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(HANSARD)

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LEGISLATIVE ASSEMBLY

Thursday, 6 April 2000

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 9.00 am, and read prayers.

CYCLONE STEVE

Statement by Minister for the Environment

MRS EDWARDES (Kingsley - Minister for the Environment) [9.03 am]: In my capacity as minister representing the Minister for Emergency Services, I inform the House of the initiatives approved by the Government to provide assistance to the regions of Western Australia most affected by tropical cyclone Steve.

Between 3 and 11 March, cyclone Steve moved from the Northern Territory across the Kimberley and then south along the Western Australian coast, before travelling south east and into the Great Australian Bight. This cyclone caused enormous damage to many parts of our State and, on behalf of the Government, I commend both emergency and police service personnel for their outstanding contribution during the emergency and in the continuing recovery process.

In Carnarvon on 15 March this year, the Premier announced a state of natural disaster. In response, a detailed and prompt disaster recovery program has been put in place by this Government. The expenditure by the State Government is being utilised for two important purposes. First, to restore government infrastructure damaged by the cyclone, specifically restoration of roads in affected areas. Second, and most important, it is being used to assist individuals, business and primary producers that have been most affected. In the latter case, the Government is providing the following support: Up to \$2.5m has been allocated to the Carnarvon recovery scheme, which will be coordinated by Agriculture Western Australia. Essentially there will be a restoration of topsoil to affected plantations and market gardens, utilising approaches including re-levelling, re-working, topsoil replacement and rejuvenating the soil. An amount of \$200 000 has been allocated to assist owner-operator transport drivers stranded by the floodwaters. Drivers will be eligible for direct payments of \$100 a day, up to a maximum of \$2 000 based on a seven-day threshold. This package will be administered by the Department of Transport in conjunction with the transport industry, local government and the Police Service. In addition, payments of \$1 000 per adult and \$200 per child are available through the Department of Family and Children's Services for food, clothing, essential housing repairs and temporary accommodation.

The state recovery emergency management committee, which is represented by the relevant government agencies, will be operating to oversee the provision of these measures in a timely and effective manner. In short, the Government is working swiftly to provide assistance to those who are in desperate need as a result of this tragic disaster.

HOMELESS YOUTH

Grievance

MS ANWYL (Kalgoorlie) [9.05 am]: My grievance is directed to the Minister for Family and Children's Services. I had intended to grieve to the Minister for Police, but he was not available. I then intended to grieve to the Minister for Youth and he was not available. I hope the Minister for Youth will read these comments because they are about young people. My grievance relates to the situation confronting a number of young people who are homeless in this State. I am obliged to the Minister for Family and Children's Services for making herself available this morning, because I understand she had not planned to be here either. It is a problem when several ministers are not available.

Mrs Edwardes: You could have grieved to me because I am the minister assisting the Minister for Police and I am available.

Ms ANWYL: That would have been great. This grievance should be directed to the Minister for Youth because his agency has responsibility for the coordination of services for young people. That has not been taken up, which leaves the Minister for Family and Children's Services with the full responsibility. As opposition spokesperson on youth, I ask the minister to focus on the close link between the lack of accommodation for young people and street prostitution, especially child prostitution. Three key areas need to be addressed.

First, there is insufficient crisis accommodation for young people. Second, there is absolutely no accommodation that caters for young people who use alcohol or other drugs on a regular basis, and clearly there is a correlation between that drug use and prostitution. Third, there are insufficient resources, or will, in Family and Children's Services to deal with young people's needs generally, particularly the needs of those at the very hard end in their late teens whose parents are not agitating. It seems that without that parental agitation, very little, if any, support is provided by the department to these children. It is left to the non-government organisations to provide that support but no accommodation is available for these young people.

A report on the national supported accommodation assistance program which was released this week - it was reported in yesterday's edition of *The West Australian* and I assume the minister has had access to it although I have not yet seen it - states that agencies which cater for young people and single men are the two most unlikely to meet the demand in the community. They have the highest rates of unmet need. Members should be clear about the meaning of "unmet need" in this circumstance. It means young homeless people are being turned away from these state-funded agencies and left to fend for themselves on the streets.

