



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Thursday, 19 September 1996

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2:30 pm, and read prayers.

PETITION - MURPHYL FARM

Hon B.K. Donaldson presented a petition signed by 4 persons praying for relief for Murphyl Farm.

[See paper No 621.]

JOINT STANDING COMMITTEE ON THE COMMISSION ON GOVERNMENT

Response to the Commission on Government's First Report Recommendations, Tabling

Hon Barry House reported that he had been directed to present the synopsis of the response of Joint Standing Committee on the Commission on Government to the recommendations in the Commission on Government's first report, and on his motion it was resolved -

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

[See paper No 622.]

MOTION - SELECT COMMITTEE ON FISHERIES DEPARTMENT, APPOINTMENT

HON KIM CHANCE (Agricultural) [2.36 pm]: I move -

That a Select Committee be appointed -

- (1) to inquire into and report on the Fisheries Department's management and handling of the northern demersal trap and line fisheries;
- (2) the committee to have power to send for persons, papers and records;
- (3) the proceedings of the committee during the hearing of the evidence to be open to accredited members of the news media and the public; and
- (4) the committee to report by Tuesday October 22 1996.

On 4 September members of the Opposition raised a number of issues which were relevant to the Fisheries Department's handling of its responsibilities in the broader sense. They ranged from the manner in which its own staff were dealt with through to issues of broader significance including the management of fisheries under the various management and interim management plans. The Minister responded on Tuesday this week by tabling a document in the Legislative Assembly and by causing a similar document to be tabled in the Legislative Council on the same day. The information that was contained in those tabled papers did nothing to resolve the issues that were raised on 4 September. The tabled papers simply stated the same unsubstantiated assurance that everything was okay. The tabled papers gave nothing of substance which could allow people to make a rational judgment on the problems that had been expressed by fisheries participants throughout Western Australia. Certainly there was no serious attempt in the Minister's statement to answer the specific issues which had been raised by the Opposition on 4 September.

The Opposition has chosen to move this motion which addresses only a narrow spectrum of its concerns for a particular reason and members are entitled to a frank explanation of why the Opposition has proposed this form of action. We raised eight, perhaps 10, different issues on 4 September, and we have chosen only one of those issues as the proposed subject of a select committee of this House.

In specifying that one issue as the subject of the proposed select committee, the Opposition has sought to limit the scope of the inquiry to allow a short, sharp investigation, permitting an early report to the House. That is reflected in the proposed reporting date of Tuesday, 22 October. One of the reasons the Opposition has chosen this, is that the subject stands on its own merits as one that should be investigated. The Opposition accepts the reality that time will not allow a full scale inquiry into all the matters raised in the debate on 4 September. Although it acknowledges that with some regret, the Opposition must accept the reality that even if the House supported an inquiry into all those matters, there is no way it could deal, before the life of this Parliament expires, with a range of issues so broad and complex and with such a long history. The Opposition has chosen one issue, not only because it can be resolved in

a relatively short time span and has the shortest and least complex history, but also because it stands on its own merits as an issue of vital importance.

I urge members to support the motion. Any person who reads the Minister's tabled paper, in response to the matters raised by the Opposition on 4 September, will not fail to recognise that the Minister's response is not a serious attempt to answer the questions put to him. This is a purely arguable case. The Minister has simply provided a forum for the Fisheries Department to regurgitate the same lines it has been feeding anybody who asked questions about the management of these issues in the past.

Hon Graham Edwards: It is just a bit of burley.

Hon KIM CHANCE: Exactly. I refer members to an interview on Peter Kennedy's radio program last Thursday but not in the context to which it has been referred in the past. I refer to a comment made by Mr Brett McCallum, the executive officer of the Western Australian Fishing Industry Council. Mr McCallum was broadly supportive of the Minister's actions and I accept the reasons for that. It is also very clear from reading the transcript of the interview that Mr McCallum expected some resolution of these longstanding issues as a result of the Minister's response. Of course, at that stage the Minister's report had not been tabled. It is clear that Mr McCallum expected some of the internal reports to which reference had been made to be tabled along with the Minister's response. In neither case did that occur. If the Fisheries Department or the Minister had reason to be satisfied with the state of inquiry of one or all of the cases, this provided an opportunity for the Minister to give the reason. That opportunity was not taken.

Hon E.J. Charlton: With respect, the Minister for Fisheries was in India all last week and he returned the night before the report was presented. There is still an opportunity for him to respond to some of the other accusations.

Hon John Halden: The authors of that report had all the time in the world.

Hon KIM CHANCE: I welcome the comment by the Minister for Transport and, on behalf of the Opposition, I assure the Minister that we will welcome any further statements on the matters raised on 4 September. The Leader of the Opposition made a valid point by interjection. An acknowledgment is made to that effect in the first line of the tabled paper. Fisheries has control of the facts and it provided the response. If there is a deficiency it lies with the authors of the report, accepting always that the Minister takes full responsibility for a paper he tables.

In my view, as a result of what has happened and in consideration of the fact that the issue has been left open for the Minister to make a further statement, other than for the northern demersal fishery, the only way that the key, and sometimes sensitive, issues raised in this matter can be settled is by an inquiry of the nature proposed in this motion.

Hon E.J. Charlton: What about the working party's report?

Hon KIM CHANCE: I will get to the specific details in a moment. The motion calls for an inquiry into the northern demersal trap and line fisheries. It is not an old issue. It has a short history and dates back only to 1995, although I acknowledge that it has a considerably longer history in the commonwealth-state negotiations leading to the offshore constitutional settlement.

I have previously raised the issue of Mr Steven Reilly, an aspiring participant in the line operation of that fishery. Mr Reilly has now been kept out of the fishery for 12 months and has been unable to earn that portion of his income that he used to make from the fishery. His boat is out of the water. He has been denied that right for no other reason than the choice of access criteria to the fishery, which were essentially made by the Fisheries Department on grounds which seem to an outside observer to be purely arbitrary in their nature. Indeed, they seemed to be deliberately constructed to exclude him. The way in which the interim arrangements for this fishery in its line and trap facets have been handled, can be described only as bizarre.

I referred earlier to the longer history of this fishery which relates to what happened before the offshore constitutional settlement when the agreement between the Commonwealth and the State was concluded in 1995. In 1989 Mr Kevin Austin, a fisherman in that fishery, relied on fisheries paper No 21, published in 1989, when he purchased a licence to engage in that fishery for \$200 000. He relied on the statements in that paper to the extent that it provided some security for him to proceed with the investment with some confidence. It was indicated in paper No 21 that a new fishery which overlaid an existing fishery of the same species could not be proclaimed. It provided some safeguards against the introduction of new participants and, thereby, increased efforts in the fishery. The capacity for these arrangements to be made between the Commonwealth and the State are clearly identified in division 3 of the Fish Resources Management Act 1994. In 1992 the then Minister, Gordon Hill, acted with respect to the existing state fishery in part of that area and recognised the need to reduce effort in that fishery.

In fact, he acted to reduce the number of licences in the state fishery by some 15 licences. At that stage, Mr Kevin Austin became aware, as did others in the fishery, I presume, that numerous commonwealth licensed boats were to

be allowed into the fishery. New concern arose at that stage that the sustainability of the fishery may well be at risk as a result of that increase in boats.

The Fisheries Department has two fundamental priorities: First, to ensure the sustainability of the resources in any fishery, and that is by means of managing fishing efforts; second, to ensure that the framework within the management process allows participants in the fishery to make sound business decisions. That was not the case in the arrangement which led to the finalisation of the offshore constitutional settlement in 1995, which certainly was out of step with the clear indication of what should happen in paper 21 of 1989.

At that stage, the fishermen in the area tried to access information on negotiations which occurred between the Commonwealth and State which led to the 1995 arrangement. They made application under freedom of information, presumably commonwealth, legislation, but found that their application was refused by the Australian Fisheries Management Authority on the ground that the release of that information could be detrimental to the interests of the Commonwealth and the State. One is left to wonder how that could possibly be detrimental to those jurisdictions. However, the end result is that participants in the industry are still in the dark about how the present number of commonwealth boats were given access to that fishery. It is an unresolved matter of some seriousness. It is not a matter the Opposition has raised specifically until this stage - it has touched on it - but it is where the problems begin.

The Minister said that the Government wanted to encourage live fish exports. However, when Mr Austin raised that matter with the fisheries officer responsible, he was told the industry would have no live export until further research was carried out. Although it sounds like a reasonable proposition, I wonder how reasonable it really is. We want to reflect a commitment to the premium end of market. Hon John Halden pointed out the differences between the current value of certain species of fish exported dead and their value when exported live. The commitment to the export of live fish will not necessarily add to the total effort drawing from the fishery, but it will move some lower value fish into a higher value market.

It concerned me that a fisheries officer said that a lottery system may be needed for licences, considering the sustainability of the fishery. Again, that is not necessarily an outrageous proposition as it falls squarely within the responsibility of the Fisheries Department. We must recognise that once a plan is gazetted, later information may force us, in the interest of sustainability, to reduce the fishing effort. However, it looks strange when we consider what happened in the commonwealth-state negotiations which led to an increase, not a decrease, in the number of boats operating in the fishery. Why increase the number of boats operating, and then advise that it may be necessary to conduct ballots with licences because of fishery sustainability concerns?

Hon John Halden: Remember, the State paid for one person to get out of the fishery as they were letting more people in.

Hon KIM CHANCE: Exactly. The fisheries officer gave that fisherman the impression that a determination was to be made to exclude trap fishery access to inshore waters inside the 30 metre isobath. Let me explain the technicality of that. Hon John Halden explained the huge area of the zone. The technicality is that without an inshore fishery, one can virtually say goodbye to any hope of developing a live export industry. Fishing for live export beyond the 30 metre isobath is practically impossible. As one lifts the fish from the bottom of the ocean, the floatation bag blows the fish dead. They cannot survive. They must be lifted very slowly in order to maintain the physical structure of their floatation bag. However, in water of that depth, after spending many minutes raising the trap, one may find it empty. The live export industry relies on access to relatively shallow water.

Appeals were made to the Fisheries Department on the basis of access criteria. I understand that two separate appeals were lodged by the Kimberley trap fishermen, and the appeals were rejected on the ground that the criteria about which they objected had already been changed. Those two appeals have so far been rendered useless because of these changes, yet the money which accompanied the appeals has not been refunded.

We move now to a very serious issue which has been discussed in some depth; namely, the manner in which the Fisheries Department as an organisation has attempted to influence the outcome and recommendations of the working group, which can also be called a ministerial advisory committee. In his response to the question we raised regarding the alteration of the minutes of the working group, the Minister responded - these are not his exact words - that it was little more than an incorrect transcription which needed correction. Nevertheless, anybody who looks at the documentation relating to that issue will agree that some real doubts can be cast on that hypothesis. It occurred to me while looking at the documentation that an alteration was a deliberate act to a determined end; that is, to manipulate the outcome of the recommendations of the working group.

Hon John Halden: Not to allow for live fish exports.

Hon KIM CHANCE: Quite. After an internal investigation, changes were implemented to the procedures concerning the relationship between the executive officer and the advisory committee.

The 30 metre isobath fishing exclusion from inshore water proposal is definitely not supported by the Kimberley trap fishermen's association, one of the key clients of the fishery. It is also not accepted by the commonwealth line fishermen. Nevertheless, despite two key participants in the industry having a definite view about the use of inshore waters, the fisheries officer is still strongly recommending that there be a ban on the use of traps in the inshore fishery. I make it clear that if a ban is placed on traps in the inshore fishery, it will kill the live industry. There may be a scientific reason for having a ban on the inshore fishery, but that has not been amply demonstrated, at least as far as I am concerned. The other difficulty for participants in the fishery is that continual changes have been made to the criteria of both the interim plan and the management plan of the fisheries.

I turn now to a matter that was raised by Hon John Halden relating to a request by the Minister for Fisheries to amend draft minutes of the fourth working group meeting on that fishery. A question was asked by Hon John Halden on 28 August 1996. Part (4) of that question asked -

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

The answer to that was, "No." The response by the Minister is not quite in line with the way that question was asked. It was said that the fisheries officer told the working group that the Minister had a preference that the criteria be altered so that a particular fisherman could have entry to the fishery. Fishermen in the area believe further that incorrect information was given to the working group in order to achieve that end. It is not something about which I will say a party is right or wrong, but it is something that requires inquiry.

On the question of the working group construction, people who are concerned with the industry have argued that there is an imbalance on the working group; that there is insufficient representation of those who are most affected. We must look at what is the function of a working group, otherwise known as a ministerial advisory committee. It is simply to make recommendations to the Minister on how he may determine that the rules within a fishery can be structured to allow its most effective and sustainable use. It is important that the client group - the fishermen who will make their living out of that industry - have an effective say in that.

The guidelines for ministerial advisory committees make it clear why that should be so. In this case the difficulty was that the members of the working group in Broome did not receive the guidelines set down by the Minister until more than six months after the first working group meeting. It was only when they finally received the guidelines that they realised the client group should have had more than 50 per cent of the total number on the working group. In fact, all it had was two out of seven. Page 11 of the guidelines under the heading "Membership" states that for most of the ministerial advisory committees, the number of members proposed by the client group will be more than half the total number. It then lists three reasons that should be so. The key reason is probably (b) -

The client group will be the most affected when decisions are made, and they have confidence in the process . . .

I do not have time to go through it in detail. When fishermen in the area became aware of that and asked why they had not been told about it earlier and what they could do to put it right, they were told that it was simply too late to fix up the matter. That raises the question in my mind and in the mind of any reasonable person looking at those facts: Why were they denied access to the guidelines? Why were they not properly informed at the time the ministerial advisory committee was formed? Was there a deliberate attempt to influence the outcome of the recommendations of the working group right from the beginning?

The Minister in his response referred to the process being transparent because every stage of the working group's meeting was signed off - that is, signed off by a limited number of people who were part of that working group. However, the guidelines indicate that it is essential to involve the client group, the fishermen, in the lead-up to the release of the final recommendations. Page 10 of the guidelines states -

The MACs need to develop a system of reporting to its client group which maximises the open nature of the MAC deliberations.

That is a sound recommendation, but one in this case that was not followed because the members of the MAC were told that their discussions were to be confidential. How can there be consultation with an industry if one is not allowed to speak to the industry participants? It points to an error at the very least in procedure.

I undertook to speak for a limited time and I have already exceeded that. I ask members to consider what has been raised and what will be raised by Hon John Halden. This matter can and should be made the subject of investigation by this House in the interests of ensuring that fair play has indeed occurred.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [3.07 pm]: I draw the attention of the House to the statement of the Minister for Fisheries that was tabled in this place by Hon Eric Charlton. I do that by highlighting the necessity of an investigation in the Fisheries Department. Hon Kim Chance referred to why the Opposition decided to make this a narrow request to the House, believing that it can be done in the time prior to this House being prorogued for the next election. This is an important issue. When I go through the response that was given to this House I hope people will understand the necessity for an inquiry into this department.

The response is nothing but superficial. It is the same old line the Fisheries Department has put out for the best part of a decade on some issues. The document refers to issues to do with Aussie Lobsters Pty Ltd. It states that during the Labor Party's term in office it transferred a rock lobster processing licence from Anchorage Investment Pty Ltd, which it had moved from a site in Hamilton Hill to a site in Green Head, owned by Aussie Lobsters. It states further that the legality was challenged in the Supreme Court and Aussie Lobsters now operates out of Hamilton Hill and uses Green Head as a receipt depot.

I refer members to my earlier comments. It was not just Aussie Lobsters that was sued in this matter, but also the Fisheries Department. It must be remembered exactly what the judge said about the then chief executive officer of the Fisheries Department. That is, he was incompetent and inofficious from the outset of these proceedings; and that although the department had issued and granted a licence and in spite of the fact that a processing business worth at least \$1m had been established and had become fully operational, it could not exist because it did not have a licence to exist. The chief executive officer did not go through the proper processes. He did say, in rejecting the matter, that he knew the appropriate processes because he had been advised of them by the Crown Law Department, but he did not follow them. He then got a proper form, the subject of this matter, and did not act on it; he buried it. That is sheer incompetence, as the judge said. The statement refers to my comments. It states that I had said that 96.8 per cent of Aussie Lobsters' purchases of lobster could be kept alive. That compares with the industry standard of between 35 per cent and 38 per cent. The statement went on to say that the survival rate in comparable industries is between 90 per cent and 99 per cent. That is a very interesting fact that has been presented. Of the 90 per cent to 99 per cent that can be kept alive, the state exports only between 35 per cent and 38 per cent. Why would that happen when live lobster can command premium prices? Why would Australian companies become so benevolent that they would be prepared to export when they will get 100 per cent less for the price of the lobster than their international competitors? Obviously it has been determined that good economics in the fishing industry is to go for the lowest price!

Hon E.J. Charlton: How do they get them there?

Hon JOHN HALDEN: The lobster go by air.

Hon E.J. Charlton: If they can.

Hon JOHN HALDEN: Yes, if the cartels do not interfere.

Hon E.J. Charlton: Or?

Hon Kim Chance: Or if the lobster cannot be kept alive for very long.

Hon JOHN HALDEN: Exactly. I am glad we have reached that point. We might expect that the figure of 90 per cent to 99 per cent would have been clarified. Questions must be asked about those figures. What was the holding period, as the Minister has just said? What quantity of lobster was held, and by whom? I hope the Minister will act upon this question: Can the Fisheries Department produce the rock lobster processing return records to show the volume that resulted from the lobster being exported, bearing in mind that significant price differentials are involved? There is a significant price differential between live and dead crayfish. We are saying that we want the cheaper end; that is good enough for us.

Hon E.J. Charlton: You must also know that many people who try to export them get them back a couple of days later after they had been half way around the world because they have sat at airports for too long.

Hon JOHN HALDEN: That has happened to Aussie Lobsters.

Hon E.J. Charlton: Don't take it for granted.

Hon JOHN HALDEN: It is all very well for the Minister to say that. How come New Zealand can export 80 per cent to 85 per cent of its live catch?

Hon E.J. Charlton: And its vegetables, and its fruit, and its dairy products.

Hon JOHN HALDEN: How can it do that when we cannot?

Hon E.J. Charlton: It has to do with airport facilities.

Hon JOHN HALDEN: Is that a failing of our market?

Hon E.J. Charlton: Yes.

Hon JOHN HALDEN: The statement goes on to say that Australia should not swamp the market. The Fisheries Department of Western Australia will protect the international market from being swamped! What a lot of nonsense, and everyone knows it is. We cannot even control the export of crayfish of any other State, let alone all of the other countries that expect to export it. This report is the most arrant nonsense I have ever read. Anyone who puts his or her name to this piece of rubbish would not have the slightest clue about economics or markets. That the signatory was an officer of the Fisheries Department exemplifies why there should be concerns.

There is research data on this matter. It suggests that for the off-season market to be affected significantly, the total pool of lobster going on the market each month would need to be increased by between 300 000 to 500 000 kilograms. Can we do that from Western Australia alone? Of course we cannot. This report is nonsense from beginning to end, and the Fisheries Department knows that.

