) Yes, I am as aware of these agreements as one can be. For some reason I cannot understand, the federal Attorney General has refused to advise us as to their content. It is interesting because he has also told us that every State will be dealt with on the same basis. I was particularly interested to find the fine detail of what is and what is not a commonwealth matter. As members will appreciate, the broad statement is easy enough. It is always easy to work out obvious commonwealth matters. As in the case of federal and state jurisdiction within the courts, the fine lines at the edge occupy 99 per cent of the argument. I am very concerned to ensure that, in the legal aid system, we do not get the sorts of sterile arguments we had in the courts over the division between federal and state jurisdiction. I have expressed that view strongly to the federal Attorney General. I do not want more and more of the legal aid dollars going to bureaucratic fine points rather than legal aid. Having talked to the other States, it is quite clear no agreement exists on what is or is not a commonwealth matter. They have entered into these agreements without at this stage knowing precisely how they will be applied. At best one could describe them as agreements in principle. We are continuing to deal with this in some depth with the Commonwealth. We are the first State which is seeking to clarify this, not only for the purpose of application after 1 July but also for the calculations that will lead to money being made available after 1 July. We see it as a very important issue, first, to avoid sterile arguments and, second, to ensure that the State receives an adequate allocation from the Commonwealth for commonwealth matters.
- (4) We have not been made an offer. I doubt that we will be made an offer until we have agreed in detail what is and what is not to be spent on commonwealth matters. Just to give some idea of the difficulties we have, the calculations to date with the Commonwealth have been made on what is called a cash basis. On the one hand, if we happen to spend a large amount of money on capital improvements in the year in question, then we get the full amount of the capital improvements included in expenditure on commonwealth matters. On the other hand, if we spent it the year before, we do not. That is a very random and probably unfair way of making the calculations. We sought to bring into account all the contributions by way of provision of capital assets as part of the overall cost of legal aid. We are starting to have some quite useful discussions on that point and it appears we are doing far better than any of the other States. The other States seem to have done it on a very superficial basis. I suspect that in the future they will have some problems or it may be that once we have laid the way, made the points and argued them out, they will be adopted for everybody else and that will be it. This State does not want to be put in the position of arguing this after 1 July. We want to get that argument out of the way now.

## LEGAL AID COMMISSION - ACCOUNTABILITY GUIDELINES

*Legislation***168. Hon N.D. GRIFFITHS to the Attorney General:**

I refer to a recent press report to the effect that the Attorney intends to introduce legislation to impose stricter accountability guidelines on the Legal Aid Commission. Has that legislation been drafted, what is its nature and when does the Attorney intend to introduce it?

**Hon PETER FOSS replied:**

All that has happened so far is that I have given instructions to the Crown Solicitor to draw up drafting instructions. I have given him the general nature of what I require, and I am continuing to deal with the people who are undertaking the review of the Legal Aid Commission to see whether we can fill in some of the practical detail. We are getting more detail as we go. I do not know when the legislation will be ready because I am waiting on the Crown Solicitor to give me those drafting instructions. I will not take a minute to Cabinet until such time as I have pretty explicit drafting instructions. I hope the drafting will be accorded reasonable priority and that the legislation will be introduced fairly soon, but because of the fact that work needs to be done prior to the legislation's going to Cabinet, I cannot give the particular dates. I hope we can bring it in prior to 1 July, but in case we cannot do that, I have arranged that, in the meantime, what was previously appropriated to the Legal Aid Commission is appropriated to the Ministry of Justice so that we will be able to enter into a purchaser-provider agreement with the Legal Aid Commission to achieve a result similar to that which we would achieve by the amendment to the legislation.

## LABOUR RELATIONS LEGISLATION AMENDMENT BILL - GUILLOTINE OR GAG

**169. Hon TOM STEPHENS to the Leader of the House:**

Will the Leader of the House give an undertaking that the Government will not use the gag or guillotine during the debate on the Labour Relations Legislation Amendment Bill; and in view of the will of the people as expressed in the recent election, which changed the situation in this place so that the Government will not have the numbers after 22 May, does he accept that it would be a violation of the processes of parliamentary democracy if he did use the gag or guillotine to ram this legislation through the Parliament before the Government lost its control of this place?

Hon Peter Foss: Will you give a guarantee not to filibuster?

Hon TOM STEPHENS: Of course. That is against standing orders.