Three youth crisis accommodation services have been referred to in *The West Australian*. The first was Mission

Australia's Victoria Park facility in Berwick Street. It said that in the first six months of this year, it received 404 requests, and could service only 43 of those requests. That means about 90 per cent of the young people who approached that group were turned away. A Wanneroo service and the Swan emergency centre in Midland made similar comments. Yesterday afternoon I rang a number of youth services in the inner city and residents in Northbridge and Highgate to discuss what they see on the streets, whether they are youth workers or residents exposed to prostitution. I listened to a number of stories from residents, who said they had contact almost daily with young girls under the age of 18 years. Some are as young as 15 or 16 years of age, and some of them have been engaged in prostitution since they were 11 or 12 years old. That is happening on our streets. These young people need a roof over their heads. It is not realistic to expect that these young people will always be reunited with their families. It is worthwhile trying that. However, the minister must understand that these young people are used to independent living and to using drugs and, in many cases, they will not immediately give up that drug use.

I have been told that residents have witnessed girls under 18 who had been beaten and who had awful assaults committed on them. There have also been unsolved presumed murders of young women in the area. These young people need accommodation that allows them to have some independent living, but which has supportive workers and clinical drug and alcohol workers who are equipped to deal with the issues confronting these young people and who will accept these people when they are intoxicated. A number of young people who live on the streets get intoxicated on alcohol or other drugs; that is a fact. However, no accommodation agency in Perth is equipped to deal with that. A piece of legislation will be coming into the Parliament, which will enable police officers to take these young people into custody, but there is no facility which will allow these young people to have a roof over their heads at night. Something must change.

Countless reports have made suggestions to the Government about what to do. In 1998, the Auditor General provided a report called "Accommodation and support services provided to young people unable to live at home". It made recommendations about what the Government should do to meet the needs of these young people. That report indicated that 83 per cent of young people in care or at risk who required alcohol or drug treatment did not get that service. The report also stated that relevant government agencies, including Family and Children's Services, should consider the establishment of a formal interagency and non-government mechanism to formulate and develop shared targets, the pooling of resources and to steer through changes.

Two years later, not much has happened in that area. The Office of Youth Affairs is supposed to be coordinating a government response to youth needs, and that is not happening. In the meantime, some young women on the streets cannot access any of the existing crisis accommodation services because they are drug users. If we are to debate child prostitution, let us do something about this need for accommodation.

MRS van de KLASHORST (Swan Hills - Minister for Family and Children's Services) [9.12 am]: It is a very serious problem that young people in Western Australia are leaving home and going onto the streets. Like the member opposite, I, too, am concerned that we need places for these people. From the Government's point of view, this is a good news story, because at the moment it is spending \$23m, in conjunction with the Commonwealth Government, to provide 118 support accommodation and related support services for young people, families, children escaping domestic violence, homeless families and single men and women. However, there are some gaps. Family and Children's Services is concerned that there are gaps. As I speak, the department is, and has been for quite some time, in negotiations for extra money with the commonwealth department. Approximately \$15m will be available Australia-wide. Family and Children's Services is negotiating with the commonwealth department at the moment to get its share of that money so it can increase services and add to the \$23m.

Mr Marlborough: That is \$1m extra for the State.

Mrs van de KLASHORST: We are working to get as much of that money as possible. Let us look at some of the services available in Western Australia at the moment. Through the supported accommodation assistance program, 24 youth supported accommodation services are funded at the level of \$5.3m, two placement services have funding of \$700 000, and one which will move to independent living has funding of \$200 000. Family and Children's Services funds support placement services including Anglicare Teenshare, which provides 15 emergency and medium-term placements for teenagers, and Mercy Community Services, which provide up to 17 placements. The Salvation Army is providing services for young people aged 12 to 16 years. Family and Children's Services also funds eight services providing parent-child or young person counselling to a level of \$676 479. The Commonwealth Department of Family and Community Services funds three services in Western Australia to reconnect young people and their families through mediation, and that is what we must concentrate on. We have services in the community, but that is not the answer. Throwing money and more services at it is not the answer. The answer is to find out why.

Family and Children's Services and I, as the minister, have been looking at early intervention programs to work with these people before they leave home or, if they do leave home, to return them to their families and get them off the streets. New services in the north west coastal metropolitan area, the south west coastal metropolitan area, Broome and the north east metropolitan area will provide a wrap-around, holistic program which can get people back into their homes with their families. We can provide emergency and crisis accommodation, but unless we get out there and work with these young people, we will move them from one crisis accommodation service to another. That is what is happening on the streets at the moment.