This document questions why Aussie Lobsters Pty Ltd has not transferred its licence for its facility at Hamilton Hill to one at Green Head. From the point of view of the Fisheries Department it is a very smart point, because it looks reasonable on the surface. I want to know from the department, or the Government, or the Minister what will happen to the plant at Hamilton Hill? It is an investment worth \$1.5m but has no licence.

Point of Order

Hon E.J. CHARLTON: I did not want to curtail this debate about Aussie Lobsters. However, I thought we were debating a motion about a select committee concerning the northern demersal fishery.

The PRESIDENT: Order! That is what we are dealing with, is it not? What is the point of order?

Hon E.J. CHARLTON: It is that Aussie Lobsters has nothing to do with the northern demersal fishery.

The PRESIDENT: Order! That has nothing to do with the argument the member is submitting. It seems to me that the member is submitting justification for an inquiry into a department. I do not think that is a point of order.

Debate Resumed

Hon JOHN HALDEN: Mr President, I am pleased that you have protected me in this way.

The PRESIDENT: Order! I am not protecting you; I was telling members the position.

Hon JOHN HALDEN: This exemplifies why we need an inquiry into the Fisheries Department. What will we do with a company that will invest \$1.5m in a facility at Hamilton Hill when the Fisheries Department says blithely, "Just get a transfer; just move \$1.5m worth of equipment to Green Head; you can do that; it is so simple; you can just lose \$1.5m; you can pay for the cost of transferring the equipment at God knows what amount of money; you can also lose your suppliers and contractors. What does it matter? The Fisheries Department is in the business of running this fishery"? What arrant nonsense this is.

Another matter of great concern to me is that the company supposedly has not applied for a transfer for those very reasons. The company did apply for a new licence for the facility at Green Head. Why did it do that? In August 1995 Aussie Lobsters -

Hon E.J. Charlton: If you are to talk about Green Head, tell us the whole history of it and stop your inference that this has just happened.

Hon JOHN HALDEN: I ask the Minister to let me get on with this. There is no inference about that point at all; I am saying that in August 1995 Aussie Lobsters - its lawyer, its management and one of its owners - was called to a meeting in the Fisheries Department with Mr Gould, Mr Millington and Mr Thorn, where it was invited to make an application for a new licence. I can obtain the statutory declarations about that. Seven months later that licence was refused. It is simply bizarre. Of course there were grounds for a new licence. Although there are only 19 licences, a licence can be issued in exemplary circumstances.

Hon E.J. Charlton: What were they?

Hon JOHN HALDEN: The circumstances are basically that the Fisheries Department is incompetent.

Hon E.J. Charlton: Why didn't they go and buy one?

Hon JOHN HALDEN: That would cost another \$1m; the Minister is as bad as those at the Fisheries Department! This is bizarre.

Hon E.J. Charlton: When did they build it? The member will not answer that.

Hon JOHN HALDEN: I will answer it in my time.

Hon E.J. Charlton: Tell the other half of the story.

Hon JOHN HALDEN: Does the Minister want to have my time extended? If he does, I will tell him.

The PRESIDENT: Order! The Minister will have an opportunity to respond to and refute the arguments.

Hon JOHN HALDEN: Let us look at the issues to which the Fisheries Department did not respond in any way. Why did the Fisheries Department take four years to resolve the issue of alleged foreign ownership of Aussie Lobsters? That did not get a mention. Why did the Fisheries Department give a licence to Aussie Lobsters when this matter had not been resolved, against the law if that was the case? Having given Aussie Lobsters a licence, believing the company could be foreign owned - that is what the department keeps saying - but knowing that because it had the documentation that it was not, why did the department write to the Minister in 1995 and allege exactly the same things again? There is no answer to that sort of nonsense.

Hon E.J. Charlton: Perhaps there might be.

Hon JOHN HALDEN: Perhaps there is, and I hope the Minister will tell us because it will be the first piece of information of any reliability we have got out of this bunch for a long time.

Hon E.J. Charlton: We could not get it out of you when you were in government.

Hon JOHN HALDEN: Why, without an application form, did the Fisheries Department transfer the licence - bought by somebody and accepted by the Supreme Court as belonging to somebody - from Aussie Lobsters back to Lombardo? How does the Minister explain that nonsense? Why is that not in the report? Why do we not have an explanation of that sort of administrative voodooism? It is no more than that.

I also raised a number of issues relating to what I call restrictive trade practices, which have been launched by competitors against Aussie Lobsters. They are very serious allegations. Is there one mention of that in this report or that the matters have been looked at? Did it consider the issue of barring access to jetties and trying to restrict the sale of fuel?

Hon E.J. Charlton: This report is in answer to your accusations in this place.

Hon JOHN HALDEN: That is right, and this is what it did not answer.

Hon E.J. Charlton: You did not mention them.

Hon JOHN HALDEN: Of course I did. I referred to the speech previously and that is why I said I would not make it again. Why was the beach price artificially increased in 1994-95? Why were attempts made to interfere with Aussie Lobsters' purchases in Japan and the United States? Why were officers of the Fisheries Department using intimidatory tactics against the staff of Aussie Lobsters?

I tabled in this place a statutory declaration from an Aussie Lobsters employee who was told that he would be charged with possession of marijuana. The department did not want him; it just wanted Aussie Lobsters. Was there an investigation of that event? No. What we put up with from this department is absolute nonsense. If members think I am annoyed about this department, they are right. If they think I am annoyed about this superficial piece of rubbish, they are right again.

I will now deal with the northern demersal fishery. Given that Hon Kim Chance mentioned this issue, I will not go into any great depth, but I will refer to it in relation to this report. The first part of the report is basically background and I have no objection to it. Mr Kevin Austin organised a buyer from Hong Kong to be in Broome to talk to the Fisheries Department about live fish exports. I concede that the visit was organised at short notice. We are talking about a man who would purchase a huge amount of Western Australian fish, take it offshore and deliver it to Hong Kong, increasing the price of the catch. Mr Austin rang the department wanting to speak to the officer in charge in Broome and to make an appointment. I accept that the officer had commitments. That appointment was not made. Mr Austin said that he would be available for the rest of the day, because the gentleman from Hong Kong would catch a later flight. The flight was at 10.30 pm and the fisheries officer had commitments all that day. Here was potential to increase our product sales internationally by millions of dollars, and the officer was a little committed. I understand that he had two appointments that day - that is what his secretary said. Again, the Fisheries Department

had its priorities wrong. The comment made to me in relation to the Minister's statement about that issue is a lie. I do not direct that comment at the Minister, but at the authors of the statement.

The report further states that the Government recognises opportunities for increasing live seafood exports. Of course we all do. We were told that the Fisheries Department officer was not in favour of live fish exports, but we see accidentally in the minutes a little zone increase around Broome from 30 km either side to the 30 metre isobar and from the 30 metre isobar to the Kimberley coast - absolutely chopping out the potential for live fish exports. One could say that that was accidental; I will cop that. However, why at a subsequent meeting did the same officer, presumably with the same views, then add an item to the minutes that was not discussed at the meeting relating to live fish - again to end the industry? The minutes were altered on a third occasion. This report contains reference to only one alteration, and it is so glib that I do not know what it means. Of course, the minutes were amended by the next meeting because they knew it had never happened. We cannot possibly allow the department to get away with that sort of activity.

Let us go on. We are told this in this statement - and again it is quite bizarre that criterion for assessment were thoroughly considered by the Minister prior to adoption. I do not know what that means; I guess the computer chopped something out. If it means that the Fisheries Department is carefully considering all the criteria in relation to the management of a fishery, why, when it called for line licences for this fishery, did it open up the potential for 1 500 to 1 600 licences? In fact, it then granted 150 to 160 licences, and one week later, because of this enormous blowout in the number of granted licences, it had to withdraw the lot. Is that the sort of management we have here - where we carefully consider the management criteria? It was opened up to every licensed boat in the State. We then had 150 licences for a fishery, which quite clearly would destroy it within months or a year if it lasted that long. Given the bungling that had gone on, the department had to withdraw the lot. Is this good management?

Hon E.J. Charlton: This was not a Western Australian controlled fishery.

Hon JOHN HALDEN: It was when this happened.

Hon E.J. Charlton: Yes, but it was not before this.

Hon JOHN HALDEN: That has nothing to do with it. I am talking about what is happening now under the management of Western Australian Fisheries Department, not anyone else.

Fishermen in the area again wanted to lodge an appeal in relation to criteria. I have letters showing that they were advised by an officer of the Fisheries Department to pay \$300 and lodge an appeal as an organisation. They were then told that they did not meet the criteria as a group, but that they could apply as individuals. They then paid \$210 and were told by the same officer that they could not appeal as individuals because again they did not meet the criteria. That money still has not been repaid. This is the management style of the Fisheries Department. I heard the Minister say on the radio today that this a \$1b a year industry in Western Australia. This is nonsense.

An inquiry was undertaken into the activities of this officer by the Public Service Commission. Although we do not know the terms of the inquiry, and that is appropriate - I am simply putting that on the record - the findings were that her decision making organisation and the transparency of the processes in regard to her handling of this issue had to be changed. We talk about transparency all the time and Hon Kim Chance referred to it.

Let us look at the lack of transparency and the fact that the client group - the most significant group - did not have a majority of members. Let us look at the stupidity of having a representative consultative group that is bound by confidentiality. What a nonsense! Let us look at the fact that minutes were altered. This again calls into question the department's management of the fishery. It cannot adhere to its own guidelines and cannot provide its own MAC members with the guidelines within six months. There is only one thing to say about that: Knowledge is power and when one does not have the knowledge, someone else has the power. That is exactly what has happened. I want to refer to both the report and the *Silvery Wave*.

[Resolved, that debate be continued.]

Hon JOHN HALDEN: The Minister, in his response, said that the matter had been thoroughly investigated and that the Solicitor General's advice was that further action could not be taken. I suggest that is an inadequate response for two reasons. It is doubtful whether the investigation was completed; therefore, it is doubtful whether the Solicitor General was provided with sufficient evidence to enable him to make a determination other than the one he made. What is clear is that the condition of entry into the fishery was established in a letter in 1984, and it was legal and enforceable. Those conditions meant that any change in the proprietorship of a vessel could result in the forfeiture of the endorsement. The fishery licences remain strictly non-transferable. It is acknowledged that there has been a change in the proprietorship of the *Silvery Wave*. This change took place during the time that the 1984 conditions

were effected. No action was taken by the Fisheries Department following its inquiries and it appears that a de facto transfer took place contrary to the intent of the conditions applying to that fishery.

The issue is about transparency. The Government should tell the public exactly how that situation occurred. It should be put on the public record and then the public will know whether the Fisheries Department inquiry was thorough, exhaustive and complete. That is what the Opposition wanted out of the ministerial statement delivered the other day. The Minister in this House is right: We should not blame the Minister in the other place, because he did not write the statement, although he is responsible for it. The first line of the statement reads, "The following information is based on advice provided by the Fisheries Department." It is incumbent upon the department to clarify these matters.

The Minister, in dismissing these events as something that should be left alone, has not given any substantive reason to explain why an apparent breach of the conditions was overlooked and the situation remains unresolved. We are simply expected to accept what has been done. People do not do that anymore. Just because the Government, big brother or Auntie Martha say this is the way it must be, it does not work like that and neither should it.

The proposal now is to use public funds to buy out the licensees who hold the rights in Comet Bay. If this matter remains unresolved the question which must be asked is: Can public funds be distributed to someone who has no rights to those funds? Who is the fisherman? Is it the licensee or the person who owns the boat? Is public money to be paid out to buy out somebody who should not be in the fishery? What a joke! It is as bad as the northern demersal fishery, where an attempt is being made to reduce the number of boats. I recall that an offer was made to buy somebody out for \$200 000 and then commonwealth boats were allowed into the fishery.

Hon Kim Chance: It also means it is not an old issue. It is an issue which must be resolved in the event of further compensation payments.

Hon JOHN HALDEN: Of course, that is right. To whom does the Government pay the compensation? Is it Mr Boocock, who has already sold the vessel, or Blue King Holdings, which has bought the asset and is operating it? In other words, is it to be the asset holder or the licensee -

Hon E.J. Charlton: That will be a legal issue.

Hon Kim Chance: It must be resolved.

Hon JOHN HALDEN: Exactly. The issue should be resolved in terms of the management criteria established by the Fisheries Department. I will not get into the nonsense of Labor or Liberal.

Hon E.J. Charlton: It started in your time.

Hon JOHN HALDEN: Of course it started when the Opposition was in government and it should have been resolved then. It was not and it should be resolved now. It is an issue about the incompetence of the Fisheries Department in managing a very small fishery of three boats with an annual turnover of approximately \$120 000. To be honest, the Fisheries Department cannot even manage that! What does the Government expect from these people? Surely it is better than what they are delivering?

I turn now to the Windy Harbour-Augusta fishery. The Minister's response on this issue follows the standard Fisheries line that 30 fishermen were endorsed to work the fishery prior to 1987 when the managed fishery was first established and it was reduced to 10 under the management plan. That response does not tell the whole story. There may well have been 30 fishermen who were endorsed to fish, but only a fraction of that number were actually fishing. It is telling only part of the story to say that following 1987 the number was reduced to 10. In fact, under the appeals procedure this number was increased to 13, adding to the effort an additional 298 pots. Knowing that the fishery needs to be managed, under the appeals procedure the number of fishermen was increased to 13, and the number of pots was also increased.

It is my understanding that the three person appeal committee included Messrs Rogers and Millington from the Fisheries Department. There is no way the Fisheries Department can divorce itself from the fact that upholding the appeal processes, in spite of what was known, added to the increased pressure on that fishery.

Hon E.J. Charlton: With respect, upholding an appeal is not directly related to the number of fish in the sea. It is related to the capacity of the people who have a valid case to appeal.

Hon JOHN HALDEN: The Minister is correct. If, for example, the Minister's job was to manage a fishery which he knew was under pressure he would have to ensure that the management plan was all encompassing so that an appeal would not be successful. In this instance, the people who prepared the management plan sat on the appeal

board. The situation should have been that the three additional licences - if they had come in - were in place, but there were still only 10 boats. In that case an appeal would not be successful. It was mismanagement.

Hon E.J. Charlton: It would be most unjust to take that attitude.

Hon JOHN HALDEN: How unjust is it now? It is down to two boats. It would be better to have managed this properly in the first place so that 10, eight, or whatever number of boats could have survived. We have now reached the point where there are only two boats.

Hon E.J. Charlton: The current decision was based on the amount of fish; that decision was based on the criterion of having the ability to fish. They are two totally different issues.

Hon Kim Chance: You are right, but they are two issues which contribute to the same problem.

Hon JOHN HALDEN: The issue is about those two criteria, but over-arching all of that is the issue of how to manage a fishery. It was not managed properly. The process which should have been followed to ensure that the fishery was properly managed was to have limited the number of boats -

Hon E.J. Charlton: The decision has been made now. It should have been made years ago. In the past there were political reasons not to make proper decisions about the management of the fishery.

Hon JOHN HALDEN: I will not get involved in that argument. We could go down that path and I could encourage it. However, I have deliberately not done that because it would not lead to a useful debate. The issue is still about the management of the fishery.

Hon B.K. Donaldson: Did anyone look at a sustainable catch level before they started fishing? You will understand that sometimes one believes there is a sustainable catch, but after the actual effort goes into it one does not have the luxury of the stocks because they have reduced at a greater rate than expected.

Hon JOHN HALDEN: The member is correct. I come back to the point I am making about the management of the fishery. Firstly, we must ascertain what will be the effect of the exploitation on the fishery and, secondly, we must adjust what we are doing according to that research.

Hon B.K. Donaldson: We must also take into consideration the length of time it took to make those decisions.

Hon JOHN HALDEN: Absolutely.

Hon E.J. Charlton: You do not agree with the latest decision either!

Hon JOHN HALDEN: The latest decision was probably inevitable. However, I do not agree with what has happened to those people down there.

Hon Kim Chance: The fishermen said in 1994 that it was urgent that changes be made. Nothing happened.

Hon E.J. Charlton: They wanted a decision to allow them to fish somewhere else.

Hon JOHN HALDEN: There seem to be differences of opinion about how the decision to amalgamate that fishery with the sea zone was made, what sort of consultation was involved and who represented whom. I am told that in 1995 there was a coastal tour and at that time there was a change of heart about the amalgamation. It is understood that a small group, if not one person, was responsible for advocating that that should not happen.

Hon Kim Chance: The Minister has confirmed it was a few individuals.

Hon JOHN HALDEN: Yes. However, the process of consulting on the totality of that fishery is not evident.

Hon Kim Chance: It raises the point of why a few individuals have so much power.

Hon JOHN HALDEN: Absolutely. It raises the question in relation to Aussie Lobsters of what was the influence of certain individuals on the economic viability of other individuals.

These are serious matters. I do not want to underplay them. I have put them on the public record and I do not want an answer like the one I have been given. I do not want to hear the same old lines from the Fisheries Department that I have heard before. If I am wrong, I am wrong and I will cop that. However, there is nothing in the document whatsoever to in any way suggest that my comments, allegations, accusations - call them what one likes - should be dispensed with because there is no substance whatsoever to this document. I could have written it. I could have got the press releases and ministerial statements that have been made before, put them together on the computer and I would have had this document. That is about all of the substance it has. It is not good enough for a department that manages a \$1b industry to be accountable to the Parliament in this way. This motion asks the House to look at how

the Fisheries Department has behaved. Let us investigate its administrative style, its decision making processes, and its consultation with the community in a narrow area, not in an extensive, complicated fishery. From that we will be able to see if appropriate standards are being adhered to. The inquiry may well decide that they are appropriate. If not, this select committee will be able to make serious recommendations about the operations of the Fisheries Department.

Yesterday Hon Kim Chance and I met with seven representatives of fishing groups. I have never had such a consistent line put by people going through my office as I did yesterday in relation to this matter. All of them wanted to complain about the Fisheries Department, and many of them complained about an individual in the Fisheries Department and that individual's behaviour when dealing with the community. All of these people have made significant financial commitments and at the end of day, the State has the potential to benefit enormously from these people's efforts. We deserve a Fisheries Department that behaves in an appropriate way. It is incumbent upon this House to allow the very narrow inquiry that we have suggested to proceed. Without that, the Parliament will not be upholding its end in directing the operations of government agencies. I hope the motion will be supported.

Debate adjourned, on motion by Hon E.J. Charlton (Minister for Transport).

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

STATEMENT - BY HON J.A. SCOTT

Griffin Venture Incident Report

HON J.A. SCOTT (South Metropolitan) [4.33 pm] - by leave: On 20 August Hon Norman Moore tabled a paper entitled "Parliamentary Questions on *Griffin Venture* Incidents By The Hon Jim Scott, MLC" which deals with allegations that I made regarding the Department of Minerals and Energy in a cover up of the *Griffin Venture* incident. The first paragraph of that report states -

The Hon Jim Scott has alleged that the "Department of Minerals and Energy (DME) assisted BHP to deliberately cover-up their breaches of the Act (Petroleum (Submerged Lands) Act) associated with the incident on the BHP Petroleum Floating Production Storage Offloading (FPSO) vessel *Griffin Venture*, on May 1994" (Hansard page 3406 paragraph 3). On page 3409 paragraph 6 the Hon Member also alleged that the "DME pretended that it carried out an investigation prior to the time it actually carried it out to get BHP off the hook for not bothering to inform anyone of the incident".