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

The labour relations legislation is, as I said earlier today, part of the Government's election strategy and part of what we promised Western Australians would happen if we were elected in 1993 and again in 1996. There is no doubt that a large amount of the detail of the Bill is supported strongly by the vast majority of Western Australians. The Bill will come to this House as it would normally come to this House in the proper scheme of things. This House as it is now constituted is a legitimate House and it is quite entitled to make decisions about legislation, just as the House as it is constituted after 22 May will be a legitimate House which can make decisions about legislation. Members who suggest that this House is illegitimate should perhaps contemplate their reasons for being here. This legislation will come to this House in due course, when it completes its passage through the other House, as is the normal process, and will be debated fully and properly in this Chamber.

I do not have a general enthusiastic view about using guillotines or gags, because I do not believe that is appropriate, but one cannot always predict circumstances in the future. One cannot predict for how long some people will talk. I have noticed over the past few years that some people have a propensity to talk for long periods about -

Hon N.D. Griffiths: Like Hon Peter Foss! He cannot shut up!

Hon N.F. MOORE: I was not reflecting on either side of the House. Members in this Chamber are quite capable of speaking for long periods, and sometimes they repeat themselves, and they do it for the deliberate purpose of frustrating the progress of legislation in the Chamber. I do not wish to make any predictions about what will or will not happen during that debate. I hope it is a proper and sensible debate, that all the issues are canvassed in a positive way, and that it does not degenerate into some sort of filibuster or emotional time in this House. I think we are big enough and ugly enough to debate this legislation sensibly, and I guess it will take as much time as is necessary for the Bill to be either passed or rejected, whichever the House decides.



## PAYROLL TAX - RECEIPTS

**170. Hon JOHN HALDEN to the Minister for Finance:**

- (1) Are receipts of payroll tax above estimated levels for this time this year; if so, by how much in dollar and percentage terms?
- (2) Are receipts of departmental revenue above estimated levels for this time this year; if so, by how much in dollar and percentage terms?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) The information will be available when the Budget is delivered on Thursday.

## ROADS - FREMANTLE EASTERN BYPASS

*Origin Destination Model Study***171. Hon J.A. SCOTT to the Minister for Transport:**

I understand that the Minister for Transport has now found the answer to my previous question.

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

I apologise to the member and to the House. I had one answer in my file to a question from Hon Jim Scott, and it was about the same issue. However, the answer I gave him was not to the question he asked but to a question on a similar issue. If you will allow me, Mr President, I can now give an answer to the original question.

The PRESIDENT: Order! It seems to me that the Minister is now seeking to give the answer to the other question.

Hon E.J. CHARLTON: That is right, Mr President. I now have the answer to the earlier question that I asked be put on notice.

Hon John Halden: It sounds like you have an answer to the question he did not ask!

Hon E.J. CHARLTON: I do not have an answer to the question he did not ask.

Hon John Halden: I am pleased about that!

The PRESIDENT: Order! Let me understand what is happening. I take it that the Minister had no answer to the question that the member asked previously?

Hon E.J. CHARLTON: At that time, I did not have an answer, but I now have the answer to the original question asked by Hon Jim Scott. The answer that I gave to him was that I had no time to get the information, and I asked him to put the question on notice. That was the answer to a different question. The answer now, is -

- (1) Origin and destination information for traffic movements in the metropolitan area is contained within Main Roads Western Australia's traffic model.
- (2) The estimated total volume of traffic in 2021 is 40 000 vehicles per day, of which trucks and delivery vehicles will amount to 2 000 vehicles per day.
- (3) A variety of origins and destinations north and south of the by-pass, too numerous to mention.
- (4) Yes, because the route is shorter and more direct, and of a higher standard.

The PRESIDENT: Order! The way to approach this in the future is that the Minister should seek leave at the end of question time, particularly when he has directed that a question be put on notice, to do what he just did.

## ADOPTION LEGISLATION REVIEW COMMITTEE - REPRESENTATION

**172. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:**

Further to my question without notice No 7 of 19 March, will the Minister advise why there is no representation on the Adoption Legislative Review Committee from the following organisations: Adoption Jigsaw Inc, Association of Relinquishing Mothers WA Inc, and Adoptive Families Association of WA Inc?

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

I thank the member for some notice of this question. The members of the Adoption Legislative Review Committee were chosen on the basis of their professional skills. The consultative process allows for adoption interest groups and organisations to meet with the committee.