Family and Children's Services has a crisis care line through which people can take action 24 hours a day to ensure the safety of young people, women and children. It uses strategies such as meeting travelling costs, the provision of emergency

accommodation in places other than refuges and support services. There are myriad plans such as the positive parenting programs, the parent information centre and counselling lines. Family and Children's Services is working with these young people to re-engage them with their family. I will also relate this to women's services, because in Western Australia since 1996, this Government has put another \$6.4m into crisis care for people escaping domestic violence. It now provides \$9.4m in funding for domestic violence services in the State. Often children are involved when women leave home; that is, they take their children with them. This is part of the counselling and the wrap-around service so children can be part of the counselling and help that their parents are given. If we funded millions of places, it would not be the answer. The answer is to work holistically with children to stop them getting onto the streets and from leaving home in the first place. Family and Children's Services has placed a major emphasis on that. The crisis care unit operates 24 hours a day and receives many calls, and it can take action to ensure the safety of women and children. That is the important way to deal with this issue. Homelessness is a problem in Western Australia. Young people are leaving home and are going onto the streets. As I said earlier, we have put \$23m a year into supported accommodation services. We believe that we must do more than that, and we are doing more because we are working with young people and families to get them back together.

TRADE PRACTICES ACT

Grievance

MR BLOFFWITCH (Geraldton) [9.19 am]: My grievance is to the Minister for Fair Trading. As members will be aware, the Trade Practices Act in Australia applies only to corporations. It does not apply to individual traders or to citizens. Consequently, the Federal Government has asked all States to review the Trade Practices Act and to put those individuals into legislation so that all of us can have the benefit.

I wonder what benefit we will get. The statistics indicate that in Australia 80 per cent of all the grocery trade goes through multinational corporations and large companies, while in the United States 20 per cent goes through those companies. Why in the home of free enterprise is it only 20 per cent? It is because its trade practices laws are so much stronger than our laws.

The Federal Government held an inquiry into the operation of the Trade Practices Act. In the report of the Standing Committee on Industry, Science and Technology titled "Finding a balance: towards fair trading in Australia" the main example of discrimination is predatory pricing. An example of predatory pricing is two grocery stores operating in a shopping centre. The supermarket owned by the multinational gets one of its staff to stand outside the other grocery store to see what the price of cherries are. If the cherries are 99¢, the multinational will then drop the price of its cherries to 79¢. The report cited five families that had been in the industry for 35 years until they had all lost their homes and businesses because of predatory pricing. They cannot compete against branches of multinational companies that are being subsidised by 1 000 other branches throughout Australia.

Mr Shave: I bet the price of cherries was then increased to \$1.10.

Mr BLOFFWITCH: That is exactly what happens once the competition is gone. I wrote to the Federal Government saying that it was essential to legislate to prevent predatory pricing. It did nothing; there has been no legislation. I spoke to members on that federal standing committee and asked whether the multinationals had got to them. They said no, they just did not see a need for legislation. I said that their report showed how unfair that system is.

One of the changes I would like to see in any state legislation on trade practices matters relates to the problems faced by petroleum retailers. I am a former petroleum retailer and I was always amazed how the oil companies could manipulate the trade practices regulations. For example, the company would say, "You are three miles from the discount site, so we will not give you any rebate." I would ask, "What has three miles got to do with it, I am on the same road?" The oil companies said that they decided where the area of influence was, and who received a rebate. I thought that was grossly unfair and complained about it bitterly. It did me no good whatsoever. That is why the average retailer is earning about 1.5¢ to 2¢ a litre. A return of 1.5¢ to 2¢ a litre when petrol is \$1 a litre is a pretty miserable return for retailers. I would also like the state legislation to incorporate the principles of the United States Robinson-Packman Antitrust Act. That says that if a customer wants to buy 10 000 crates of Coca-Cola, the supplier cannot refuse to supply him, and it must supply him at the same rate that it supplies any other purchaser of 1 000 cases of Coca-Cola. The cooperative of which I am a member has for years tried to get a deal with Coca-Cola. That company will not talk to us. It says that it already supplies the coke at 89¢ a bottle, so why should it do a deal with us to supply the coke so we can get it at a lower price. We say it is so that we can compete with K-Mart and other corporations that are supplied with coke at discount prices. It says it will not do that. Nothing in the Trade Practices Act can stop that practice. However, the American trade practices legislation provides for a substantial fine, say \$500 000, if the company does not supply it. Not only does Australia not have a similar law, but nobody takes any notice.