The final paragraph of that tabled report states -

You should be aware that preparation of this response has required some 15 man-days of work which could have been much more productively utilised improving the safety performance of the Western Australian petroleum resource industry. However, the effort is justified to defend the integrity and fine reputation of this Department.

That document is full of flaws, factual errors and wrong conclusions.

Hon Peter Foss: You didn't write it did you?

Hon J.A. SCOTT: I will go through this document and the allegations which are defended. The report states -

The Hon Member implied that the DME falsely claimed that they planned to attend the *Griffin Venture* on Monday, 13 February 1995 but had to delay it due to a tropical low pressure system affecting the area. He suggested that DME could not have arranged a flight to Dampier during working hours on 13 February as the last flight left Perth and 6.20 am.

That is not exactly what I said. I said that they falsely claimed that they planned to go to the *Griffin Venture* to carry out an investigation into the incident. That is a different issue. I also said that I knew the DME had planned to carry out an audit, and eventually did so between 20 and 22 March. That date is particularly important, because 13 February was the day before the federal Minister was notified of this incident by a source other than BHP Petroleum Pty Ltd - the department's report should have referred to BHP Petroleum rather than BHP. The importance of that date is tied to the fact that the Petroleum (Submerged Lands) Act makes it an offence for any person to supply information that is false to an inquiry set up by the joint authority. The penalty for that offence is six months in prison, so it is regarded as very serious to give wrong information. That does not cover information gathered in other ways. If incorrect information were given to the department prior to the date of the federal inquiry it would not be regarded as such a serious offence. The whistleblower in the *Griffin Venture* incident went through the internal channels of BHP Petroleum. He reported to every tier of management, and not one of those people

reported to their superiors. His report was always closed off at that point. He had to go right to the managing directors of the company. It was not the habit of the Dampier manager to inform the company or any other person. This information was tabled in the federal Parliament in a report entitled "Report of Joint State/Federal Investigation into Alleged Unsafe Acts Aboard B.H.P.P. F.P.S.O. *Griffin Venture* on 29 May 1994", which states -

On Friday, 10 February 1995, the BHP Petroleum (BHPP) Dampier Manager presented the DME *Griffin Venture* Safety Case Manager with a copy of the "Report on tank operations on the *Griffin Venture*". This was the first notification that the DME had received regarding the incident. The report was an independent review into the allegations made by Mr Visscher.

It is not stated in the report that had it not been for Mr Visscher's continuing his campaign in the company the report and investigation would never have been made. It continues -

Concerns with some of the issues raised in this report prompted the DME, on 13 February 1995, to acknowledge its receipt and advise BHP Petroleum Dampier Operations that it would be assessing the report and conducting an investigation into the matter.

When an investigation is to be carried out into a matter such as this it is a requirement that the joint authority be notified. I understand from documents I have that the authority did not receive any such notification. The report continues -

The DME's *Griffin Venture* Safety Case Manager visited the *Griffin Venture* from 20 February to 22 February 1995.

I should point out a number of aspects. First, this sudden notification by BHPP occurred a few days before the federal Minister was notified and a short time before the inquiry was set up. The notification from the Department of Minerals and Energy on 13 February to BHPP stated that it would conduct an investigation. That was downgraded as time passed, first to a preliminary inquiry and then to an informal inquiry. It is said that an investigation would be carried out on 13 February, one day before the federal Minister was notified. That was eight months after the incident occurred and the report from BHPP to the DME was a draft report which had been available for four months. The other unusual aspect of this information given to the DME is that it was hand delivered. Of course, mail that is hand delivered does not go through the usual recording procedures. There is no indication of the date on which it was received by the DME officer from the Dampier manager. That was very convenient in this case.

Mr Visscher, who first raised this problem, made a number of allegations about this incident. He said he could substantiate that BHP Petroleum did not provide the Western Australian Department of Minerals and Energy with a copy of the second report until March 1995.

Point of Order

Hon DERRICK TOMLINSON: Leave was granted to the honourable member to make a statement. I suggest he is debating the issue. Will you, Mr Deputy President, please rule on whether debating the issue is pertinent to making a statement?

The DEPUTY PRESIDENT (Hon Barry House): When making a statement a member should not introduce any debatable material. I ask the member to bear that in mind.

Statement Resumed

Hon J.A. SCOTT: I was not debating any issue that had been debated in the past. I am simply referring to a statement that has been tabled. This tabled report states -

On Friday 10 February 1995, David Hallett (Occupational Health and Safety Assessor with the Western Australian Department of Minerals and Energy, Petroleum Operations Division, Safety and Environment Branch) received a draft copy of the "Report On Tank Operations On The *Griffin Venture*". The report was handed over by Mr Duncan Nuttall BHP Manager Dampier Operations. Mr Brian Kegg (Acting Manager, Safety and Environment Branch) witnessed handover of the report.

On Monday 13 February a letter confirming the delivery of the report and notice of intention to review was sent to Mr Nuttall. Arrangements have been made for David Hallett and Don Burgess (Risk Analyst/WADME) to visit the *Griffin Venture* on Monday 13 February 1995.

It was decided that they would be sent to Dampier to commence preliminary investigations. The report states -

The visit was cancelled due to a tropical low pressure system affecting the area.

The statement tabled by the Minister on 20 August contained the following -

The Hon Member implied that the DME falsely claimed that they planned to attend the *Griffin Venture* on Monday, 13 February.

It continues -

On 7 February 1996, approval was given for Messrs Hallett and Burgess to visit the *Griffin Venture* for the period 13-15 February 1995. The flights had been booked earlier than 13 February 1995 because the DME officers had planned to attend the *Griffin Venture* to conduct an audit and provide recently joined DME officer Don Burgess with a familiarisation of the *Griffin Venture* so as to assist his review of BHPP's *Griffin Venture* Safety Case and to follow up previously identified shortcomings in the methods used to assess the safety risks.

The flight was cancelled and, as I pointed out in my earlier speech, it was due to leave Perth at 6.20 am. On Monday, presumably during working hours, with the knowledge that the flight had been cancelled and the two officers could not travel to Dampier, BHPP was notified that the two DME officers would be arriving to carry out an investigation into this incident. That is highly unlikely. How could they have travelled when the flight had been cancelled because of bad weather? There is no way such an arrangement could have been made. These two officers who were supposed to carry out the investigation had not even read the report. If the matter was serious enough to warrant an investigation, they should have read the report and been briefed. There was another problem. The key witnesses to this whole matter - the master and second mate of the vessel - were not on board. How could an investigation be carried out without first reading the report and without access to the key witnesses? It is highly unlikely and unbelievable.

It is stated in the report that the incident was not reportable, and yet it was decided instantly to investigate it. That is very strange. I repeat that the officers were to be sent on a flight that had been cancelled, to talk to people who had nothing to do with the incident and who were not key players. The officers eventually visited the site between 20 and 22 August to conduct an audit.

Hon P.R. Lightfoot: Was that in 1994?

Hon J.A. SCOTT: No, 1995. The incident happened in 1994, and it is rather odd that it took eight months for this to happen. It is part of the many coincidences running throughout this whole issue. They were to carry this out without any of Visscher's corroborating evidence at that point. That is not the only problem with this matter as it is highly unlikely that taking that evidence was ever conceived.

As I pointed out previously in this place, I had a briefing by the department. I said to the officers, "If you carried out the investigation of this incident, no doubt you would have taken notes." They were looking at a very serious issue as it was alleged that the vessel was almost blown to pieces and that a whole lot of a highly irregular practices were occurring on the vessel. These officers said it was very informal inquiry and that they did not take notes. The document tabled by Hon Norman Moore answers that question as follows -

The Hon Member was invited by the Minister to visit and be briefed by the department. At the briefing of 10 May the Hon Member was informed that Dave Hallett and Don Burgess had attended the *Griffin Venture* on 20 - 22 February 1995 as part of a routine audit but also to carry out a preliminary inquiry of the 29 May 1994 *Griffin Venture* issue. The Hon Member was also informed that the senior officer Dave Hallett had subsequently left the Department.

I am not sure that I was told he had left. I am not disagreeing - I may or may not have been informed of that. It continues -

In response to further questions by the Hon Member, the officers at the briefing stated that they did not have any relevant notes from 20 - 22 February visit to the *Griffin Venture*. Don Burgess did not take notes during the 20 - 22 February 1995 preliminary enquiry because he was only present during part of Dave Hallett's discussion with the Field Superintendent.

Members should remember that point. The document continues -

Dave Hallett's subsequent report, containing the recommendation that an investigation be made, was on file elsewhere.

It does not say where it was on file. Continuing -

Detailed field notes from Hallett were probably contained on his lap-top computer and are not recoverable.

The DEPUTY PRESIDENT (Hon Barry House): Order! This is an unusual situation in that personal explanations may not cover debatable material. I understand that an arrangement has been made whereby the member has time

made available on this topic by this mechanism. Perhaps it should have been done another way. That is what is happening and why the member is being given a little latitude.

Hon J.A. SCOTT: I thank you, Mr Deputy President, for allowing me some leeway. This is a very important issue, as the authority in this State which investigates dangerous incidents offshore, which could result in the loss of lives of many people and the destruction of our coastline, is not doing its job in properly. In fact, it is helping in preventing the truth coming out on these incidents which sometimes occur.

The officer who investigated this very serious incident did not supply his notes to the department. They are not recoverable, as they are on his laptop somewhere else. However, they are not his property as they belong to the department and should have been sent to the federal-state inquiry.

Hon Mark Nevill: He must have been fishing - it sounds fishy to me.

Hon J.A. SCOTT: Hon N.F. Moore's document further reads -

During the investigation the DME investigating officers visited the *Griffin Venture* and interviewed the following four people:

It lists the the second mate; the master of the *Griffin Venture*; the manager of Dampier's operation; and the production and engineering superintendent. The response continues -

The Hon Member interpreted the answer to mean that DME officers interviewed four people on board the *Griffin Venture* on 20-22 February 1996.

I do not know what else it could possibly mean. We have an explanation in the response, as follows -

The answer was correct. Officers did visit the *Griffin Venture* and officers did interview the four BHP personnel mentioned, but they did not do so on the *Griffin Venture* on 20 - 22 February 1995. In hindsight a clearer reply would have said:

The investigation was in several phases. A preliminary enquiry occurred at the time of the deferred visit to the *Griffin Venture* on 20 - 22 February 1995, at which time discussions were held with the Field Superintendent on board. This preliminary enquiry determined that an investigation was required.

Two issues arise from that. The field superintendent was not mentioned in the answer given to me, so how was I to know that they interviewed him instead of the four people to whom I referred earlier? I thought I understood English vaguely, but there is no way I can jump from one area to another like that. It is total and utter nonsense. This preliminary inquiry determined that an investigation was required. However, this field superintendent was one of the people who tried to suppress Visscher's call for an inquiry into this matter. He told a lot of untrue stories to the joint inquiry. Visscher supplied me with lots of documentation that shows that is the case. This fellow spoke to the preliminary inquiry. It turned out to be a very casual inquiry. They did not take notes and they let Mr Hallett leave the department and take his notes with him, probably on his laptop. This superintendent tried to say all along that nothing was wrong. The report states further -

A joint Commonwealth/State investigation commenced on 14 March, 1995.

In the visit to the *Griffin Venture* the preliminary inquiry determined that an investigation was required. If they decided that an investigation was required, even though this originally started out as an investigation but had been dropped to a preliminary investigation, surely they would have notified the joint authorities that they were carrying out an investigation, because under the Petroleum (Submerged Lands) Act they must inform them. I have been waiting on a paper from the Federal Parliament from Senator Collins, who instigated the inquiry. He disagrees with Mr Hallett's comment that Hallett determined that an investigation was required. Senator Collins acted in response to a question from Senator Dee Margetts. I have the speeches in that debate. That is another untruth by the DME.

Hon Mark Nevill: Did she survive her trip to the Ranger uranium mine the other day?

Hon J.A. SCOTT: I have not spoken to her about that. The next important matter involves the purge pipes. The reference is to a page of *Hansard*. The report states -

On page 3407 the Hon Member alleges that the response from the Minister of Mines, to the Hon Member's initial set of questions without notice on 17 October, 1995 was false.

The first part of the 17 October 1995 question was:

During the various inquiries was the DME made aware by BHPP (or its constituents) of the configuration of the temporary purge pipes set up for the gas freeing operation?

The answer was:

Yes.

Details of the portable purge pipes used onboard the *Griffin Venture* for gas freeing operations were contained in BHPP's report dated September 1994, received by the Department on 10 February 1995. Therefore the Department was informed by BHPP of the configuration of the temporary purge pipes. Note also that the BHPP Freight Manifest dated 5 May 1994 specified the elements of the portable purge pipes transferred to the *Griffin Venture* and indicated that sleeves (called spacers) were provided.

When I asked for that report and the department's reply to BHPP, it refused to supply it and quoted part of the Petroleum (Submerged Lands) Act. However, my inquiries indicate that that part of the Act was not intended to deal with safety matters but with the commercial confidentiality of exploration companies. It was misleading for the department to say so. The interesting thing about the information provided by BHPP to the Department of Minerals and Energy was that it said, as Visscher always said, that those pipes were joined by only tape. At no stage did it say that the pipes had inserts; in fact, quite the contrary. I will table a copy of that section if I am given leave by the House.

The PRESIDENT: Order! Talking about leave of the House, I take it that the member is making a personal explanation under Standing Order No 85?

Hon J.A. SCOTT: That is correct, Mr President.

The PRESIDENT: The member is not giving me the impression that he is making a personal explanation at all.

Hon J.A. SCOTT: The report that was tabled in this House on 20 August basically said that I had wasted the department's time. It said the department lost 15 man-days of work in preparing the report and that there was nothing in the matters I raised. I am pointing out that the explanations given in the report are incorrect and contain factual errors. It was important that I raised those matters and it is important that I point out once again that the statements in this new report tabled by the Minister are matters that reflect badly on me. They say that no problem existed within the department when in fact it did. I raised those allegations only because it is a serious matter and a matter of life and death to many people.

The PRESIDENT: All those things may be correct and the member may be right. However, a personal explanation is not the procedure he should be using. He should have moved a motion to give him an opportunity to speak on that matter. The member is debating that document. A personal explanation certainly does not extend to the member the opportunity to debate the content of the document.

Hon J.A. SCOTT: Although I do not disagree with your interpretation in any way, Mr President, the process by which I raise this issue was agreed to by both sides of the House so as to cause the least amount of inconvenience and to enable it to be set at a particular time for me to raise it. I was going to raise it through the suspension of standing orders, but after negotiations I agreed to do it this way.

The PRESIDENT: Let me tell the member this, with all due respect: I was not aware that the House had made any decision to give the member the authority to do that. The House should have given the member permission to suspend standing orders in order to do it. As honourable members know, I have been at a meeting and was not in here. However, I do not have any paper in front of me that suggests a motion of the House has been passed to give the member the authority to breach the standing orders. Standing Order No 85 states clearly that a personal explanation cannot contain any debate. No member of this House has the authority to give the member permission to do that. Even I cannot give him permission to do it.

Hon J.A. SCOTT: Can I address the statements that allege I have made incorrect allegations?

The PRESIDENT: Order! The personal explanation should take the form of the member standing up and saying that a report was tabled stating that the member had wasted the time of whoever drew up the matter, and that member disagrees with it. The member should then sit down. That is the personal explanation. To go into the detail of its contents is debating the document. Standing Order No 85 specifically precludes members from doing that.

Point of Order

Hon MAX EVANS: Is it possible to suspend standing orders to enable Hon Jim Scott to make this statement? Unbeknown to me, some arrangement was made that he could speak on the subject. The Deputy President who was in the Chair before you, Mr President, made comments similar to those that you have made, but allowed the member

to proceed. Is there some way we can get around this by perhaps suspending standing orders to enable the member to make such a statement?

The PRESIDENT: Order! I am at a complete disadvantage because I was not here and I am not quite sure what the Deputy President did. However, he does not have the authority to give any member permission to breach the standing orders. If the member is now trying to tell me that every member in the House agrees with what he is doing, he should simply have arranged to have the standing orders suspended, which would have allowed him unlimited time in which to debate a document. I presume it gives every other member an opportunity to join in the debate. It is a very messy arrangement, to say the least. I cannot understand why the member did not get permission to suspend standing orders for the purpose of debating that document here and now so that he could get it out of the way. He is getting an opportunity that no other member has. He is debating something that no other member can counter.

Hon Mark Nevill: That might be the purpose of it.

The PRESIDENT: It probably is. However, the Minister for the Environment might want to say a couple of words on this. Whether he does or does not, it does not matter; it does not alter the situation. I am in a bit of a quandary because I do not know for how long the member has been speaking.

Hon Mark Nevill: Not very long.

Hon Peter Foss: It seems an awfully long time to me.

The PRESIDENT: Order! Is that a point of order?

Hon JOHN HALDEN: I have just come into the Chamber, and I understand the problem. Mr President, are you suggesting that we resolve this matter by an appropriate mechanism, rather than by the one that is being used at the moment?

The PRESIDENT: Order! I think this is inappropriate and it is causing an unprecedented precedent.

Hon Mark Nevill: We will miss you after this sitting, Mr President; we will be in a mess.

Hon JOHN HALDEN: With your concurrence, Mr President, I propose to move to suspend standing orders to allow the member to comment on the document. That would bring this matter into the realm of something more appropriate than the mechanism currently being used. I hope all members agree with that.

Standing Orders Suspension

On motion by Hon John Halden (Leader of the Opposition), by leave, resolved with an absolute majority -

That standing orders be suspended so far as to enable Hon Jim Scott to complete his remarks about the report.

Statement Resumed

Hon J.A. SCOTT: I thank members and I will endeavour to keep my speech to within the time that has been agreed. I refer to the statements about the portable purge pipes on the *Griffin Venture*. It is a particularly important issue because the joint state inquiry found that, while gas freeing may have been occurring, there was no source of ignition. The people who assembled the portable purge pipes, who knew how they were put together, were never interviewed by the departmental officers. It seems very strange to me that not one of the people who assembled the portable purge pipes - the area with the potential to cause a spark that would result in the vessel exploding, and a critical issue - was even interviewed. In fact, I understand the only views mentioned were those of the company which was asked how the pipes were put together. Of course, it did not quite tell the truth. In reply to more of my allegations the report states -

The Hon Member appears not to be satisfied with Dr Barrell's investigation and claims that Dr Barrell was not properly briefed on the matter as he was not provided with all of Mr Tim Visscher's documents.