## LAND ADMINISTRATION BILL - PROCLAMATION

**173. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:**

- (1) What is the Minister's intention regarding the timetable for passage of the Land Administration Bill?
- (2) Can the Minister confirm his advice to the Pastoralists and Graziers Association of WA (Inc) in Broome last Thursday that the Act will not be proclaimed until 1998?
- (3) If not, when does the Minister intend to see the Act proclaimed after the passage of the Bill?
- (4) If so, why is that the case?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) I am confident that with the cooperation of the Opposition the Land Administration Bill will be passed this session. The second reading speech was made in this House two weeks ago.
- (2)-(4) Yes, I can confirm that the timetable did propose a proclamation date for the Bill of 1 July 1998. However, since returning from the Pastoralists and Graziers Association conference I have responded to the concerns raised in Broome by instructing the Department of Land Administration to bring forward the proposed proclamation date.

If the Bill is passed this session I have a high expectation of a proclamation date for the Bill in this calendar year.

## FAMILY COURT - CONSENT ORDERS

**174. Hon N.D. GRIFFITHS to the Attorney General:**

With respect to the invalidity of registrar consent orders of the Family Court of Western Australia and the proposed retrospective legislation -

- (1) Has the Attorney General conferred with the federal Attorney General on this matter?
- (2) Has the Attorney been advised when the federal retrospective legislation will be introduced?

**Hon PETER FOSS replied:**

- (1)-(2) We have been conferring continuously with both the federal Attorney General and the Solicitor General. In the most recent written communication the federal Attorney General advised of the Commonwealth's undertaking to introduce legislation on the same basis as the Western Australian legislation, and said he would be taking that legislation to Cabinet and seeking a high priority for it.

I am unable to inform the member beyond that until such time as the Federal Government advises me when its legislation will be introduced. However, I have the Attorney General's assurance that he believes Cabinet will have no difficulty in according the legislation a high priority.

## FAMILY COURT - REGISTRAR CONSENT ORDERS

**175. Hon N.D. GRIFFITHS to the Attorney General:**

Has the Attorney General spoken to the federal Attorney General on the invalidity of registrar consent orders in the Family Court and, if so, when?

**Hon PETER FOSS replied:**

I have. However, I cannot remember the particular date; it was in passing. We have had some direct and indirect telephone calls as well as written communication, and I cannot remember the particular dates.

RAILWAYS - *PROSPECTOR* SERVICE**176. Hon KIM CHANCE to the Minister for Transport:**

- (1) Has Westrail recently abandoned the facility of block booking for the *Prospector* service?
- (2) If so, does this policy prevent country schools from block booking for excursions?
- (3) Does this policy also apply to other Westrail passenger services and, if so, which services?
- (4) Has the Minister been made aware that the absence of block booking creates significant problems for school groups in that student supervision by school staff is more difficult if students are not in a distinct group and individual booking does not provide the same degree of certainty that seats will be available for both the outward and return journey as was the case with block booking?
- (5) If the Minister has been made aware of the difficulties that the policy has created will he direct that the policy be altered to accommodate the needs of country schools?

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

I thank the member for some notice of this question. I have been aware of this problem for many months and I am disappointed about it. The only reason for the problem is the increased bookings and patronage on the *Prospector*.

- (1)-(2) Westrail is not accepting group bookings in excess of 20 people on its *Prospector* services. The restriction currently applies to all group bookings in excess of 20 people.
- (3) No.
- (4)-(5) The Government is committed to providing a quality railway passenger service between Perth and Kalgoorlie. In the long term this commitment will result in the provision of a new train. In the short term Westrail is undertaking a \$2m program to overhaul existing railcars to improve their reliability and ensure that the train will provide a quality service until the new train comes into operation. That is being done now, and some trains have already received that upgrade.

The current *Prospector* rolling stock was introduced 25 years ago to provide scheduled services between Perth and Kalgoorlie. Over the years it has been possible for Westrail to accommodate special excursions by providing additional railcars. However, in recent years there has been a steady increase in the number of passengers using the regular *Prospector* services resulting in a greater demand being placed on available rolling stock. This demand, coupled with the demand created by the introduction of the AvonLink service between Perth and Northam, makes it difficult for Westrail to provide additional seating and special excursions especially during peak travelling times. Unfortunately, the availability of rolling stock is further reduced while railcars are out of service for the overhaul program and this adds to the difficulty in providing sufficient railcars to operate timetable services. In order to provide seats for individual passengers while at the same time providing seats for special groups it has been necessary to introduce a policy of allowing one group booking of no more than 20 people on each service. Group bookings are still available, but only one per service.