These are essential provisions that I want installed in any state trade practices legislation. If the multinationals control 80 per cent of the grocery trade now, with the way we are going with deregulation and other changes, it will soon be 90 per cent and then 95 per cent. Then it will be 100 per cent and no small companies will be left. This proposed legislation is an opportunity for the State Government to give retailers equal access to the market. That is all they ask. They do not ask for special treatment. They want the same sort of access and price as any other customer. I do not think that is unfair, that is what I ask the minister to look at.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [9.26 am]: I am pleased to respond to the member for Geraldton. It is opportune that he should raise this grievance today, because we have a notice of motion on the Notice Paper about

petrol pricing. The issue of predatory pricing and monopolies is a major problem to employment in Western Australia and Australia. As the member for Geraldton has pointed out, if staff of a large multinational supermarket walk out the front door of their large supermarket and find the gentleman opposite selling his cherries for 99¢, they then cut the price of cherries in their supermarket to 79¢. The small business proprietor is eventually put out of business, and then the supermarket puts its price up to \$1.10. I had a similar experience in the hotel industry. When I was President of the Australian Hotels Association there was a buying group for taverns and hotels around the State. One of the bigger suppliers wanted to do a deal with the Swan Brewery. It proposed a deal in which it would provide its own transport if it could buy in bulk for a significantly lower price than that which was offered to the small taverns. In regional Western Australia the small tavern owners or petrol retailers are forced into a corner. They must put a margin on their product. They do not make a lot of money, but at the end of the day consumers suffer.

People speak of the principle of fair and open trade. The free-wheeling Liberals who have never run a business who advocate deregulation at all costs and say that the marketplace will determine what is fair and what is not fair, do not understand the realities of life. The member for Geraldton has illustrated the sorts of concerns that this Government has about the Federal Government's trade practices legislation - not only the current Federal Government but past Federal Governments. The submissions to the Standing Committee on Industry, Science and Technology, which produced the report to which the member for Geraldton referred, make it clear that the existing level of retailing in Western Australia is not healthy. It is wrong that four or five large supermarkets or grocery chains should dominate 80 per cent of retailing in this State and in other States. The figure is disproportionate.

The American antitrust laws require large corporations to be limited to a share of the total market. It is fair and designed to encourage healthy competition. I am quite amused at times when people talk about the consumer, and with deregulated trading hours, wanting supermarkets to trade 24 hours, seven days a week because it is in the interests of the consumer. They say that is what the consumer wants. I have a problem, being a single parent, that when I want to go to one of the food chains, such as Kentucky Fried Chicken or Red Rooster, at 9.30 at night, I cannot get a meal because they have closed their doors. They are not there to look after the consumer; they are there to look after their shareholders and themselves.

I am very pleased with the composition of the committee to inquire into petrol prices. The member for Geraldton has extensive experience in that area. Max Trenorden from the National Party is passionately fond of small business. Larry Graham, the member for Pilbara, has raised this issue of the pricing of fuel products on many occasions. The Labor Party has seen the importance of the committee by nominating Julian Grill to represent it on the committee. The chairman, Dan Sullivan, the member for Mitchell, is a very articulate person. I am pleased that the members who have applied to sit on the committee are taking the issue as seriously as it should be taken.

While we will determine some of the company practices that are occurring in the industry as a result of calling people before the committee, the multinational companies will throw up a lot of reasons that certain things happen. Some of them will have validity. However, it always amazes me that when the base price of crude oil goes up, the price at the bowser goes up the next day; when the crude oil price goes down, we usually wait two or three weeks to see that reflected at the bowser. There have been a few inquiries at the federal level. Whenever they have occurred, the observations have been made to me that prices seem to be coming very much in line in certain areas. That worries me. Although we will undertake this committee inquiry, it is incumbent on the Federal Government not to disregard the views expressed in the report that was produced on retailing in general. The existing legislation is not correct, and the Federal Government is doing all Australians a disservice by not introducing legislation to restrict the predatory practices of these large corporations.

TRAFFIC, MANDURAH, PEEL DEVIATION PROJECT

Grievance

MR MARSHALL (Dawesville - Parliamentary Secretary) [9.34 am]: My grievance today is addressed to the minister representing the Minister for Transport. It relates to the relegation of the Peel deviation as a priority project.