Dr Barrell and the Commonwealth Department of Primary Industries and Energy met with Mr Visscher early in the Barrell Enquiry (19 April 1996). At that time Mr Visscher was supplied with a list of 54 documents that had been provided to Dr Barrell. On the third last day of Dr Barrell's investigation (25 May 1996) Mr Visscher contacted DPIE with a list of 339 documents he thought Dr Barrell should also review. The list included many documents relating to Mr Visscher's leave, his CV and correspondence with State and Commonwealth Departments and Members of Parliament, receipts and newspaper articles. Dr Tony Barrell studied the list of additional documents and decided that it was unnecessary to review them.

That is simply not true. I have a number of statements from Mr Visscher and some very strong proof. When Mr Visscher read this document, he faxed me straightaway, in part, saying -

The part on Barrell is a lie. I have a tape and transcript of our meeting and Holland was there as well. No list was given to me at the meeting. I phoned and then faxed the Fed. Dept. over the next several weeks about their Doc. list. It took me 5 weeks to get it. I in turn replied by return.

The department did not want Dr Barrell to have this additional information that Mr Visscher had. Mr Visscher had statutory declarations from the crew members who put the purge pipes together and who said there were no internal sleeves which would have prevented the spark from occurring, which would have blown this vessel to smithereens. That is an absolute disgrace. It does not sound as though anyone is trying to get to the truth of this matter; it sounds more like someone is trying to prevent people from getting into trouble. Mr Visscher's statement continues -

Dr Tony Barrell's Review of Management of Safety and Offshore Operations at BHP Petroleum clearly states -

The report (from the joint federal/state Inquiry Into Alleged Unsafe Acts. On Board The Floating Production Storage And Offloading Vessel *Griffin Venture*) is balanced and objective, and I could detect no evidence to support any suggestion of a "coverup".

The reality is that Dr Barrell did not have the documents and he did not have the terms of reference to enable them to look at that earlier incident. He was not asked to look at whether there was an incident that would have caused an explosion at the time; he was asked to look at the culture in the offshore operations of the company. There are many mistakes throughout this document - I have not documented all of them today - and there are many errors of fact. The document states - and it has been said many times - that no reportable incident occurred on the vessel. It states that even though there might have been gas freeing, there was not going to be a spark. I have already outlined that situation.

Hon P.R. Lightfoot interjected.

Hon J.A. SCOTT: It was part of the findings, but no-one involved in putting together the purge pipe was interviewed. How do they come to that conclusion? They said they came to that conclusion as a result of the report given to them by BHP Petroleum. I was given that information in answer to a question in this place. The draft report from BHP Petroleum did not say anything about internal sleeves; it said that the pipes were taped together. I have a copy of that and I am happy to read it to the House. The BHP Petroleum draft report stated -

Hon P.R. Lightfoot: Where did you get that report?

Hon J.A. SCOTT: It is a copy from Mr Visscher, and he has a receipt for the copy he received from BHP Petroleum. It states -

Those directly concerned with rigging the portable purge pipes at 1C and 3C were the 1st mate (R. Boswell) 2nd mate (J. Ho) and the IRs. R. Boswell told the interview team that the flexible pipes had to be secured to the purge pipe with tape. Then the tape was used to join each section of flexible pipe together. The flame arresters then had to be taped over the end of the flexible pipe. R. Boswell said he had ordered flame arresters to be supplied permanently fitted with pop rivets, but they were not delivered in this way. He also remembers telling J. Ho to hurry up in fitting the flame arresters as this was holding up completion of the work.

There is no reference to internal inserts. How does the department conclude that there was no reason to think there might be a static spark caused by that? On the contrary, that is entirely in line with what Mr Visscher said about the incident. As I have said in this place previously, there were many people who made statutory declarations to that effect and I tabled those declarations in this place. Why are we accepting an untruth being put forward by the company and not doing anything about it? I hope Hon Ross Lightfoot can understand that this is a very serious allegation and a very serious incident.

Hon P.R. Lightfoot: It could have been a serious incident, but it was not.

Hon J.A. SCOTT: It was. I will read from the documents prepared by Tim Visscher which I will table.

Hon P.R. Lightfoot: I know what he said.

Hon J.A. SCOTT: The International Safety Guide for Oil Tankers states that it is generally recognised that tank cleaning and gas freeing is the most hazardous period of tanker operation and it is therefore essential that the greatest possible care be exercised in all operations connected with tank cleaning and gas freeing. The member says that nothing untoward happened.

Hon P.R. Lightfoot interjected.

Hon J.A. SCOTT: It did happen. The master of the vessel deliberately chose to use the wrong instrument to measure hydrocarbon levels in the tank.

Hon P.R. Lightfoot interjected.

Hon J.A. SCOTT: I can prove it; that certainly came out in the joint inquiry. It was proved that the master of the vessel quite deliberately chose to use the LV instrument rather than the tank scope. The LV instrument is useless in an inert gas situation. It is very inaccurate and it was shown to be inaccurate in this incident. At a point when there was 9 per cent hydrocarbon in the tank it showed that there was none. It was the master's intention to gas free when it reached the non-explosive level of below 2 per cent. The master deliberately used the wrong instrument. He said that he had been involved in gas freeing on many vessels apart from this one. It is interesting that ISGOT states that this is the most dangerous procedure to undertake on a vessel. It is also very odd that one does not have to gas free through the explosive range when one has an inert gas system such as the system on that vessel. There was no need for him to take that very dangerous step and even less reason to install temporary purge pipes that were not earthed. That procedure put the vessel in peril. That was a reportable incident. He was prepared to carry out the most dangerous job on a tanker deliberately using the wrong instrument.

Hon P.R. Lightfoot: You say that under privilege. It may not be true.

Hon J.A. SCOTT: It is certainly true. In fact, Visscher had to disobey an order to use the right instrument. It was only his action that enabled that vessel to survive, and that is very serious.

That same master got his promotion as a result of another incident when he was in charge of taking the *Jabaroo Venture* to Singapore for a refit. On the way to Singapore the crew were having trouble descaling the tanks because the pumps were not working. This master - then the second mate - washed the tanks out with seawater and washed the oil over the side of the ship near Bali. They were leaving such a huge slick that they had to turn south again before they got too close to Bali in case they got picked up. That is disgraceful. I have rung a number of the people who were on that vessel to verify those facts.

In addition, we have seen the department falling down on its job. It has failed to investigate this issue properly; it has pretended that it has carried out an investigation when it has not even taken notes; and it has given the Minister a document to table that is incorrect - and that is easily proved. I heard from a number of people during my investigations that the department has failed to follow up inquiries in another serious offshore matter. The *Cossack Pioneer*, a Woodside vessel, has had a flare going since January because its equipment is not working properly. They are flaring millions of dollars worth of gas from that vessel. At one point the flare would not light and they had a gas envelope appearing over the vessel. The master and the equivalent of the field superintendent fired a flare through the gas envelope. It is a special flare and is not like the gas flare on the vessel. It is an emergency flare which is used when a vessel is in peril. It is an extremely dangerous device and an attempt was made to fire four of these flares, but they were unable to light them. The result was that they were fired in an illegal way. This was reported to the department but it did not take any action. The department has failed in its duty to investigate this incident. The people on board certainly have not been interviewed. It appears to be a culture within the Department of Minerals and Energy which needs to be seriously examined. We simply cannot stand by and allow people to be killed offshore, and that is exactly what could have happened on the *Griffin Venture*, the *Jabiru Venture* and the *Cossack Pioneer*. I am told that in the incident involving the *Cossack Pioneer* one of the flares fell either on or very close to the manifolds, which were leaking. Part of the problem with that vessel is that it has been badly fitted out. The offshore industry is at risk. In addition, the coastline and people's lives are at risk. For the department to come up with this document which has been proved to be factually incorrect -

Hon P.R. Lightfoot: You would risk defamation action if you mentioned some of this outside this House.

Hon J.A. SCOTT: I am quite happy to talk about some of these things outside this House. The department is obliged to take notes at an investigation. It cannot get away from not taking notes of a serious investigation like this. It is also required to inform the joint authority. Why has it not done that?

I have outlined a few of the very serious issues in the time available to me. There are myriad issues and I will table the documents which Mr Visscher sent me which clearly outline what happened. I know Hon George Cash is keen to learn the truth of this matter and would like to be able to examine these documents to find out what has been going on within the Department of Minerals and Energy and offshore. The result of the inquiry into the *Griffin Venture* incident was unfair because the vessel was about to gas-free and it deliberately used the wrong instruments. The company lied about the purge pipes -

Hon P.R. Lightfoot: Why would the company lie?

Hon J.A. SCOTT: I have statutory declarations from people concerning this incident which I have tabled in this House on a previous occasion. I seek leave to table the documents.

Leave granted. [See paper No 623.]

Debate adjourned, on motion by Hon Peter Foss (Attorney General).

POLICE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Cheryl Davenport, and read a first time.

Second Reading

HON CHERYL DAVENPORT (South Metropolitan) [5.37 pm]: I move -

That the Bill be now read a second time.

On 15 December 1994 the Young Offenders Act passed through this House. One of the main areas of concern during the Committee stage of the Bill was an amendment to enshrine in law a statement of principle ensuring the rights of young people who find themselves apprehended by police and detained in police custody. During the debate I and others, including Hon Reg Davies, Hon Jim Scott and Hon Derrick Tomlinson strongly argued for an amendment moved by Hon Nick Griffiths which was lifted virtually unchanged from the thirty-first report of the Standing Committee on Legislation dealing with the young offenders legislation.

The Government, through the then Minister for Health Hon Peter Foss, argued against the amendment, although he acknowledged at page 9824 of *Hansard* that -

Prescribing rules has some merit . . .

He also said -

I do not have a problem with rules dealing with all these matters, and with the appropriate sanctions.

The Minister's objections to the amendment seemed to be centred on his belief that, and I quote from page 9823 of *Hansard* -

. . . the language in which it is couched is too extreme . . .

He was referring to the amendment. He went on to say that he believed passing the amendment would set up an unworkable regime; on page 9824 of *Hansard* he is recorded as saying -

We are looking for not so much a statement of right but a procedural situation giving people various opportunities.

The Minister also raised the point that some of the principles were already prescribed in a set of guidelines entitled "Your Rights in Custody" and had been implemented by the Commissioner of Police. At the time, opposition and independent members in this place indicated their knowledge of the guidelines, but as they were only guidelines - it was not law - they lacked the power to effect the cultural change necessary to promote positive relations between young people and the police. The amendment was subsequently defeated.

During the passage of the Bill I recall the Minister telling me that my concern would be dealt with in the new police Bill which was soon to be introduced into the Parliament. This must have been during informal discussion because I have not been able to locate any record of that comment in *Hansard*. It is now almost two years since the young offenders legislation became law and there is still no sign of a new police Bill.

My colleague the member for Morley put a question on notice on 1 May 1996 asking whether we might see legislation this year which would give juveniles apprehended by police the right to have an adult present at a police interview. Towards the end of June, the member for Morley received the following answer from the Minister for Police -

The Police Act is currently in the process of being overhauled. This involves extensive legislative amendments and will take some time to finalise.

That answer is my main reason for introducing this Bill now. It is clear we will not see the new police Bill during the life of this Parliament. Following the elections, which may be as late as May next year and irrespective of whether this Government is returned to office or there is a change in government, I suggest the police Bill is probably years away. Therefore, I believe it is important to amend the existing Act.

In the past six months I have spent some time consulting with community organisations working with young people, particularly those involved in assisting young people to access the justice system, and I am dismayed to learn that they consistently hear young people complaining about mistreatment at the hands of police officers. Those young people are not only those described as "at risk" or "offenders" but come from all sections of the community. Only a couple of weeks ago, again at the ill-fated Fremantle lockup, a young man was assaulted by a police officer while being questioned. One of his colleagues took the initiative and reported the incident. Unfortunately, many young people choose not to report these violent episodes because they are fearful of ongoing police harassment of themselves or their families.

We have been patient for too long. My research shows that laws have been enacted in many other Australian States, New Zealand and the United Kingdom to mention but a few jurisdictions. The United Kingdom Police and Criminal Evidence Act was amended a couple of years ago to provide rights in custody for young people detained by police. In January I was in London and met with a number of organisations in the non-government sector which provide services to young people at risk or those who have offended. I was given a brochure entitled "A guide for the parents and carers of young people detailed in a police station". It was prepared jointly by the National Association for the Care and Resettlement of Offenders, the Birmingham Social Services Youth Justice Department and the West Midlands police. It provides information on rights before the interview, during the interview, after the interview and how to cope with complaints. However, despite that kind of advance, the 1995 pre-Christmas riot in Brixton, United Kingdom, was believed to have occurred because of a death in custody caused by over-zealous police practices. This incident is proof of how long it takes to achieve positive cultural change.

In preparing this amendment to the Police Act I have taken advice from many people. I thank them and acknowledge their assistance. It was agreed that it would best be inserted as a new subsection under the heading "Detention to be subject to the Bail Act 1982".

In preparing this Bill I have also tried to take account of the objections raised by the now Attorney General on behalf of the Government during the Committee stage of the Young Offenders Act. This Bill seeks to enshrine in law certain rights, as well as providing the opportunity for those rights to be reasonably exercised. It places responsibility on the detaining officer to make sure compliance and care are observed. If, in the view of the court, this has not occurred, subclause (3) applies the sanction making the evidence collected inadmissible.

It is important to remind members that many sections of the Western Australian community have been demanding legislation of this nature for some time. During the passage of the Young Offenders Act I drew members' attention to the findings of the 1992 report of the police-youth relations task force, chaired then by now Acting Deputy Commissioner of Police, Bruce Brennan. That report recommended to the former Minister for Police, Hon Graham Edwards, and former Commissioner of Police, Brian Bull, the following -

Recommendation 1 - Policy.

That the Commissioner for Police in recognising a special responsibility to youth, formulate clear policies stating:

- (i) The police role in relation to juveniles
- (ii) Definitions of the term "juveniles" including all categories of juveniles in the juvenile justice system
- (iii) Police practices and procedures encompassing the entire range of police/youth interaction.

Comment backing up the recommendation indicated that many police see their role "simply as enforcement and measure their results by the number of contacts and arrests." This was despite the former Commissioner of Police's commitment to community policing, as well as the need for a balance between enforcement, prevention and community involvement. The report asserted that the need for "a clear statement of policy, giving equal weight to the multi-faceted role of a police officer in youth matters, will remove much of the confusion. This in itself will lead to a more professional and effective Police Service generally as well as improving police youth relations."

The second recommendation of the report is one of the most powerful arguments for the legislation because here we have a committee constituted by police and representatives of young people agreeing that the commissioner's routine orders were an insufficient guide to the comprehensive nature of the police role with young people. The committee strongly advised that the orders be updated and presented in a format that was easily understood and unambiguous. The recommendation reads -

That the existing Police Routine Orders be examined and redrafted so that statutory responsibilities, departmental policy and procedural instructions dealing with youth:

- (i) are easily identifiable;
- (ii) written in a style and language that is easily understood;
- (iii) provide clear guidance in the use of police discretion.

I remind members that this information was available to government two years before the Young Offenders Act was introduced into the Parliament.

Also during the 1994 debate Hon Jim Scott told the House that he had heard the current Chief Justice at an Australia Day function call for appropriate rights for legislation. I quote from page 9827 of *Hansard* in which he said, "The Chief Justice pointed out in a speech that such rights needed to be enshrined - he said that we needed a Bill of Rights which spelt out rights of individuals because they did not have the right to call a lawyer."

It is also appropriate to remind members of the many recommendations in the final report of the 1991 Royal Commission into Aboriginal Deaths in Custody which were critical of Aboriginal-police relations. The commission was careful to not only criticise but also indicate how that relationship might in its view be improved. Unfortunately, the third volume of the Aboriginal Legal Service report on implementation released on 7 June 1996 indicates that most of the recommendations are yet to be implemented by State and Commonwealth Governments. It is telling that 60 per cent of complaints lodged by the ALS on behalf of complainants are allegations of assaults by police. However, not all people who complain are prepared to lodge official complaints because the procedure takes too long and is complex, and many Aboriginal people are fearful of what police may do to them.

I now refer members to the 1995 report to Parliament by the Ombudsman. He said in relation to custodial issues - and I quote from page 46 and 47 of the report -

I recommend that the Government urgently consider enshrining into legislation the right to make a telephone call and the right to have access to legal advice. I am pleased to note that the Commissioner of Police confirmed his acceptance of my recommendation that persons in custody have the right of access to a telephone to contact a friend or relative and a legal adviser. This, in essence, meant the right to two telephone calls.

After the Commissioner of Police and I had reached agreement on this recommendation, I was advised that the draft of the Bill for the proposed amendments to the Police Act was worded so as to allow persons in police custody the right to make a telephone call to a relative. As I understood it, the proposed legislation sought to permit those persons to make just one telephone call. I wrote to the Hon. Minister for Police strongly urging the concept of two separate telephone calls being incorporated in the draft Bill, and seeking his comments on other recommendations I had made.

The Minister subsequently advised me:

that a provision giving a person arrested and detained in custody a right to make a telephone call to a friend or relative and a legal adviser (i.e. two separate telephone calls) will be one of the amendments to be included in the review of the Police Act currently being drafted.

I have advised the Minister that I appreciated his consideration of these matters and have accepted his offer to review the draft legislation when it is available.

We should not forget that, although the two telephone calls have now been agreed to, the Ombudsman has played a major role in achieving that agreement. However, the legislation is not yet before the Parliament. We must be vigilant when it arrives in this House.

In the publication "Young people and police powers" commissioned by the Australian Youth Foundation, launched in 1995, researchers Harry Blagg and Meredith Wilkie propose model legislation to deal with a range of areas where young people might have contact with police. They assert -

The draft Legislation aims to prohibit arbitrary police actions with regard to young people and to ensure that they receive the fullest possible support during the contact with police.

It states also -

The model legislation also seeks to ensure, amongst other reforms, that children are not interviewed by the police without adequate support and that they are not subjected to humiliating treatment in custody.

The fact will not be lost on members that while most of my verbal contribution on the Bill has concentrated on the need to provide these rights for young people, this Bill includes all citizens. It is appropriate that the legislation should deliver such an outcome. Many people are vulnerable or feel vulnerable when deprived of their liberty. If

adults do not choose to exercise their rights and opportunities, that is their choice. However, it is important that that choice has legitimate backing. That is what I seek to achieve. I well recall the comments made in this Chamber during the 1994 debate by Hon Derrick Tomlinson. They are as true today as they were then. I quote from page 9827 of *Hansard* -

... laws are not made for the generality, but for the exception. The exception in this case are those police officers who do not treat young people - I care not whether those young people be Aboriginal or non-Aboriginal - with dignity; who do not extend to those young people their lawful rights; ... in establishing in Statute procedures which must be followed when young people are taken into custody, we will bring about a change in the police behaviours.

I urge members to support this Bill so that a cultural change may begin. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

[Resolved, that the House continue to sit beyond 6.00 pm.]