Although the overhaul program will continue until next year a review of rolling stock availability will be undertaken around July of this year and it may be possible at that time to relax the group booking restriction to accommodate larger school groups on midweek services. However, to be successful in obtaining group bookings schools may need to be flexible in their travel plans and to travel at times when the demand for seats on the train is less. In the meantime Westrail has introduced a system to assist groups. Westrail arranges alternative travel with a private sector road coach operator on the group's behalf when it is unable to accept bookings on the *Prospector* service. In future, when a school requests a booking for a particular day, rather than saying it cannot take the booking, Westrail will offer alternative travel times. However, if the school cannot be flexible Westrail will arrange for alternative road transport. It is an unacceptable situation and I am disappointed about it. We would love to have more schools travel on the *Prospector* particularly when they visit the LandCare centre at Tammin.

## TEACHERS - THREE LEVEL CAREER STRUCTURE

**177. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:**

What will be the additional costs associated with the new three level career structure for teachers which is to be implemented in the Education Department in 1997-98 and 1998-99?

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

I do not have an answer from the Minister for Education and I request the question be placed on notice.

**TAXIS - CAMERA SURVEILLANCE UNITS**

**178. Hon E.R.J. DERMER to the Minister for Transport:**

- (1) By what date does the Minister anticipate that the formal approval process for the supply and installation of camera surveillance units for taxis will be finalised?
- (2) By what date does the Minister anticipate that these units will be installed in all taxis?

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

I thank the member for some notice of this question.

- (1)-(2) The tender for supply and installation of camera surveillance units has closed and an industry evaluation panel has chosen a short listed tenderer. Testing of the short listed equipment is being undertaken. Subject to successful tests, the industry evaluation panel, which is made up of taxi industry representatives, will make a recommendation to the Department of Contract and Management Services' tender committee. The department is obligated to go through that process. Once the formal approval process is finalised the successful tenderer will be able to produce and fit the units. It is anticipated that a contract will be let within one month. Installation of the cameras in all taxis will be carried out as a priority. However, in view of the size of the taxi fleet this will take some time.

**HEALTH DEPARTMENT - LOTTERIES COMMISSION FUNDS**

**179. Hon JOHN HALDEN to the Minister representing the Minister for Health:**

How much money has the Lotteries Commission contributed to the Health Department's budget in 1994-95, 1995-96 and 1996-97?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. I am very pleased to announce that the Lotteries Commission gave \$58.74m in 1994-95; \$63.775m in 1995-96 and an estimated \$61.2m this year.

**SUSTAINABLE AGRICULTURE - LEGISLATION**

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

- (1) Has the Minister given instructions to Parliamentary Counsel for the drafting of new legislation which addresses the question of sustainable agriculture?
- (2) If so, will the Minister indicate when it is anticipated that the new legislation will be available for public comment?

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

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.

**TAFE - ADVANCED SKILLS LECTURERS**

**181. Hon J.A. COWDELL to the Leader of the House representing the Minister for Employment and Training:**

- (1) Is the Minister for Employment and Training aware of the inflexibility shown by TAFE in the appointment of 600 advanced skills lecturers?
- (2) Is the Minister aware that qualified applicants for these positions have been ruled out on the basis of, for example, failure to provide a certified copy of teaching qualifications, when the department already had such copies on file?

- (3) Is the Minister aware that such applicants are precluded from supplying the necessary documentation to be considered for the second round of advanced skills lecturer positions to be determined at a college level?
- (4) What is the justification for such bureaucratic intransigence?
- (5) Is the Minister prepared to take any action in this matter to improve the performance of the department?

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

- (1)-(3) No.
  - (4) I have been advised by the Western Australian Department of Training that in October 1996 applications were called for the positions of advanced skills lecturers (1) and (2). The advertisement required all applicants to meet certain criteria. The first two eligibility criteria were possession of teaching and vocational qualifications respectively. In order to demonstrate that they met those criteria, applicants were required to attach certified copies of those qualifications. Applicants had 15 days to prepare their applications. Approximately 1 400 applications were received. Approximately 110 of these were excluded because applicants failed to demonstrate that they met the qualification criteria by failing to attach certified copies of qualifications or not having the qualifications. A further number of applications were ineligible because they were late or for other reasons. The same applications were used for the first and second part of the selection process. All stages of the selection process for ASL (1) and (2) have been agreed with the Australian Education Union, which represents TAFE lecturers industrially. The selection process is subject to the public sector standards in human resources management, and any applicant may request an independent review of the process for a possible breach of the public sector standards, when the process has been completed. For the above reasons, I am unable to agree that the advanced skills lecturer selection process involves bureaucratic intransigence. There are specific requirements that must be met in all job selection processes.
  - (5) Pursuant to subsection 105(1) of the Public Sector Management Act 1994, I will not communicate with the department on the selection or appointment of lecturers to the classification of advanced skills lecturer (1) or (2).
-