In 1997 the Peel infrastructure plan clearly identified the need and the place for a deviation to bypass Mandurah along the east side of the Peel Inlet and connect the Old Coast Road south around Lake Clifton. Main Roads, its engineers and the community in general agreed that the increased traffic using the Old Coast Road and the congestion, especially at the Mandurah bridges, was so dangerous that changes had to be made. At one stage the Peel deviation was listed and touted by a former transport minister to be completed by the year 2005. This decision was based on a study in 1997 that showed that 5 000 vehicles a day were using the Old Coast Road and that on weekends and public holidays it swelled to 7 500 vehicles, while 4 500 vehicles were recorded as using the South Western Highway.

What I cannot understand is that although those figures in 1997 showed the need to get the Peel deviation under way and the project received the nod of approval, now, in the year 2000, when midweek 8 300 vehicles and on weekends and public holidays 13 500 vehicles a day are using the Old Coast Road, the Peel deviation has been shelved. Yesterday in a brief from Main Roads a report was produced which indicated that 24 000 vehicles a day were using the Old Coast Road, of which 1 700 were trucks. I am not sure whether that is accurate. However, even with that discrepancy, the report certainly shows that vehicle use has increased by, I believe, 5 per cent a year.

I challenge the decision that has been made. The current population of the Peel region is 69 000. In the next 25 years the population is projected to rise by a dramatic 140 per cent, which will take the population to 153 000. That figure alone shows the urgency for a Peel deviation. The three largest electorates in country Western Australia are Dawesville, Mitchell and Vasse. By a strange coincidence, the main access route to those areas is along the Old Coast Road. If one adds to this

the tourist boom occurring in the south west, the heavy haulage industry and vehicles travelling on weekends for entertainment and other activities one can overlook - for example, there are two Australian Football League sides, the Dockers and the Eagles - one realises that every weekend traffic is going to and fro. People travel to not only sport but also the international entertainment provided at Burswood Resort Casino. One does not need to be a brains trust to see that the Peel deviation is a priority project. More cars, caravans, large and small buses and haulage trucks than ever before are travelling south via Mandurah over those dangerous bridges and along the Old Coast Road. More promotions than ever before are occurring in the south west, such as wine festivals, the Leeuwin concert, the Masters surf competition and fishing contests.

Maintenance and patch-up jobs on both the South Western Highway and Old Coast Road are continually needed. Will that continue for another 10 years? I think not. This is a forward-thinking Government, which will listen to me this time and appreciate the urgency of the situation. The electorate of Dawesville has gone from 12 500 to 16 500 constituents in three years, and is growing. I will tell members why the traffic is a danger. When people cross the bridges going south, they see that the developments at Erskine, and from Halls Head to Cox Bay have all grown. In 1993 when I doorknocked, there was only one small subdivision. That has grown to four subdivisions on either side of the highway. There is also Port Bouvard, the marvellous south and east port subdivisions through the Dawesville Channel, and south of that the Florida subdivision is under way, as is Park Ridge and White Hills. As people travel south the development becomes even more intensified.

What is the impact of that development? People living on that pristine coastal strip generally like the water, so they have a boat. They are generally retired, elderly people who have a caravan. When they want to drive out of their suburban area, they cannot get out. Their car can get to the middle of a four-lane highway, but jutting out behind them is a boat or a caravan, which means it can be an extremely dangerous situation. To counter this, Main Roads in its wisdom has installed traffic lights in the area. Is there any other place in country Western Australia or indeed the nation that has five sets of lights in 8 kilometres? There are lights at Peelwood Parade, Leslie Street, Murdoch Drive, Gordon Road and Meadow Springs to allow for the increased population to safely get out onto the road. The cars are bumper to bumper. I make this grievance for the safety of my constituents. The Dawesville deviation will be a little help. The cost has risen from \$6.2m in 1993 when it was first proposed, to a current price of \$10m. The number of houses has increased from 80 to 280, so some people do not want the highway there. I want to be able to tell those people that in five years, there will be a Peel deviation that will take the pressure off those roads. There is no doubt that South Western Highway and Old Coast Road have become very dangerous thoroughfares, and the traffic is bumper to bumper on weekends. I do not agree with the Department of Transport's decision to shelve this project, and I challenge the minister to have the project re-evaluated.

If the pupil has not learnt, the teacher has not taught. I stood here last year and the year before that and gave of my wisdom and years of experience in my electorate, and I said that this was a need, but the pupil, the minister, did not learn. I do not blame the minister; I blame the teacher. I am the teacher, the representative of the area. I have said it again today in a different way. There is now an increased urgency, and I hope that this time the pupil will listen.