STATEMENT - ATTORNEY GENERAL

Interim Report of the Select Committee on the Western Australian Police Service

HON PETER FOSS (East Metropolitan - Attorney General) [5.50 pm] - by leave: This statement is in response to the interim report of the Select Committee on the Western Australian Police Service. The committee's report brings together information concerning a number of disturbing incidents. It must be noted, however, that the incidents detailed by the committee are largely historical. Since those incidents there has been considerable change in the management of the Western Australian Police Service with the implementation of the Delta program. I will respond to the committee's recommendations and to a number of matters raised within the report that require further consideration.

I shall deal first with the recommendations.

Political Anti-Corruption Commission: The committee recommended that a police Anti-Corruption Commission body external to the Western Australian Police Service be established. The Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government had previously recommended a body with powers of a royal commission to investigate allegations of corruption and improper conduct made against all public officers, including police officers. After considering COG's recommendations the Government announced in March 1996 that it would strengthen the Official Corruption Commission. The Parliament subsequently passed the Official Corruption Commission Amendment Act 1996. That Act addressed the intent of the PACC recommended by the committee.

The sections that rename the Act and commission and reconstitute the committee for nominating commissioners have been proclaimed. The committee consists of the Chief Justice, the Chief Judge of the District Court and the Solicitor General. The committee advertised on Saturday, 31 August 1996 inviting expressions of interest in the two vacancies on the Anti-Corruption Commission, to be lodged by Friday, 13 September 1996. The Government is now waiting to receive the committee's recommendations. As soon as practicable following the appointment of the new commissioners the Government will arrange for the proclamation of the balance of the Act. Upon that event a powerful body external to the police as envisaged by the select committee will be in place.

Standing Committee on the Western Australia Police Service: When the Government announced the strengthening of the Official Corruption Commission it advised that it would move to establish a joint standing committee on the Official Corruption Commission as recommended by a Legislative Assembly select committee in 1992. The Legislative Assembly resolved to establish a joint standing committee in April and seeks the concurrence of the Legislative Council in message No 5. The Government will move later in this sitting that this House concur with the Legislative Assembly's resolution, subject to amendments to take into account the change of name and the new terminology in the Act. Although it is a joint standing committee, not a committee of this House, this will be reviewed in the new Parliament.

The joint standing committee will address, as part of its terms of reference, most of the matters that the select committee wanted included in the terms of reference for a Legislative Council standing committee. The exception is the power to vet candidates for the position of senior officer commissioner of the PACC and to veto a proposed appointment. The Anti-Corruption Commission Act already provides a process for independent recommendations to be made for appointments to the Anti-Corruption Commission. The appointment of other senior officers is properly the responsibility of the Anti-Corruption Commission. It is not necessary to accept recommendation 2.1.3 of the select committee. The select committee recommends that the submissions and evidence held by it be referred

to the standing committee. If this House concurs with the resolution to establish a joint standing committee, the submissions and evidence should be referred to the joint standing committee.

The role of the Ombudsman: The select committee has recommended amendments to the Parliamentary Commissioner Act 1971. When the report was tabled the Government was already preparing amendments to the Act that would ensure that the Ombudsman's jurisdiction extended to the majority of government agencies; facilitated the handling of informal complaints; provided protection for complainants and witnesses; and, provided for consultation with the Director of Public Prosecutions and the Anti-Corruption Commission. Following the tabling of the report the Government considered the recommendation for oral complaints and complaints lodged by a third party on behalf of a complainant. However, the Government has determined that such measures would carry with them an unacceptable risk of vexatious and malicious allegations being made. Recommendations 3.7.1 and 3.7.2 are therefore rejected. I am sure that the interim report of the Royal Commission into the City of Wanneroo will give ample justification for this.

As to recommendations 3.2 and 3.8, the Anti-Corruption Commission Act requires the Ombudsman to notify the Anti-Corruption Commission of potentially corrupt conduct. The Anti-Corruption Commission amendments will extend this requirement to criminal conduct, criminal involvement and serious improper conduct. Conduct that is potentially corrupt or criminal conduct or criminal involvement will be required to be notified as soon as practicable. The Government is considering the remaining recommendations of the committee in relation to the Ombudsman and will respond in due course.

As to recommendation 3.3, resources, the Government is and remains committed to ensuring that accountability agencies, including the Ombudsman and the Anti-Corruption Commission, are adequately resourced.

A need for a royal commission: The committee notes that it has cited specific cases where a judicial inquiry is required in the public interest. Some submissions provided to the committee may give rise to further instances where a judicial inquiry is required; and its recommendations give direction for positive action. If they are not implemented the committee's concluding statement is that the only other course available is the establishment of a royal commission into the Western Australian Police Service, with wide terms of reference. The specific cases cited for judicial inquiry are the Mickelberg case, the Argyle Diamonds affair, and the death of Stephen Wardle. The Court of Criminal Appeal is presently considering the issues raised by the Mickelberg brothers following their convictions. These are independent judicial proceedings and the Government believes that this is the appropriate way for them to be dealt with. The Government has provided Peter Mickelberg with ex-gratia financial assistance in the conduct of the appeal. The Argyle Diamonds affair was the subject of an independent investigation by the Australian Federal Police and its outcome was tabled in the Legislative Council on 5 September 1996. The investigation identified ineffective, inadequate and deficient investigative practices and procedures, but not fresh evidence of corruption or criminality.

The death of Stephen Wardle was the subject of a coronial inquest and subsequent investigation by the Ombudsman. Both inquiries found that no police officers were implicated in the death, although it was a death in custody which should not have occurred. The report of the evidence of Mr and Mrs Tilbury at page 10, on the face of it, is disturbing. The Government has already referred the committee's report to the Anti-Corruption Commission to which this House should now give leave for the committee to release its materials. As members are aware, the powers of the Anti-Corruption Commission are far more comprehensive than could ever be conferred on a separately constituted judicial inquiry. It will have power to investigate allegations of corruption, criminality and serious improper conduct; assemble evidence for prosecutions; report facts to Parliament and make recommendations; appoint a special investigator with powers of a royal commission; recommend a royal commission be established; and recommend terms of reference of a royal commission.

Other matters:

James Heaney and Jeannie Angel: The committee recommended that in these cases, substantial compensation and an apology are warranted. The Government's legal advisers are presently re-examining these cases.

The Delta program: The committee dealt with Delta at pages 102-104 of its report. The Government was disappointed with the committee's comments on Delta. The committee seemed to perceive the scope of Delta as being largely limited to the redesign of the organisational structure. This perception is reflected in the comment "Changing the management structure without tackling the culture will serve only to shift the locus of corruption", at page 103. On the contrary, Delta is designed as a vehicle for profound change. Delta questions all aspects of existing practice and performance, and aims to change not only organisational functions, but also the attitudes, behaviour and performance levels of the Western Australia Police Service and its members.

Delta has a structured, integrated approach to ensuring reform to the whole Western Australian Police Service. It consists of a number of integrated projects: Purpose and direction, human resource management practices, financial management practice, organisational structure and management practice and management information - systems and processes. Delta's holistic and comprehensive approach recognises that there is no single formula to fix the problems associated with policing.

Evidence of the need for a "proper" integrated approach is provided by the 1984 reform attempt in New South Wales and the post Fitzgerald Royal Commission reform attempt in Queensland. The Wood royal commission and now the report on the Queensland Police Service indicate that in each case the initial reform program failed. Although each program was radical, in that it changed structures, management practices and processes, neither was profound, in that neither adequately reformed individual and organisational attitudes and behaviour. In a letter to the Premier dated 24 June 1996 - tabled in the Legislative Assembly - Professor Timothy Rohl, Director of the Australian Institute of Police Management, reinforced the need for a total approach to reform -

It is important to note that the reforms introduced in New South Wales were largely uncoordinated and piecemeal - the need for reforms to address the whole of the organisation rather than part of it in a strategic sense was not realised until it was too late.

Purpose and direction: The initial and fundamental step in Delta was to redefine the Western Australia Police Service's purpose and direction. Purpose and direction establishes the style and standards to be adopted by the Western Australia Police Service and all its employees. It provides the foundation on which all other elements of the transformation process are built and gives guidance and direction to all staff. A major component of purpose and direction is the statement of common values.

Communicating the changes: Profound change can be achieved only if employees truly understand and accept the need and rationale for change, and the benefits both internally and externally. An open, sincere and frank communication process is essential. Delta incorporates a comprehensive change management/communication strategy.

Organisational restructure regionalisation: For the Western Australian Police Service to deliver its core business in the new style described in "purpose and direction" it has been necessary to change the organisational structure. The major features of the new structure include -

Integrated command and control of regional resources to enable a more effective localised service delivery to solve local problems. This also provides for the establishment of strategic partnerships between police and the local community, including the business sector, public sector agencies and community groups. In a State the size of Western Australia, comprising one-third of Australia's total land mass, this was crucial.

Central specialist portfolios of crime operations and traffic and operations support.

The reduction of decision making layers between officers in charge of police stations and the persons with the ultimate responsibility for operations in a region - regional commanders - enabling a swifter response to local issues.

The Western Australia Police Service now consists of four, as opposed to 16, regions, one metropolitan and three country. Regions are divided into districts, with six in the metropolitan region and a total of nine in the country regions.

The new regionalised structure is designed to improve local service delivery, providing for local solutions to local community safety and security issues. It also provides for enhanced managerial responsibility and accountability for overall service delivery, resource, utilisation, and individual performance and conduct.

Professional standards: As an integral part of Delta, a new professional standards portfolio has been established to develop, monitor and communicate standards and ensure that the statement of common values underpins all decisions at all levels of the Western Australia Police Service. The portfolio is under the command of an assistant commissioner who reports directly to the Commissioner of Police, and addresses both sworn and unsworn members of the Western Australia Police Service. This direct reporting relationship signifies the importance of the portfolio's position within the Police Service.

The Commissioner of Police has arranged with the Ombudsman and the Anti-Corruption Commission for those bodies to monitor investigations by the internal affairs unit and internal investigations branch into allegations and complaints against police officers. The Anti-Corruption Commission will soon be able to conduct independent investigations of allegations of corruption and criminality. However, the openness and cooperation that now exists between senior police management, the Ombudsman and the Anti-Corruption Commission is vital for the success of investigations and other anti-corruption measures.

Dealing in isolation with the many issues raised by the committee will not achieve the whole of organisation change that is required. The validity and strength of the Western Australian Police Service approach to achieving profound reform is supported by Professor Rohl and retired London Metropolitan Police Commander Alex Marnoch, who in correspondence to the Minister for Police wrote -

As you know I am well qualified to talk on culture and organisational change in the Police Service having not only initiated it in my own service in London but over the last five years developed it in countries all around the world and my experience is that not only does it take time but it will only succeed if driven from within led by a visionary committed leader - like Sir Peter Imbert or Bob Falconer - and a united top team. TELL ME AND I'LL FORGET, ASK ME AND I MIGHT, INVOLVE ME AND I WILL. Attempts to unilaterally impose it from outside will fail (e.g. Los Angeles) as will those when the top teams are less than 100% committed. They are met by "Malicious Obedience" and if anything encourage a more introverted approach of "them and us" and a stronger feeling of being a force apart, something which the Delta programme has made major inroads to in achieving a far greater degree of openness, accountability and actual public involvement in the day to day operations of the Police.

There is considerable information available about Delta. The Western Australian Police Service has recently released a document about Delta entitled "Initiatives in Community Safety and Security". Since the report the Commissioner of Police has offered a Delta transformation briefing to members of the select committee. While the committee's report is a salutary reminder of what can go wrong, the Government is satisfied that Delta is bringing about the profound change needed. Commissioner Falconer and his senior management team must be encouraged and supported in their work to reform the whole of the Western Australian Police Service. I seek leave of the House to table various documents relating to Delta that I have referred to in this statement.

[See paper No 624 .]

MINISTERIAL STATEMENT - ATTORNEY GENERAL

Metropolitan Region Scheme South West Corridor Omnibus No 2 Amendment

HON PETER FOSS (East Metropolitan - Attorney General) [6.02 pm] - by leave: The State Government today presented finalised plans which will help provide for the coordinated expansion of the Rockingham City Centre as the area's population increases. The South West Corridor Omnibus No 2 Amendment to the Metropolitan Region Scheme will also facilitate the clean up of ugly industrial sites, allow for the expansion and creation of two regional beaches and consolidate land areas for recreational use and transport routes. A key part of the amendment will change the reservation for the planned passenger rail route which will connect Mandurah and Rockingham to Perth. The modified alignment caters for a proposed university at Rockingham and adjoining TAFE centre, provides a better link with the Rockingham city centre, fosters a more efficient public transport system and reduces its impact on environmentally sensitive areas. Rockingham's central city zone has been increased by 51 hectares to encompass the university site and provide for enhancement of the area's planned development.

The amendment also defines the east-west regional road network to the Kwinana Freeway to cater for the corridor's expected future growth and facilitates the clean up of the old Coogee industrial area for redevelopment as a modern industrial estate and expanded employment centre. It will also increase the public beachfronts at the Coogee redevelopment and at the Singleton residential area.

Proposals to change zonings in the south west corridor were released in a draft amendment in February. Forty-seven submissions were received on 30 of the 32 proposals and as a result a number of modifications have been made and four of the original proposals have been deleted. Land in Parmelia proposed for parks and recreation may be affected by plans for a passenger railway station and will remain urban until the station planning is complete. At Mangles Bay, land that was proposed for parks and recreation will remain under the port installations reservation. This will allow further study into the possibility of a land-based marina currently being considered by the Government. In east Rockingham, land that was proposed for railways' reservation will remain industrial while the land allocation is reviewed. This will improve integration with existing and proposed land uses in this locality. An important regional road reservation for Sixty Eight Road in Baldivis has been deferred to allow for a review of the justification and land requirements for its reservation.

The planning amendment tabled today will help cater for the expected population growth in Perth's south west corridor. I commend it to the House.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON E.J. CHARLTON (Agricultural - Acting Leader of the House) [6.03 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Questions on Notice, Inadequate Answers

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [6.04 pm]: I wish to make a statement regarding the answers received recently from the Minister for Education in the other place. I thank the Minister for Transport for his preparedness to seek appropriate answers to the questions I asked today. They were easy to answer; they required very little research. However, they related to matters of some concern to my constituents. I understand the Government's priority to pursue legislation, and to pursue it quickly. However, if I receive one more answer like this from the Minister for Education we will debate the situation, by whatever mechanism I can find under the standing orders. I know exactly the standing order under which to debate whether it is appropriate for a Minister to decide whether a matter raised by me or any other member on this side of the House is one of urgency. These are questions without notice, and it is a process of this House not to be decided by some flunkey in the Minister's office. It is not up to such people to decide that "it is a question seeking factual information". I suggest that it is rare that we receive factual information.

Standing Order No 136 relates to questions seeking information. It is appropriate if a member asks a reasonably simple question on notice, to be provided with an answer. At times the answer states that not enough notice was given. We accept that. However, it is not appropriate that some flunkey in the Minister's office should decide to tell this House that a matter is not urgent. When it becomes appropriate for someone on the Minister's payroll to say that, it will be time for us to give our task away. I hope that we will always receive factual information -

Hon Peter Foss: Maybe they did not express themselves appropriately.

Hon JOHN HALDEN: This is the seventh time in two weeks that I have received such an answer: The matter is not urgent; rather, it seeks factual information. I give notice that if this happens again we will debate the matter extensively and immediately. I am tolerant about these matters but I am not tolerant about such impertinence when I ask a simple question and receive such an answer.

Hon E.J. Charlton: I did try -

Hon JOHN HALDEN: I acknowledge and appreciate that. However, I am sick to death of the Minister for Education - or whoever it is in his office - giving impertinent, snotty little answers. We will not tolerate it any longer.

Adjournment Debate - Allen, Mark, Death, Minister's Comments

HON A.J.G. MacTIERNAN (East Metropolitan) [6.06 pm]: I have a very important matter to raise. Yesterday the Minister for Racing and Gaming, who, unfortunately, is not here -

Hon E.J. Charlton: Do you know where he is?

Hon A.J.G. MacTIERNAN: On urgent parliamentary business! I will extend to him the courtesy which, unfortunately, he failed to extend to members of the public!

Yesterday the Minister for Racing and Gaming told this House that the death of Mark Allen on 6 September 1996 at an East Perth demolition site had been the result of Mr Allen's lack of commonsense about safety matters. He went on to say that as Mark had been in the game for so long he should have been better educated about taking such risks. The Minister went on to ask why Mark's employer, the Builders' Labourers, Painters and Plasterers Union, had not ensured that Mark was properly trained for the job and alerted to the risks. These are very serious allegations by the Minister for Racing and Gaming.

The alarming point is that there was no basis for the Minister to make these claims. The investigation undertaken by WorkSafe WA had not been completed -

Hon E.J. Charlton: That is what he kept saying to you. Why did you not wait until it was finished?

Hon A.J.G. MacTIERNAN: Minister, this is not the front bar of the Tammin Hotel!

The DEPUTY PRESIDENT (Hon Barry House): Order! The member's last comment is correct. This is not the front bar of any hotel. This is the Chamber. We operate under the laws of debate. Hon Alannah MacTiernan has the floor. There should be no interjections.

Hon A.J.G. MacTIERNAN: Thank you, Mr Deputy President. In making those statements, the Minister repeated the disgraceful conduct of the chief executive officer of WorkSafe, who made similar judgments even more precipitously. Mr Bartholomaeus made similar statements about Mark's errors of judgment and his culpability -

Hon E.J. Charlton interjected.

Hon A.J.G. MacTIERNAN: He made similar statements before -

Hon E.J. Charlton: If you want to throw stones, be prepared to cop a few.

Hon A.J.G. MacTIERNAN: He made similar statements before the investigation by WorkSafe WA had even commenced! He had made the determination. As I put to the House yesterday, how could the workers in Western Australia have any confidence in the impartiality of the judgment of WorkSafe WA when the chief executive officer had made a determination before the investigation had even commenced?

In a prepared speech, presumably operating on the advice of Mr Bartholomaeus, the Minister said that the Opposition had raised these matters and so he had to respond. In fact, had his speech been written after we had made our statement, the Minister would have noted that we had been very careful to avoid any attribution of blame.

Hon E.J. Charlton: You have publicly blamed the Government ever since the tragedy happened.

Hon Mark Nevill: I do not think that is correct.

Hon A.J.G. MacTIERNAN: Realising that the Minister for Racing and Gaming may have been deceived about what we were about to say and had operated on the advice of Mr Bartholomaeus, we gave him an opportunity today to withdraw his comments. His comments had been publicised in the newspaper this morning and have caused a great deal of distress to the family and friends of Mark, and to his work colleagues. His family do not want Mark's death to go in vain. His family is very keen to ensure that out of this dreadful tragedy at least some gains are made, that at least the safety of working people in this State is improved. I can tell the Minister that it is our intention to make sure Mark's death does exactly that.