MR COWAN (Merredin - Deputy Premier) [9.41 am]: I thank the member for Dawesville for some notice of his grievance, because it enabled me to get some information from the Department of Transport. I agree to some extent with the member for Dawesville that it is important to meet the traffic needs of the fastest growing region in this State. That does put a considerable amount of pressure on the Department of Transport and its budget. However, before we can even start to think about spending money, we need to go through the proper planning processes for the route that the Peel deviation will comprise. The member for Dawesville knows that the Peel deviation will be an integral part of the road system that will be the off-take for traffic with the extension of the Kwinana Freeway to the Mandurah region, so it is important that as the planning and implementation processes for the extension of the freeway take place, we plan for those roads that will handle that increased traffic.

A reservation for the Peel deviation, and also for the Serpentine deviation, is included in the Peel region scheme, which I understand the Minister for Planning will soon submit to government for endorsement and tabling in the Parliament. The gazettal of the Peel region scheme will complete the formal statutory planning for that central highway route, and it should pave the way for land acquisition and construction when required. The main question in the member's grievance was when is that construction likely to begin. I am sure the member will agree that before we can begin the construction process, we need to get the statutory planning in place, and we can then begin the process of land acquisition.

The construction will depend on the studies that are being undertaken by Main Roads at this time. As I said earlier, Main Roads has completed a master plan for the extension of the Kwinana Freeway from Safety Bay to Mandurah. That will mean that it will need to plan for the roads that will handle the extra traffic, so a similar plan is being proposed for the future construction of the Serpentine and Peel deviations. The real pressure on the Government will come when the outcome of those studies is known. The member for Dawesville indicated clearly that traffic volumes on Old Coast Road in particular are extremely high and have now exceeded the desirable capacity limit for a single carriageway road. The traffic volume was about 8 000 vehicles per day and is now 8 300 vehicles per day, of which about 10 per cent are heavy vehicles, which adds further complications to the traffic count. The member is again right in saying that the growth in that traffic is 7.5 per cent per annum.

The Department of Transport and Main Roads have indicated to me that they are proceeding with the Dawesville deviation. The member is also right in saying that the cost of the Dawesville deviation has escalated to \$10m. I ask the member to please reassure his constituents that the Government recognises the problem of Old Coast Road being a single-lane highway and that the long-term solution is to ensure that the Serpentine and Peel deviations are put in place. The process began a long time ago, and once the strategic plan is in place and the statutory plan is agreed to, the land acquisition will take place.

We will then be in a position to proceed with construction once the study has been completed. If the study finds, as I suspect it will, and as the member has said, that the traffic count and the pressure from the demographic changes in that region are such that the deviation should be accelerated, I have no doubt that will be one of the conclusions of the study. When the study is completed, we will have better information upon which to make a judgment. I reassure the member for Dawesville that we are proceeding down the path of getting the planning in place, and once the route is known, we can then begin the land acquisition process.

We need to bear in mind that on current estimates, the construction of the Peel deviation will cost between \$150m and \$160m. Transport as a whole, which includes Main Roads, Westrail and some of the other costs associated with Transport, is the biggest spender of public money in this State. That amount is a significant sum, but it will need to be found if the study determines that the priority for the deviation should be increased.

TRUCK DRIVER FATIGUE

Grievance

MS MacTIERNAN (Armadale) [9.48 am]: Once again, I grieve on behalf of the trucking industry in this State for the drivers who deserve to work fair and reasonable hours, and on behalf of the companies that are trying to provide proper fatigue management plans for their employees. The State Government launched its fatigue management code of practice in November 1998. The Government committed at that time, against all the odds, to a voluntary scheme and claimed that the WorkSafe Western Australia Commission would have sufficient powers through the general duty of care to ensure that operators introduced and complied with fatigue management plans. It also argued that the industry would want to do that in any event. However, the reality is that WorkSafe does not have the resources to ensure that the code of practice is honoured in anything other than the breach; and the industry knows it.

I will share with members some of the facts. I point out that obviously I am not talking about all trucking companies. There are good companies that believe they should offer their drivers reasonable hours. However, they are being put under the pump of competitive pressure from those companies that push their drivers outside the boundaries of the code. After I last raised this issue in this place in September 1999, there was a flurry of activity from WorkSafe, and in November 1999, it sent out about 1 080 letters to trucking companies demanding that they produce a fatigue management plan. We understand that only 180 of those companies have produced a plan. We are now 18 months into this voluntary code of practice, and 83 per cent of the industry has not even responded to WorkSafe on the production of a plan.