I will highlight the base nature of the claims that were made about Mark's lack of training. Worksafe wrote to Mr Kevin Reynolds, the Secretary of the Builders' Labourers, Painters and Plasterers Union, asking for details of Mark's training. That letter was sent on 13 September. Since that time the union has been compiling the information and obtaining copies of the relevant certificates. As of yesterday it has not provided that response because, as I say, it is in the process of collating it. The Minister had absolutely no basis for making any statement at all about lack of training. He had no information on the state of Mark's training, and neither did WorkSafe WA.

Hon Mark Nevill: The Minister did. He had detailed notes from which he was reading which had been prepared for him even before the debate started!

Hon A.J.G. MacTIERNAN: WorkSafe WA and the Minister possessed absolutely no information. Yet the Minister, without the slightest skerrick of information, was prepared to make accusations about the Builders' Labourers, Painters and Plasterers Union, about the staff of that organisation and about its responsibility towards its staff. I will put on the record some relevant information: The processes have been completed and today details of Mark's training were forwarded to WorkSafe WA.

The Minister also talked about Mark having been in the game for so long. Mark had been an organiser with the union for approximately six months. During that time he had undertaken the following training: From 19 to 23 February 1996 he had undertaken a Dogging Certificate of Competency; from 23 to 24 April, an Elevating Work Platforms Certificate of Competency; from 29 April to 3 May 1996, a Basic Scaffolding Certificate of Competency; and on 11 June 1996, the WA Building and Construction Industry Safety Induction Course. A number of these courses were not simply for one day courses; they were four or five day courses. Very few inspectors of Worksafe WA, who have been in the industry for a comparable length of time as Mark, would be as well trained as Mark was. From what I hear from Mark's work colleagues, he was very eager to attend these courses and he sought any opportunity he had to obtain training. His employer was prepared to extend that opportunity to him. This is a phenomenal acquisition of competence in the space of six months.

We pointed out some of this information to the Minister today in question time and again gave him an opportunity to withdraw his remarks and to apologise to the family and friends of Mark, and to the union about these baseless accusations - and once again the Minister declined. We need to ask why the Minister in his address, in attributing blame in this matter, totally failed to mention the fact that since Mark's death 12 improvement notices and two prohibition notices have been issued against the contractor in respect of that site. Somehow or other that did not seem to figure at all in the calculations of the Minister or Mr Bartholomaeus to determine where the blame lay.

I will finish with a couple of comments of which we were advised today from a member of the public, a constituent of Hon Max Evans, who was horrified at the Minister's conduct yesterday. The letter states -

I am appalled at your reported remarks on the death of a young man on a construction site . . .

No-one but a Coroner should state the cause of death of such a tragedy. Your statement is cruel and unprincipled. You criticise the call for an inquiry, whilst in the same breath you pronounce your categorical

opinion as a Minister of the Crown that the death was preventable. What a breathtakingly callous, stupid contradiction.

You and your advisers should know that your career as a partner in the former Hendry, Rae and Court accounting firm and as a politician makes you the least likely of all Members of Parliament to have had a reasonable working knowledge of the training programs of employees' organisations. Your statement therefore makes your position ridiculous.

It could not be better put. As I said, there was absolutely no basis for making those claims. Those claims have been clearly demonstrated to be wrong. The Minister must apologise.

Adjournment Debate - Injuries, Industries Statistics

HON MARK NEVILL (Mining and Pastoral) [6.16 pm]: I will add a few comments to this matter which was debated yesterday as an urgency motion. In that debate I omitted to include a couple of statistics that provide objective evidence that the building and construction industry in this State is far more dangerous than the mining industry. I mentioned the injury frequency rates. For the construction industry the rate is 43.1 lost time injuries per million hours worked; in the mining industry the rate is 29.9 lost time injuries per million hours worked. In straight out figures for injuries per million hours worked in Western Australian mines the rate is 13 injuries per million hours worked; in the construction industry it is about 40 injuries per million hours worked.

The statistics show that the workers' compensation premiums for the underground mining industry are based on 3.38 per cent of its payroll, compared with the non-residential construction industry, which pays 5.63 per cent of its payroll - almost 60 per cent or 70 per cent more than for the mining industry. It is obvious that at present the demolition and construction industry is a far more dangerous industry in which people work than the mining industry. There have been over 40 fatalities in the demolition and construction industry since 1986-87. If the Government does not see the need to clean up that industry, it is ignoring the objective indicators that show just how poor that industry is performing in occupational health and safety. It is no wonder that these sorts of instances are occurring. One wonders what the accident rate would be like if we did not have people from the unions performing that inspection role, which certainly helps to keep down the injury rate.

Question put and passed.

House adjourned at 6.20 pm

QUESTIONS ON NOTICE

WORKPLACE AGREEMENTS LEGISLATION - PROMOTION, FUNDING ALLOCATION AND EXPENDITURE

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

(1) What funds have been -

- (a) allocated; and
- (b) spent,

in promotion for the State Government's workplace agreements legislation?

(2) Would the Premier give a detailed breakdown of this allocation and expenditure?

Hon N.F. MOORE replied:

The Premier has provided the following reply -

As the matters raised by the member come within the jurisdiction of the Minister for Labour Relations, this question should be directed to him.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - DIEBACK PROTECTION PLAN, SOUTH COAST REGION

542. Hon J.A. COWDELL to the Minister for the Environment:

With regard to the Department of Conservation and Land Management's south coast region dieback protection plan, which commenced in 1986 and subsequently has been extended until 1998 -

(1) What conclusions have been reached about the nature of *Phytophthora* dieback in the Stirling Range National Park from the historical research project?

(2) From mapping so far carried out, what is the extent of *Phytophthora* dieback occurrence in the following -

- (a) Stirling Range National Park;
- (b) Fitzgerald River National Park;
- (c) Cape Le Grand National Park;
- (d) Gull Rock National Park;
- (e) Porongorup National Park;
- (f) West Cape Howe National Park?

(3) At this stage, what potentials are apparent in using satellite imagery in mapping, monitoring and other aspects of strategic dieback management?

(4) At this stage to what extent does the foliar application of phosphonate appear effective in protecting banksia species from various types of *Phytophthora*?

Hon PETER FOSS replied:

The possibility of introduction of *P. cinnamomi* (or any other *Phytophthora* species) goes back to the last century when settlers at Borden are recorded as using the park for recreational horseriding. From World War II military exercises including ascent of many of the higher peaks has been a potentially vital factor in redistribution of earlier established infections. Major programs of road construction for tourist access and firebreak construction began from the 1960s when the area was vested in the Cranbrook Shire Council. After the recognition of *P. cinnamomi* as a threat to the vegetation across south western Australia from 1965 and its first record in the park in 1972, effective management was beyond the expertise and resources available to the Shire and later the National Park Service. When in 1985, responsibility passed to CALM, and the need for management programs was first addressed, the problem had reached an extent beyond any possibility of affordable defence other than localised protection of valued assets, particularly in the eastern part of the park.

(2) (a) More than 50 per cent.

(b) Between 1 per cent and 5 per cent. Extensions of infections on the Bell track now contribute a figure greater than the 1 per cent reported in the select committee report of 1992.

(c) The select committee report 1992 stated that probably more than 50 per cent was infected.

(d) Probably less than 40 per cent is infected as estimated from a 1992 broadscale map.

- (e) Probably less than 15 per cent is infected as estimated from a 1992 broadscale map.
- (f) The 1992 draft management plan for West Cape Howe National Park stated that less than 10 per cent of the park was infected. The 1995 final management plan did not include a percentage figure.
- (3) This technology has potential for estimating and mapping the degree of general degradation of vegetation from a healthy state. It is unlikely to produce a generally available tool with the precision of scale and small object resolution necessary to mapping for operational purposes.
- (4) In extensive field based trials, an initial double dose over one month has been shown to protect five species of *Banksia* from *P. cinnamomi* as well as a number of (highly susceptible) species in several quite unrelated genera. This has been shown to persist long term (up to five years to date). As to other *Phytophthora* species, results from field trials with *P. megasperma* are very encouraging. No tests have been made on field performance of *P. citricola*, but in vitro (laboratory) tests are also positively encouraging.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - DIEBACK PROTECTION PLAN,
SOUTH COAST REGION

543. Hon J.A. COWDELL to the Minister for the Environment:

With regard to the 1994 to 1998 south coast region dieback protection plan -

- (1) How many of the areas listed at item 5, page 17, do not have interim management guidelines completed?
- (2) When was the program for protection needs and interim management guideline production last reviewed?

Hon PETER FOSS replied:

- (1) Seven. Of these, two reserves - Gull Rock National Park and Ravensthorpe Range - are not vested in the National Parks and Nature Conservation Authority. Interim management guidelines for Helms, Eucla National Park and Nuytsland Nature Reserve are in the final stage of drafting.
- (2) November 1995.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - DIEBACK PROTECTION PLAN,
MOORA DISTRICT

544. Hon J.A. COWDELL to the Minister for the Environment:

With regard to the Moora district dieback protection plan -

- (1) Which parks and reserves managed by CALM in the district have approved management plans?
- (2) Which parks and reserves have approved interim management guidelines covering dieback protection?
- (3) What effective dieback protection has been applied to the Northern Beekeepers Nature Reserve, and Coomallo Nature Reserve?
- (4) What dieback management provisions exist for the South Eneabba Nature Reserve?
- (5) To what extent has dieback mapping been undertaken in the district?
- (6) From mapping and monitoring projects, what conclusions have been reached about the extent of *Phytophthora* dieback occurrence in the district and apparent trends in its spread?
- (7) What research has been carried out on control measures to eliminate spot infection by the various *Phytophthora* species?
- (8) What progress has been made in developing hazard tables for vegetation types in the district?
- (9) What has been the outcome in assessing the effectiveness of aerial photography for interpretation purposes?
- (10) Has a replacement dieback protection plan been issued since 1994?

Hon PETER FOSS replied:

- (1) Lesueur National Park and Coomallo Nature Reserve have an approved management plan. A draft management plan has been released for Nambung National Park and Southern Beekeeper's, Wanagarren and Nilgen Nature Reserves.

- (2) Beekeepers Nature Reserve and adjoining crown lands and Badgingarra National Park have approved interim management guidelines.
- (3)-(4) All operations with potential to introduce or spread disease are evaluated and a hygiene strategy determined before execution. Operations are undertaken under dry soil conditions where possible and machinery is inspected and cleaned of potentially infested material before entering the reserve. Those users of the reserve with whom CALM has contact are instructed on disease hygiene. Operations undertaken by other organisations on the reserve are subject to hygiene conditions.
- (5) The majority of roads and tracks in the district have been assessed for disease occurrence.
- (6) Disease is present in a number of locations. It appears to be associated with vehicular access and moisture gaining sites. The impact on native vegetation is low for the majority of infections. Spread by natural processes is very slow in the majority of instances. Unseasonal inundation events occur infrequently but are associated with rapid disease spread and significant impact on susceptible plant species.
- (7) A number of infestations have been treated with phosphonate. These treatments are monitored.
- (8) A clear picture of hazard in the northern sandplain now exists as a result of extensive surveys by Dr Hart for the Northern Sandplain Dieback Working Party and of research by CALM. Five distinct landform/vegetation associations are recognised. These are -
 - (i) the calcified and Holocene dunes of the west;
 - (ii) the rapidly drained uplands typified by the Mt Lesueur massif;
 - (iii) the deep sands in the lower rainfall zone west of the Great Northern Highway;
 - (iv) the deep undulating sandy landscapes about the Brand Highway;
 - (v) the flatlands of impeded drainage along the main drainage courses of (iv) above, examples include Red Gully, Wongonderrah, Nambung River and Eneabba-Lake Logue.

Maps of the known distribution of five species of *Phytophthora* have been prepared by the NSDWP. Most of these records are associated with small areas of dieback of low impact mostly associated with earthworks which have caused impeded drainage. With the exceptions of such localised effects the hazard ratings for the five associations are:

- (i) nil to very low;
- (ii) low;
- (iii) low;
- (iv) very low;
- (v) high to very high.

Although the total area of hazard represents a small proportion of the northern sandplain, the communities are distinctive and biologically important.

- (9) Remote sensing including the use of satellite imagery and colour aerial photography has been evaluated for its utility in presenting a regional picture of the broad distribution of severe damage. Its facility to provide that level of precision in delineation of boundaries of infection necessary for operational planning of hygiene, i.e. access, has also been investigated. The results of satellite imagery for the first purpose are no more than broadly indicative. The precision of aerial photography for interpretation has proved disappointing. The latter is a consequence of two factors (i) the small size of and low impact on many infection centres, and (ii) the diffuse nature of effects of *Phytophthora* along the boundaries between the high hazard flatlands and the lower hazard well drained dunes.
- (10) No.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - *PHYTOPHTHORA* DIEBACK RESEARCH

565. Hon J.A. COWDELL to the Minister for the Environment:

The Department of Conservation and Land Management's annual report indicates that research into *Phytophthora* dieback is ongoing and the department's policy statement No 3 (1991) on *Phytophthora* dieback contains research commitments and, at appendix 1, refers to a five year research plan.

- (1) During the period 1991 to 1995 what specific SPP research projects were operating regarding *Phytophthora* dieback?
- (2) To what extent do each of these relate to the individual elements of policy item (8) in the policy statement, and to the individual primary objectives at appendix 1?
- (3) What funds were required for each research project and what were the sources of funding for each?
- (4) What research relating to *Phytophthora* dieback initiated by CALM is still in progress?
- (5) What research project results are still being written up for publication and dissemination?

Hon PETER FOSS replied:

The Minister for the Environment has provided the following reply:

- (1) The following *phytophthora*/dieback research projects were operating during the period 1991-1995:
 - 1.1 Jarrah root damage by *P. cinnamomi*
 - 1.2 Impact of *P. cinnamomi* in Stirling Range National Park
 - 1.3 *Phytophthora* impact coast plain
 - 1.4 Impact of *Phytophthora* spp on South Coast National Parks
 - 1.5 Susceptibility of jarrah understorey to *P. cinnamomi*
 - 1.6 Infection of *Banksia* by *Phytophthora*
 - 1.7 Susceptibility of jarrah copice and advanced growth to *P. cinnamomi*
 - 1.8 *P. cinnamomi* population dynamics in woodland
 - 1.9 Site hydrology and *P. cinnamomi* dispersal
 - 1.10 *P. cinnamomi* sporulation
 - 1.11 *P. cinnamomi* survival
 - 1.12 *P. cinnamomi* pine inoculation trials
 - 1.13 *Phytophthora* inoculum production on plant species after infection
 - 1.14 Geomorphology and impact of *P. cinnamomi*
 - 1.15 *P. cinnamomi* hazard system development
 - 1.16 Mapping hazard
 - 1.17 *P. cinnamomi* lesion extension and thinning
 - 1.18 Canopy density and temperatures
 - 1.19 *P. cinnamomi* on jarrah regeneration
 - 1.20 Jarrah resistant to *P. cinnamomi*
 - 1.21 Jarrah clones resistant to *P. cinnamomi*
 - 1.22 Test jarrah provenances for resistance to *P. cinnamomi*
 - 1.23 *Pinus radiata*/*P. cinnamomi* screening
 - 1.24 Seed orchard - *P. cinnamomi* resistant jarrah
 - 1.25 Determine intraspecific resistance in *B. brownii* to *P. cinnamomi*
 - 1.26 Control of *P. cinnamomi* in *B. grandis* and jarrah by phosphorous acid
 - 1.27 Control of *P. cinnamomi* in *Banksia* communities on the south coast by phosphorous acid
 - 1.28 Control of *Phytophthora* spp in *Banksia* communities north of Perth by phosphorous acid.
 - 1.29 The control and management of *Phytophthora megasperma* in the national parks and nature reserves of WA
 - 1.30 Biology and control of *Phytophthora citricola* in native plant communities affected by mining
 - 1.31 *Pinus radiata* - *Phytophthora cinnamomi* disease resistance
 - 1.32 Rapid identification of species of *Phytophthora*
 - 1.33 Conservation biology of Western Australia's rare and threatened flora
 - 1.34 Preliminary survey of the effectiveness of *Banksia grandis* removal in reducing potential *Phytophthora cinnamomi* host material in the northern jarrah forest in the medium term
 - 1.35 Water relations and growth of jarrah on high, moderate and low impact dieback (*Phytophthora cinnamomi*) sites
 - 1.36 Control and management of *Phytophthora cinnamomi* in native plant communities
 - 1.37 Integrating strategies for control of *Phytophthora cinnamomi* with phosphorous acid
 - 1.38 Use of phosphonate to determine the effect of *Phytophthora cinnamomi* infection on growth of *Eucalyptus marginata*
 - 1.39 *Phytophthora cinnamomi* impact in the northern jarrah forest: A re-analysis
 - 1.40 Selection, screening and field testing of jarrah resistant to *Phytophthora cinnamomi*
 - 1.41 Dieback-resistant jarrah establishment in operational forest rehabilitation sites
 - 1.42 Development of GIS-based decision-support tools in the control of *Phytophthora* and the management of *Phytophthora*-sensitive taxa and communities
 - 1.43 Re-analysis of the effects of deliberate inoculation with *Phytophthora cinnamomi* of native forests after 30 years.
 - 1.44 Effects of fire frequency on the progress of invasion of native forest communities by *Phytophthora cinnamomi*
 - 1.45 Establishment of jarrah (*Eucalyptus marginata*) in shelterwood logged areas and on dieback 'graveyard' sites

- 1.46 An evaluation of the efficacy of remote sensing and GIS technologies for dieback mapping and monitoring
- 1.47 Vegetative propagation by grafting of dieback-resistant jarrah for seed orchard establishment
- 1.48 Molecular marker-aided selection of jarrah (*Eucalyptus marginata*) for resistance to *Phytophthora cinnamomi*
- 1.49 Growth of lesions of *Phytophthora cinnamomi* in stems and roots of jarrah in relation to rainfall and stand density

(2) Part A

Diagnosis of the disease

Entirety of 1.32
Parts of 1.6, 1.29, 1.30

Assessment of damage

Entirety of 1.2, 1.3, 1.4, 1.5, 1.7, 1.29, 1.39
Parts of 1.6, 1.29, 1.30, 1.33

Disease dynamics

Entirety of 1.1, 1.8, 1.9, 1.10, 1.11, 1.18, 1.19, 1.44
Parts of 1.13, 1.14, 1.15, 1.20, 1.21, 1.22, 1.25, 1.29, 1.30, 1.34, 1.35

Disease management and control

Entirety of 1.15, 1.16, 1.31, 1.36, 1.37, 1.38, 1.40, 1.41, 1.42, 1.44, 1.45
Parts of 1.14, 1.17, 1.20, 1.21, 1.22, 1.23, 1.24, 1.26, 1.27, 1.28, 1.29

Part B Appendix

The answers provided for Part A are the same as Part B except the section relating to communications. Answers to this part, communication, are provided (1) by the list of publications provided in responses to part (5) and in frequent seminars.