Resources available have been sufficient to audit only 50 of those 180 who have responded. There is simply no money to do any more. When we last made this complaint, and it was quite clear that absolutely nothing had been done, \$30 000 was extracted from the Department of Transport - we understand that the money probably came from the road trauma trust fund. That money employed two auditors for six months. There is not more than a week and half's work left of that money, so from next week there simply will not be any auditors on the job. WorkSafe WA sought assistance from the Minister for Labour Relations and said that it needed \$150 000, but it has been given only \$60 000, and that will not kick in until July 2000.

We know that there have been no prosecutions, yet everyone in the industry knows that some drivers are working extraordinarily long hours and that 83 per cent of the industry has not produced a fatigue management plan. Eleven prohibition notices have been issued, but the notices are not being followed up. Let us look at a case study. Wesfarmers Transport Ltd had a contract to cart mineral sands into Bunbury. Wesfarmers has now been advised that it has lost the contract. Wesfarmers is one of the companies that has had an audited fatigue management plan; it has made a very strong commitment to having the industry adopt proper fatigue management practices. But what has happened? It has lost the mineral sands contract. Who has it now? A company called Giacci Bros Pty Ltd, a company which has not only not produced a fatigue management plan but has behaved extraordinarily badly towards the WorkSafe officers who have visited it and asked it to produce a plan.

Mr Barron-Sullivan: Are you saying Giacci Bros has a poor record in this area?

Ms MacTIERNAN: This company currently has a prohibition notice on it for not producing a fatigue management plan. One company does the right thing by having a fatigue management plan and curtailing its driving hours; the other company thumbs its nose at WorkSafe and ends up with the contract. I cannot confirm it at this point, but I understand that drivers have said that Giacci employees are regularly being required to work up to 23 hours a day.

It is not hard to see that the system is not working and that we need to put a decent amount of resources into it. It is unacceptable that after 18 months we have only 50 audited fatigue management plans and that only 180 companies have produced a fatigue management plan of any type whatsoever. Eighty-three per cent of the known industry - and I am using the figures from the Yellow Pages directory, which I understand is the process that was used by WorkSafe - has done absolutely nothing to comply with the fatigue management processes. What is happening is an absolute joke. Some companies are trying hard and want to clean up the industry and make it fair, but they are constantly being undercut by companies that are ignoring the code of practice. The minister is not putting the necessary resources into this area to ensure that there is fairness within the system for the trucking companies and for the men and sometimes women who are driving trucks for extraordinarily long hours. It is also of great concern to the rest of the community, which is potentially at risk of injury from drivers who fall asleep at the wheel. The minister is about to get up and do what she has done for the past 18 months; she will waffle on about how wonderful it is to have a voluntary code of practice and the industry is behind it. The facts are there! Eighty-three per cent of the industry has not even bothered answering her department's letters.

MRS EDWARDES (Kingsley - Minister for Labour Relations) [9.54 am]: I will put on record the Government's commitment to ensuring that there is compliance with the voluntary code of practice. The Occupational Safety and Health Act has a requirement for a duty of care; therefore, transport operators are required to provide a safe system of work. The voluntary code of conduct is there to strengthen that obligation and to assist the industry by providing standards of work and a framework for developing a fatigue management system. At the moment we are working to change a culture, and a change of culture does not happen overnight, particularly within this industry. The bottom line is that the code is working, but it takes time to implement a cultural change. The Government takes the matter very seriously.

I remind members that this Government has achieved a 34.6 per cent reduction in the lost-time, injury and disease rates since it came to office. Although the transport industry's fatality figures are up, a breakdown of those figures shows that they are up because of the sharp increase in fatalities related to mobile plant. Road and rail transport occupational figures show 12 fatalities from 1988-89 to 1992-93, dropping to seven from 1993-94 to 1998-99.

The last time the member raised this grievance we asked the Opposition to provide details of tardy performers so that WorkSafe could follow them up, but we have not heard anything more until today. I suspect that she is more interested in grandstanding about the issue than in providing the information to allow WorkSafe to follow up deficiencies.