(3) FUNDS		
Project	CALM	External
1.1	41,571	-
1.2	47,602	-
1.3	45,728	-
1.4	41,404	-
1.5	47,568	-
1.6	70,281	-
1.7	-	16,400 (Meriwa)
1.8	83,142	-
1.9	35,100	-
1.10	-	-
1.11	-	-
1.12	69,256	-
1.13	14,281	-
1.14	38,558	-
1.15	50,117	-
1.16	26,612	-
1.17	-	28,100 (Meriwa)
1.18	35,110	-
1.19	34,992	-
1.20	19,224	-
1.21	22,406	-
1.22	23,140	-
1.23	12,560	-
1.24	33,314	-
1.25	14,429	-
1.26	42,441	-
1.27	47,406	-
1.28	41,600	-
1.29	65,625	76,422 (ANCA)
1.30	11,884	39,071 (Meriwa)
1.31	26,032	-
1.32	40,890	59,320 (Meriwa)
1.33	21,100	12,350 (ANCA)
1.34	31,545	-
1.35	30,945	-

1.36	25,668	360,000 (ANCA)
1.37	90,066	5,800 (ANCA)
1.38	55,726	-
1.39	25,628	-
1.40	131,944	-
1.41	15,979	-
1.42	112,182	335,435 (ANCA)
1.43	6,434	-
1.44	19,354	4,500 (Dieback Trust)
1.45	276,841	5,500 (Dieback Trust)
1.46	135,795	11,000 (Curtin University)
1.47	12,000	4,500 (Dieback Trust)
1.48	26,190	104,000 (RIRDC), 10,000 (Alcoa), 5,000 (Western Collieries)
1.49	-	248,000 (Alcoa)

- (4) The following dieback research projects initiated by CALM are still in progress:

1.19, 1.20, 1.21, 1.22, 1.23, 1.24, 1.25, 1.26, 1.27, 1.28, 1.29, 1.31, 1.32, 1.33, 1.34, 1.35, 1.36, 1.37, 1.38, 1.39, 1.40, 1.41, 1.42, 1.43, 1.44, 1.45, 1.47, 1.48, 1.49.

- (5) The following dieback research project results are still being written-up for publication and dissemination:

1.14, 1.15, 1.16, 1.19, 1.22, 1.24, 1.25, 1.31, 1.34, 1.37, 1.38, 1.39, 1.40, 1.41, 1.43, 1.44.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - TREE SPECIES MANAGEMENT

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

- (1) For each of the following tree species -

- (a) blackbutt
- (b) tingle
- (c) tuart, and
- (d) wandoo

- (i) what is the estimated pre-European area of the species;
- (ii) what is the current estimated area -

- (A) managed by the Department of Conservation and Land Management;
- (B) privately owned; and
- (C) other?

- (2) Of the area managed by CALM, how much is in -

- (a) state forest and timber reserves;
- (b) nature reserves;
- (c) national parks; and
- (d) conservation parks?

- (3) How much of the species in each of these categories is unlogged?

Hon PETER FOSS replied:

The information provided relates to the occurrence of the specified tree species in the three forest regions only. No data is available for blackbutt. Figures for tingle are for the occurrence of the species whereas figures for tuart and wandoo are for areas where the species are dominant.

- (1) (a) (i) No existing formal estimate of pre-European area.
- (ii) Blackbutt is not identified in existing data sets.
- (b) (i) No existing formal estimate of pre-European area.
- (ii) (A) 27 300 ha
- (B)-(C) Data sets are incomplete.
- (c) (i) No existing formal estimate of pre-European area.
- (ii) (A) 10 500 ha
- (B)-(C) Data sets are incomplete.
- (d) (i) No existing formal estimate of pre-European area.
- (ii) (A) 130 500 ha
- (B)-(C) Data sets are incomplete

- (2)-(3) (a) State forest and timber reserves -

	Blackbutt	- total area]No data available.
		- no record of logging]
	Tingle	- total area	16 200 ha
		- no record of logging	13 700 ha
	Tuart -	- total area	1 300 ha
		- no record of logging	700 ha
	Wandoo	- total area	59 000 ha
		- no record of logging	3 900 ha
(b)	Nature reserves -		
	Blackbutt	- total area]No data available.
		- no area of logging]
	Tingle	- total area	50 ha
		- no record of logging	50 ha
	Tuart	- total area	100 ha
		- no record of logging	100 ha
	Wandoo	- total area	7 000 ha
		- no record of logging	6 100 ha
(c)	National parks -		
	Blackbutt	- total area]No data available.
		- no record of logging]
	Tingle	- total area	11 000 ha
		- no record of logging	10 000 ha
	Tuart	- total area	7 600 ha
		- no record of logging	4 500 ha
	Wandoo	- total area	12 000 ha
		- no record of logging	10 000 ha
(d)	Conservation parks *		
	Blackbutt	- total area]No data available.
		- no record of logging]
	Tingle	- total area	50 ha
		- no record of logging	50 ha
	Tuart	- total area	1 500 ha
		- no record of logging	1 500 ha
	Wandoo	- total area	52 500 ha
		- no record of logging	9 200 ha

* "Other" reserves are included with conservation parks so that all CALM managed land is covered in (a)-(d).

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - FOREST MANAGEMENT PLANS AND TIMBER STRATEGY, AMENDMENT PROPOSALS

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

With regard to the ministerial conditions of 24 December 1992 applying to the approval for the Department of Conservation and Land Management's proposals for amendments to the 1987 forest management plans and timber strategy -

- (1) On what date was the expert scientific committee established by the Minister, pursuant to condition 2.1, and when did it report on its review?
- (2) Was the report made publicly available and if so, will the Minister provide me with a copy?
- (3) What aspects have been and are currently monitored in karri and karri-marri forest pursuant to condition 3.1?

- (4) Where can documented details of the monitoring programs, results and current trend/conclusion be obtained?
- (5) With regard to condition 4.1, what action has been taken by the National Parks and Nature Conservation Authority and the Lands and Forest Commission to monitor CALM's implementation of the three 1987 forest region management plans and the 1993-2004 forest management plan?
- (6) Have monitoring reports, by either of these controlling bodies, been produced and are they publicly available?
- (7) Will the Minister please table a list of conservation estate amendments for which the above management plan commitments (eg change of purpose/vesting) have been completed?
- (8) What is the current situation and progress made with the identification and mapping of diverse ecotype conservation areas required by condition 6.1?
- (9) Where are the maps publicly available and what are they called?
- (10) To what extent is the identification process taking place prior to timber harvesting and associated activities in planned logging and roading areas?
- (11) What has been the nature of public involvement in the identification of old growth karri in respect of condition 7.1?
- (12) On what dates has the Minister received reports from CALM on the implementation of this condition?
- (13) With respect to condition 8.2, what sustainable timber resource has the Minister determined be available annually for allocation?
- (14) Where has this information been publicly reported?

Hon PETER FOSS replied:

- (1) The Scientific and Administrative Committee was established early in 1993 and reported in June 1993.
- (2) Yes.
- (3) This condition requires monitoring where there is a significant risk that a particular forest management measure could lead to an irreversible consequence. There is currently no forest management measure which CALM believes will lead to an irreversible consequence.
- (4) Not relevant.
- (5) Condition 4.1 requires proposed amendments to the conservation estate to be implemented. The NPNCA and LFC have been briefed on progress with implementing the tenure changes.
- (6) A monitoring report is being developed by the Lands and Forest Commission.
- (7) A list is tabled, showing progress with implementation, including boundary definition and objections from local government, Water Corporation and Department of Minerals and Energy.
- (8) CALM's computerised mapping database showing these vegetation types has been corrected and updated. Draft maps are being prepared at this stage.
- (9) It is anticipated that the maps will be available during the next twelve months.
- (10) Diverse ecotype zones are identified during detailed logging plan preparation.
- (11) There has been no specific public process with respect to this condition pending the completion of other public processes which involve the Commonwealth Government (DFA, RFA). These processes also include an assessment of old growth values.
- (12) See answer to (11).
- (13) Jarrah 490,000 m³ /yr first and second grade sawlogs and 1,360,000 m³ /yr gross bole volume;
Karri 214,000 m³ /yr first grade sawlogs and 203,000 m³ /yr other logs;
Marri 559,000 m³ /yr bole logs.
- (14) This information was included in a statement by Hon Kevin Minson dated 5 August 1993 and in press releases on the same day. The formal statement as required under condition 8.2 was dated 16 August 1993.

MOTOR VEHICLES - UTILITIES AND TRAY BACKS CONVEYING PASSENGERS, NEW REGULATIONS

644. Hon TOM STEPHENS to the Minister for Transport:

- (1) Does the State Government intend to introduce new regulations in reference to persons riding on the rear portion or the back of utilities and tray back vehicles?
- (2) Does the State Government propose to introduce changes that include the construction of substantial canopies or cages on the rear of community vehicles and other vehicles that are used to convey passengers?
- (3) Does the State Government propose to introduce substantial fines to persons caught breaking these new regulations?
- (4) If yes, when is it proposed to introduce these changes?

Hon E.J. CHARLTON replied:

- (1)-(4) Regulations of the Road Traffic Code already require that people in vehicles occupy a seat belted position before any person is permitted to travel in or on the vehicle in any other position. Proposals to further restrict persons riding on the rear portion or the back of vehicles are currently being considered by the Traffic Board and the Office of Road Safety, prior to recommendations to the Ministerial Council on Road Safety. These proposals cover the option of providing an approved roll cage, exemptions, penalties for non-compliance and timetables for introduction if approved.

HOSPITALS - FREMANTLE

Open Heart Surgery Facility, Election Promise

666. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Health:

In the campaign prior to the 1993 state election, the coalition parties promised to provide a facility at Fremantle Hospital to accommodate open heart surgery.

- (1) Is it still the case that patients admitted for tests such as angioplasty are required to sign a form indicating that if complications arise permission is granted to transfer them to Royal Perth Hospital for any surgery required?
- (2) When will Fremantle Hospital be equipped and resourced to effect open heart surgery as promised by the Government prior to the last election?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Construction of the facility and recruiting of staff to provide a cardiothoracic surgical service is currently under way. The scheduled commencement date for the service is 14 April 1997.

TYRES - FLYNN DRIVE, NEERABUP, NEW DUMP; RECYCLING DEVELOPMENT

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

- (1) Is the Minister aware that a new tyre dump has been opened on Flynn Drive, Neerabup, adjacent to the Gngara water mound?
- (2) Did the Minister approve this development?
- (3) If yes, when?
- (4) If not, who did?
- (5) Is the Minister aware that this tip is burying whole tyres and that such tips are a potential fire risk?
- (6) Why did the Minister permit whole tyres to be buried at Neerabup?
- (7) Is this development consistent with the Government's waste tyre strategy which seeks to ban land filling of tyres near Perth and increase retreading and recycling?
- (8) If not, why was it permitted?

- (9) What steps, if any, has the Government taken to develop scrap tyre recycling industries in Western Australia?

Hon PETER FOSS replied:

- (1) Yes.
- (2) No.
- (3) Not applicable.
- (4) The Department of Environmental Protection approved the site on 25 October 1995.
- (5) The site is approved to bury whole tyres. As indicated in the answer to several previous questions, the fire risk associated with tyres is due to the combustible nature of the rubber in tyres. Shredding tyres makes no difference to the risk. To prevent fire, they need to be covered with a thick layer of inert material. At the Flynn Drive site tyres are covered with up to eight times their volume of inert building rubble.
- (6) The approval was given after a careful assessment of the management procedures to ensure that tyres were completely and effectively covered each day.
- (7) The development is consistent with the scrap tyre management strategy because tyre disposal sites will be required until the various forms of reuse and recycling are fully developed. The alternative of stockpiling over a million scrap tyres a year is far too great a risk.
- (8) Not applicable.
- (9) The Government has taken the following steps -
 - (a) issued a policy on the management of scrap tyres;
 - (b) agreed to provide a substantial grant to Imtech Pty Ltd to establish a tyre recycling facility following a public expression of interest process;
 - (c) amended the regulations governing the use of retreaded tyres in Western Australia to provide more car owners the option of fitting retreaded tyres; and
 - (d) commenced the process of amending the tyre storage and disposal regulations to create a tyre landfill exclusion zone and require licensed tyre storage sites to make tyres available for recycling in preference to disposal.

ENVIRONMENTAL PROTECTION ACT - REVIEW, NEW LEGISLATION

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

When does the Minister intend to introduce legislation to implement the recommendations of the independent review of the Environmental Protection Act which was carried out in 1991-92?

Hon PETER FOSS replied:

As the member would know, had he read the answers I have already provided to his questions on this subject, most of the recommendations of the 1992 review did not require legislative amendment and have already been implemented. Of those few which do involve legislative change, amendment proposals are being prepared for the implementation or partial implementation of recommendations 8, 9, 18, 36, 38, 39, 40, 41, 43, 44 and 47.

- Recommendations 36, 38 and 40 have already been partly implemented and will be further pursued through general amendments. These are currently being drafted. They involve some complex matters of drafting. They are also to be subject to wide consultation, so there is no firm timeline as yet for their introduction.
- Recommendations 8, 9, 18, 39, and 43 are also to be implemented through the above general amendments.
- Recommendation 41 has been partly implemented through consultation on the Noise Regulations and is being further pursued through the so-called "Rave Party" Bill which is currently before the House.
- Recommendation 44 is being implemented through special purpose contaminated sites amendments on which there has been extensive consultation and drafting has not yet commenced. I would not expect these amendments to be introduced before next year.

- Recommendation 47 is being separately pursued in parallel with a push for national broad band uniformity of environmental offences and penalties. I have given approval to proceed to drafting and I hope to introduce amendments later in this session.

MINING INDUSTRY - MT PERCY TAILINGS DAM, SEEPAGE

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

I refer to questions without notice asked on 23 May 1995 and 25 May 1995 regarding leakage and seepage from Mt Percy tailings dam which killed and/or stressed vegetation -

- (1) Over what area, in square metres, has seepage been experienced?
- (2) Is this seepage pollution as defined under the Environmental Protection Act 1986?
- (3) If yes, will the Minister prosecute the perpetrator for causing this pollution?
- (4) If not, why not?
- (5) Who, or what companies, caused this pollution?
- (6) In this particular instance, what is the penalty incurred under the Act for causing the pollution?

Hon PETER FOSS replied:

- (1) The Department of Environmental Protection identified that a "small area some 25 metres from the toe drain . . ." showed signs of having been stressed in its previous advice to me. The area involved has been estimated as 1 000 square metres.
- (2) This incident was managed by the Department of Environmental Protection consistent with its 'enforcement policy'. The management approach adopted did not require the DEP to investigate the incident to determine whether it caused pollution. The DEP considered the response taken by the licensee to be appropriate without the need for legal action.
- (3) Not applicable.
- (4) The area affected was entirely within the Mt Percy lease and within their tailings storage management area. The area has since been used to install a 4 metre deep interception trench collecting small quantities of water and seepage.
- (5) The licensee (Kalgoorlie Consolidated Gold Mines Pty Ltd) is responsible for operation of these premises.
- (6) Not applicable (see 2 above).

MINING INDUSTRY - GOLD TAILINGS SPILL; LICENCE No 6420, OWNER; BREACH OF CONDITION B1

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

I draw the Minister's attention to a news release dated Wednesday, 29 May 1996, titled "DEP Investigating Gold Tailings Spill"; to question on notice 557 of 2 July 1996 and to condition B1 on licence No 6420 which states "All matter containing saline, alkaline or cyanide constituents shall be retained with holding facilities such that there is no discernible impairment of surface or underground waters and surrounding vegetation" and ask -

- (1) Who are the operator and owners of licence No 6420?
- (2) Have the operator or owners breached condition B1 by allowing saline, alkaline or cyanide constituents to escape causing discernible impairment to surrounding vegetation?
- (3) If yes, will the Minister prosecute the operator or owners for breaching this licence condition?
- (4) If not, why not?
- (5) In this particular instance, what is the penalty for breaching a condition of the licence?

Hon PETER FOSS replied:

- (1) DEP licence No 6420 is held by Kalgoorlie Consolidated Gold Mines Pty Ltd and relates to the Fimiston mill and associated tailings storage facilities which is operated by KCGM

- (2) Documentation relating to investigation of a tailings spill on 23 May 1996 is still in preparation. The documentation will be passed to Crown Law for opinion as to whether a breach of licence has occurred and if so whether a prosecution could be sustained.
- (3) After receiving advice from Crown Law and DEP, I will decide whether a prosecution should be launched.
- (4) Not applicable until DEP report and Crown Law advice is received.
- (5) If a prosecution for breach of licence occurs and succeeds, the maximum penalty under the Environmental Protection Act (1986) is \$50 000 for a corporate body.

QUESTIONS WITHOUT NOTICE

POLICE SERVICE - MIRRABOOKA TRAFFIC OFFICE

808. Hon GRAHAM EDWARDS to the Attorney General representing the Minister for Police:

In relation to the decision to locate Mirrabooka Traffic Office at Innaloo Police Station -

- (1) When was the decision made to locate Mirrabooka Traffic Office at the Innaloo Police Station and on what grounds was the decision made?
- (2) Where is the Mirrabooka Traffic Office currently located?
- (3) When will Mirrabooka Traffic Office move to Innaloo?
- (4) Where are the regional police offices, which are being rebuilt, located?
- (5) When will Mirrabooka traffic police will move from Innaloo to the rebuilt facilities at Mirrabooka?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) March 1996.
- (2) Perth Traffic Office, Wellington Street, East Perth.
- (3) Within the next two weeks.
- (4) The Mirrabooka police complex will be located at Chesterfield Road near Northwood Drive, Mirrabooka.
- (5) Unknown at this time.

POLICE SERVICE - MIRRABOOKA TRAFFIC OFFICE

809. Hon GRAHAM EDWARDS to the Attorney General representing the Minister for Police:

In relation to the decision to locate Mirrabooka Traffic Office at Innaloo Police Station -

- (1) In what accommodation will police officers be housed at Innaloo Police Station and how much will it cost?
- (2) What were staff numbers at Innaloo Police Station in the years 1993, 1994, 1995 and 1996?
- (3) What are the metropolitan police traffic areas north of the Swan River and what are their boundaries?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Current building and a transportable. Cost approximately \$43 000.
- (2) One officer.
- (3) In line with the new police district boundaries under the Delta restructuring.

REAL ESTATE AND BUSINESS AGENTS ACT - SECTION 61A, PROCLAMATION REVOCATION

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

With respect to his advice on the revocation of the proclamation of section 61A of the Real Estate and Business Agents Act, what Western Australian precedent of revocation of a proclamation exists; and in each case, if any, for what purpose?

Hon PETER FOSS replied:

There was a previous occasion, as I understand it, on which it was going to be done but, for reasons separate from the question of whether it could or could not be done, it did not proceed. I think that was in the 1950s, and the advice was to the same effect: It could lawfully be done. The major precedents come from Victoria.

ALLEN, MARK - DEATH INQUIRY

811. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) Has the investigation into the death of Mr Mark Allen been completed?
- (2) If not, how has the Minister for Finance been able to claim that Mr Allen has taken risks that he should not have and that his employer, the Builders' Labourers, Painters and Plasterers Union, had not provided adequate training to Mr Allen?
- (3) What is the basis for the assertion that the BLF had not provided Mr Allen with proper training?
- (4) If the Minister has no basis for making such assertions, will he forthwith apologise to Mr Allen's family and friends and to the BLF for making such claims?
- (5) Is the Minister aware that since Mr Allen's death 12 improvement notices and two prohibition notices have been issued in respect of the site?
- (6) If the Minister was aware of these notices, why did he exclude reference to them when apportioning blame for the tragic accident?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The Minister for Labour Relations has provided the following reply -

- (1)-(6) I said yesterday that it was important to wait for the official report on this tragic accident before doing an assessment of what happened, and how, if possible, this death could have been prevented. I intend to wait until I have all the facts, which is the only responsible course of action for anyone interested in the truth of this unfortunate matter. However, the comments I made yesterday regarding possible unsafe activities by Mr Allen were justified. A fragile asbestos roof under demolition is an extremely hazardous location. All workers on the roof were wearing safety harnesses in case of a fall, and full safety clothing and breathing apparatus to prevent asbestos inhalation. Their appearance should have indicated that all possible safety measures were required.

AMIDZIC, VESNA - STEALING CHARGES

812. Hon P.R. LIGHTFOOT to the Attorney General:

- (1) Did Ms Vesna Amidzic, a lawyer with the Perth firm Pryles and Deferos, plead guilty to seven charges of stealing in the Perth Magistrate's Court on 20 November 1995?
- (2) Did the charges relate to the theft of numerous items of clothing and cosmetics from various shops in Perth?
- (3) Were the charges dismissed under the first offender provisions of the Western Australian Criminal Code?
- (4) Is it normal practice to allow a lawyer to continue to practise after the lawyer has been found guilty of charges of stealing?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(3) Yes.
- (4) This is a matter for consideration by the Legal Practice Board.

AMIDZIC, VESNA - STEALING CHARGES

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

I refer to the matter just raised by Hon Ross Lightfoot -

- (1) Did the Attorney General exercise his capacity to consult with the Director of Public Prosecutions with respect to this matter?
- (2) Did the Director of Public Prosecutions consider an appeal?
- (3) If not, why not?
- (4) If so, why did he not proceed?

Hon PETER FOSS replied:

- (1) No.
- (2)-(4) I am unable to answer these questions, because I have not consulted him.

ALLEN, MARK - DEATH INQUIRY

814. Hon A.J.G. MacTIERNAN to the Minister for Finance:

Yesterday the Minister alleged that the Builders' Labourers, Painters and Plasterers Union had not provided Mr Mark Allen with appropriate training.

- (1) Did the Minister make any inquiries regarding what training had been provided by the union?
- (2) If he did not make such inquiries, what was the basis of his assertion?
- (3) If the Minister is now aware that subsequently material has been provided to WorkSafe WA detailing the extensive training that had been undertaken by Mr Allen, is the Minister now prepared to give an unqualified apology to the BLF for the statements he made?

Hon MAX EVANS replied:

- (1)-(3) That was a long-winded question. It relates to the information provided to me by the Minister for Labour Relations. I am unable to provide an answer.

EDUCATION DEPARTMENT - NEW SCHOOLS, STUDENT NUMBERS POLICY; SECRET HARBOUR

815. Hon JOHN HALDEN to the Acting Leader of the House representing the Minister for Education:

- (1) Can the Minister produce any written Education Department policy supporting his claim that the average number of students needed to justify a new school is about 300?
- (2) If not, from where does the department draw this so-called rule of thumb?
- (3) In the term of the current Government, have any new schools been established where the number of new students has been less than 300?
- (4) If yes, which schools?
- (5) Can the Minister guarantee that a government primary school will be built at Secret Harbour and provide a date when it will be opened?
- (6) To whom will the Government pay \$70 000 a year in rent to utilise a planned shopping centre at Secret Harbour as a school?
- (7) Did this arrangement to pay rent enable construction of the shopping centre to get underway?
- (8) Was there any obligation on the part of the company receiving the rent to construct the shopping centre as part of the subdivision at Secret Harbour?
- (9) Who initiated discussions on the proposal to operate a school in a planned shopping centre?

Hon E.J. CHARLTON replied:.

I thank the member for some notice of this question. The Education Department has advised the Minister for Education in the following terms -

- (1)-(2) Established practice over many years has been to start new primary schools in rapidly developing areas, particularly in the metropolitan region, at enrolments that exceed 300, including preprimary.
- (3) Yes.

- (4) Ellenbrook. This school began as a school in houses, with 47 students. When numbers build up, a permanent school will be built. This is an innovative solution to provide schooling in a developing community where existing government schools are some distance away.
- (5) Two sites will be available for construction of government primary schools, which will be built when numbers warrant them.
- (6) Satterley Real Estate.
- (7)-(8) No.
- (9) Discussions occurred between the company concerned and the Education Department earlier this year.

FAMILY COURT ACT - AMENDMENT, CHILD TREATMENT CHANGES

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

Why is there no Bill on the Notice Paper seeking to amend the Family Court Act to reflect the changes in the treatment of children under the Family Law Act?

Hon PETER FOSS replied:

That reflects the process which has been going on to consult with the profession and with the court on the form that that Bill should take. The Chief Judge of the Family Court has put a tremendous amount of work into that. The matter is currently before the family law practitioners, and I hope to receive their comments soon so that we can introduce the Bill.

I make it clear that I will not introduce such a Bill until I am satisfied that those people who will have to work with that Bill both on the bench and before the bench - and I believe some of the other organisations which are involved are also looking at it - are satisfied that it is appropriately drafted.

LAND - SWAN LOCATION 1403, USE

817. Hon GEORGE CASH to the Minister for Transport:

- (1) Was the land comprising volume 1244 folio 71, being portion of Swan location 1403 and portion of the adjoining part 5228 Newburn Road, used for the purpose for which it was resumed?
- (2) For what purpose was the particular land used?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Earthworks and drainage were carried out on the land, which forms an integral part of the Forrestfield marshalling and train service area. The principal alignments of the standard and narrow gauge railways to Kwinana are located within the land, together with the considerable number of standard and narrow gauge sidings and the wagon repair depot.

WORKSAFE WA - METROBUS DEPOT, EAST PERTH, DEMOLITION CONTRACT

818. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) Did WorkSafe Western Australian issue any documentation or advice to the City of Perth in respect of the proposed demolition of the East Perth MetroBus depot?
- (2) If yes, what was the nature of that advice or documentation, and why was it issued?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Minister for Labour Relations provides the following -

- (1) No.
- (2) Not applicable.

RESOURCES DEVELOPMENT, DEPARTMENT OF - DOVER CONSULTANTS

819. Hon KIM CHANCE to the Acting Leader of the House representing the Minister for Resources Development:

- (1) Has Dover Consultants made any representations to the Department of Resources Development on behalf of resource companies in the last 12 months?
- (2) If yes, which companies and with regard to which projects?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. I am advised by the Minister for Resources Development in the following terms -

- (1) No.
- (2) Not applicable.

MINERALS AND ENERGY, DEPARTMENT OF - DOVER CONSULTANTS

820. Hon KIM CHANCE to the Acting Leader of the House representing the Minister for Mines:

- (1) Has Dover Consultants made any representations to the Department of Minerals and Energy on behalf of resource companies in the last 12 months?
- (2) If yes, which companies and with regard to which projects?

Hon E.J. CHARLTON replied:

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

- (1) The Department of Minerals and Energy has not found any record of Dover Consultants making representations in the last 12 months.
- (2) Not applicable.

COMMERCE AND TRADE, DEPARTMENT OF - DOVER CONSULTANTS

821. Hon KIM CHANCE to the Acting Leader of the House representing the Minister for Commerce and Trade:

- (1) Has Dover consultants made any representations to the Department of Commerce and Trade on behalf of resource companies in the last 12 months?
- (2) If yes, which companies and with regard to which projects?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The Minister for Commerce and Trade has provided the following reply -

- (1) No.
- (2) Not applicable.

EDUCATION DEPARTMENT - VARDON, CHERYL, DIRECTOR GENERAL, PAY AND CONDITIONS

822. Hon JOHN HALDEN to the Acting Leader of the House representing the Minister for Education:

- (1) What are the pay and conditions of the new Director General of Education, Cheryl Vardon?
- (2) How does this differ from that for the previous director, Greg Black?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. I ask that the member put this question on notice as it is not a matter of urgency; rather, it is a question seeking factual information.

Hon John Halden: I am sorry that I want factual information. What a joke question time is becoming! It would take two minutes to get that answer. You need to talk to him.

ROADS - KWINANA FREEWAY, SURFACE MATERIAL

823. Hon JOHN HALDEN to the Minister for Transport:

- (1) Of what material is the surface of the Kwinana Freeway north of Thomas Road constructed?
- (2) What material was originally planned for the surface of the Kwinana Freeway between Forrest Road and Thomas Road?
- (3) Of what material is the surface of the Kwinana Freeway between Forrest Road and Thomas Road actually constructed? Is it different from the material originally planned; if so, why?

Hon E.J. CHARLTON replied:

This question appears to be of an urgent nature! I thank the member for some considerable notice of this question.

- (1) Aggregate seal.
- (2) The planned final surface is open graded asphalt. Typical Main Roads' construction practice for new works is a staged construction. At initial construction, the road is sealed with a two coat emulsion and aggregate seal. After 12 months, final waterproofing is carried out with hot bitumen and 14 millimetre aggregate. As increased use warrants, the final surface of 10 mm open graded asphalt is applied. This normally occurs four to five years after construction.
- (3) Aggregate seal was used. This was the material originally planned.

SCHOOLS - BUNBURY CENTRAL PRIMARY

*Closure***824. Hon JOHN HALDEN to the Acting Leader of the House representing the Minister for Education:**

- (1) Can the Minister confirm that parents at a Bunbury primary school were told that Bunbury Central Primary School may be closed in the year 2000?
- (2) Is he aware that some of these parents contacted the local office of the Education Department and this was confirmed?
- (3) Can the Minister confirm to the House that the closure of Bunbury Central Primary School is an option being considered by the Education Department?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. I have been advised by the Minister for Education in the following terms -

I ask the member to put this question on notice as it has the same time frame as the previous question.

I think that is not appropriate; I will ensure that that information is gathered.

MICKELBERG CASE - EVIDENCE

825. Hon MARK NEVILL to the Attorney General:

With reference to the Mickelberg case, and further to question on notice 554, I ask -

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

Hon PETER FOSS replied:

- (1)-(3) This question is a duplicate of question on notice No 554.

WOMEN'S SUFFRAGE - CENTENARY, PLANNING

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

- (1) Has the Government commenced to develop a strategy to celebrate the centenary of women's suffrage in Western Australia in 1999?
- (2) If so, who is undertaking the planning?
- (3) What financial resources does the Government plan to allocate for planning and subsequently to sponsorship?
- (4) What consultations are planned with non-government women's organisations in any planning process?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Minister for Women's Interests has provided the following reply -

- (1) Yes.
- (2) The preliminary planning is being undertaken by the Women's Policy Development Office together with a steering group of chief executive officers from relevant agencies.
- (3) In this financial year the planning is being managed within the budget of the Women's Policy Development Office. Funding for planning and sponsorship, as appropriate, will be sought through normal budgetary processes for this initiative as a special project.
- (4) It is proposed that consultations will be undertaken with the community across the State, with non-government women's organisations being a priority group.

FATALITIES - CONSTRUCTION INDUSTRY; INDUSTRIES

827. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) Will the Minister confirm the following construction industry fatality figures which are contained in a WorkSafe WA document entitled "Construction Industry Fatality Descriptions" -

1987-88	3 deaths
1988-89	4 deaths
1989-90	4 deaths
1990-91	2 deaths
1991-92	3 deaths
1992-93	8 deaths
1993-94	5 deaths
1994-95	6 deaths
1995-96	6 deaths?

- (2) Will the Minister also confirm that total fatalities across all industries from 1989 to 1992 were 111 and that for the period 1992 to 1996 they were 98?
- (3) Does the Minister acknowledge that this means that total fatalities across all industries have decreased by less than 12 per cent during the Government's term and not by 37 per cent as claimed by the Minister for Labour Relations or by 28 per cent as claimed by the Minister for Finance?

Hon MAX EVANS replied:

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

- (1) The fatalities are as follows -

1987-88	3 deaths
1988-89	4 deaths
1989-90	4 deaths
1990-91	4 deaths
1991-92	1 death
1992-93	8 deaths
1993-94	5 deaths
1994-95	6 deaths
1995-96	5 deaths.

- (2) The fatalities across all industries were - 1989 to 92, 111 deaths; 1992 to 96, 102 deaths.
- (3) Across all industries lost time injury and disease frequency rates have fallen by 28 per cent and there has been a 28 per cent reduction in the rate of fatalities since June 1993. In the construction industry there has been a 22 per cent reduction in lost time injury and disease frequency rates between 1992-93 and 1994-95, and there has been a 37 per cent reduction in fatalities between 1992-1993 - eight - and 1995-96 - five.

Hon A.J.G. MacTiernan: That is just ridiculous.

The DEPUTY PRESIDENT: Order!

PAYROLL TAX - NON-PAYMENT

828. Hon JOHN HALDEN to the Minister for Finance:

- (1) Is the State Revenue Department still pursuing shipbuilders in Henderson for non-payment of payroll tax?
- (2) If so, to what stage has the collection of this non-payment of payroll tax proceeded?
- (3) What amount is involved?
- (4) When is it likely that this non-payment of payroll tax will be collected?

Hon MAX EVANS replied:

I thank the member for some long notice of this question.

- (1) The State Revenue Department has investigated the payroll tax liability of payments made by a major shipbuilder in Henderson to subcontractors engaged to provide predominantly labour only. A final determination as to the liability of those payments has not been made and no assessment has been issued.
- (2)-(4) Not applicable.

MEAT INSPECTION - STANDARDS

829. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) Will the Minister provide an assurance to the consumers of meat in Western Australia that the meat inspection procedures undertaken by the Health Department of Western Australia and local government environmental health officers are sufficient to ensure that carcasses with tuberculosis will be detected?
- (2) Will the Minister provide an assurance that all meat imported into Western Australia from other States is inspected by qualified meat inspectors with the same or equivalent inspection qualifications as are required by the Health Department for persons undertaking meat inspection duties in Western Australia?
- (3) What inspections, if any, are being by the Health Department of meat being imported from interstate?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) No. In some States the qualifications of inspectors are not of the same standard as required in Western Australia. Western Australia has been pressing for uniform qualifications for meat inspectors throughout Australia. All meat throughout Australia must be inspected in accordance with the Australian Standard for the Hygienic Production of Meat for Human Consumption.
- (3) Only crocodile meat is routinely inspected on entry into Western Australia. Under the mutual recognition arrangements meat that is declared suitable to sell through the State of origin is permitted for sale in Western Australia. However, the Health Department of Western Australia and local government can take action on any meat found to be adulterated at any time.

MEAT INDUSTRY AUTHORITY - ABATTOIR, SOUTH WEST, INQUIRY

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

- (1) Is it correct that during 1994 a representative from the Meat Industry Authority appeared on the Australian Broadcasting Corporation television program "7.30 Report" and stated that an abattoir situated in the south west was under investigation by that authority?

- (2) If yes, what is the current status of this investigation?

Hon E.J. CHARLTON replied:

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

I am advised by the Meat Industry Authority that -

- (1)-(2) A member of the authority, who is now retired, did appear at about that time but advises that no comment of that nature was made.

UNEMPLOYMENT - PROJECTED FIGURES

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

- (1) What are the projected unemployment figures for Western Australia for June 1997 and June 1998?
(2) Have those figures been revised since the state Budget?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No monthly estimates are available for unemployment rates. However, estimates from the Western Australian Treasury are for 7.25 per cent in the financial year 1996-97 and 7 per cent in 1997-98.
(2) These estimates have not been revised since the state Budget.

FISHERIES DEPARTMENT - WORLD FISHING CONFERENCE, BRISBANE, ATTENDANCE

832. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

- (1) Did each of the following representatives of the Fisheries Department of Western Australia attend the second World Fisheries Congress in Brisbane this year
S. Ayvazian, A. Bartleet, J. Brown, B. Bowen, H. Brayford, J. Camkin, N. Caputi, C. Chalmers, M. Cheah, A. Cribb, K. Donohue, J. Fowler, P. Millington, M. Moran, G. Morgan, M. Nixon, G. Paust, J. Penn, F. Prokop, P. Rogers, C. Simfendorfer, P. Stephenson, R. Watson and B. Wise?
(2) If not, which did not attend?
(3) How many of the representatives listed in (1) are employees of the Fisheries Department?
(4) Which of those representatives are not employees of the Fisheries Department?
(5) What was the cost per conference participant of the conference itself, aside from travelling and accommodation expenses?
(6) Was the conference cost incurred by those representatives who are not Fisheries Department employees, met by the department?
(7) Why was it considered necessary for so many Fisheries Department representatives to attend the Brisbane conference?
(8) Were any conference costs incurred by representatives of the Aquaculture Council of WA, the Western Sport Fishing Council or the Recreational Fishing Advisory Committee also met by the Fisheries Department?

Hon E.J. CHARLTON replied:

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

- (1)-(4) Of the listed persons, 21 are departmental officers. J. Brown, B. Bowen and M. Cheah are not departmental officers.

Three persons - A. Bartleet, K. Donohue and G. Paust - did not attend, and three persons - S. Ayvazian, M. Moran and B. Wise - attended at their own expense. The cost of registration was \$550 per participant.

Hon Kim Chance: He was Moran not "Moron".

Hon Max Evans: Yes he was; he paid his own expenses!

(5) No.

(6) The World Fisheries Congress is held every four years. This year it was held in Brisbane.

Hon John Halden: We sent fewer people to the Olympics.

Hon E.J. CHARLTON: It presented a unique learning opportunity for the people involved, with exposure to research and management development in other jurisdictions. Eight officers presented papers, and two officers presented posters to the congress.

(7) No, with respect to the representative of the Aquaculture Council. Yes, with respect to representatives of the Western Sport Fishing Council and Recreational Fishing Advisory Committee.

AIRPORTS - SECOND GENERAL AVIATION, SITES

833. Hon JOHN HALDEN to the Minister for Transport:

(1) What sites are being considered for the location of a second general aviation airport?

(2) Has Nowergup been ruled out as a possible second general aviation airport?

(3) If it has been ruled out, when was it ruled out?

Hon E.J. CHARLTON replied:

(1)-(3) I cannot give the member a specific date; however, I announced either in this House or publicly that the Nowergup site had been totally rejected by the committee that I appointed. That committee comprises Hon Ross Lightfoot, Hon Iain MacLean and Hon Graham Edwards and they recommended that the site not be considered further. I accepted that recommendation. That committee is considering other options, none of which is in the northern suburbs, but elsewhere. I look forward to the committee reporting shortly. I can say absolutely and conclusively that the Nowergup site has been totally rejected as a possibility. The committee is looking at sites further north and east, including Pearce. I expect a report shortly, which I expect will reject that site as well.