The code is supported by the WorkSafe Western Australia Commission and it was approved by me some 15 months ago by virtue of section 57 of the Occupational Safety and Health Act. The code covers operating standards for work and rest for commercial vehicle drivers, measures for the management of fatigue for commercial vehicle drivers, and advice to organisations to meet the operating standards. Thirty thousand dollars was provided between Transport and WorkSafe to help conduct the audits. It was always understood that the fund would need to be topped up and that is exactly what will happen. The member says that it will run out of money in a week and a half, which is not so. Transport and WorkSafe are committed to continuing the audits until 30 June 2000 and to providing whatever funds are needed to enable that to happen. They are also waiting for the budget to come out whereby those audits can continue. I am sure that the member opposite would say thank you for that and recognise that this Government does have a serious commitment to carry out this program. The Minister for Transport in the other House said, in response to a question, that he believed that the audits would be completed in about six months' time. We have a commitment to this program and will continue it until we believe there has been a change in the culture within the industry and that each of the operators does have a fatigue management plan in place, because we believe it is important. When one considers some of the rollovers that occur, which are investigated by WorkSafe to establish the circumstances and causes of the accidents, we are, of course, concerned. That is why we have put in the funds to support the implementation of the voluntary code of practice.

We will continue to carry out those audits to ensure that the operators are complying with the Occupational Safety and Health Act and providing a safe system of work; we will encourage them to do so. The member opposite says the industry does not support that. From my discussions with members of the industry I think they do support it. In fact there is an increasing awareness of the need for fatigue management programs to be in place and for adequate records to be kept. WorkSafe checks the records and the operational procedures to ensure compliance with the fatigue management programs.

WorkSafe is responsible for investigating any accidents. Where necessary and appropriate, it initiates proceedings against operators who are suspected of negligence or of not having satisfactory fatigue management plans in place. It is nonsense to suggest no action is being taken. The member for Armadale referred to the 11 prohibition notices WorkSafe has issued in relation to fatigue management issues. The member is grandstanding on this issue. She was advised yesterday that the money would run out in a week and a half and this morning she has decided to present this grievance and exaggerate it by saying the voluntary code of practice is not working, when it is. It will take time to change the culture. The Government will continue with the audit process and, between the Department of Transport and WorkSafe, funds have been provided to continue the program to 30 June. Those funds will continue under the 2000-01 budget.

The DEPUTY SPEAKER: Grievances noted.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Reports

MR WIESE (Wagin) [10.01 am]: I present for tabling the forty-eighth report of the "Meeting of the Working Group of Chairs and Deputy Chairs of the Australian Scrutiny of Primary and Delegated Legislation Committees", which was held in Darwin on 14 and 15 February. This meeting of working groups from all States and Territories was called to discuss a proposal to form a national committee comprising representatives from all Australian jurisdictions for the purposes of scrutinising national schemes of legislation. Participants were unable to agree on the proposal put before the conference but remain committed to the concept. Future meetings will take place over the next 12 or 18 months to try to achieve that target. I commend the report to the House.

I also present for tabling "Report No 2 In Relation To Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999". This is supplementary to the forty-fifth report, which the committee tabled earlier this year. That report dealt with the complicated issue of gas standards regulations, and the committee raised five areas of concern. I quote from the report -

- (a) the ambiguity arising from the definitions of "appliance" . . .
- (b) the potential for Section 13D of the Act to cause hardship to manufacturers of Type B appliances . . .

- (c) the apparent conflict between the procedure for supplying "commissioning" gas for inspection and testing under Regulation 22 and the prohibition on the supply of gas to a consumer's gas installation other than with the exemption of the Director . . .
- (d) the apparent shift of liability from gas suppliers and inspectors to gasfitters;

That shift in liability was brought about by the regulations -

- (e) the failure to publish inspection plans and policies of gas suppliers granted exemptions under section 13(2) of the Act.

The supplementary report deals with the Minister for Energy's response to the issues raised. The committee is pleased that the minister welcomed amendments and proposed to implement the main recommendations of the committee; we commend him for that. However, the minister was not prepared to introduce amendments to deal with the problem the committee had highlighted about regulation 28(4), which requires -

gasfitters to certify that " . . . every part of the gas installation on which the gasfitting work was done *or that is affected by the work* complies with the requirements referred to regulation 32, is safe to use and is completed to trade finish."

The regulation puts a greater burden on the gasfitter, whose role might be only to connect the gas pipe to the appliance, than on the inspector, whose role is to inspect the type B appliance and certify that it meets the requirements of the legislation. The gasfitter must certify that all the work he does meets the standards and anything that might be affected by his work also complies. The reality is that to do that, the gasfitter virtually has to pull the appliance apart to certify that everything in it is safe. The committee believes that is a ridiculous requirement. The contrast between the gasfitter, who comes along at the end of the process of manufacture to carry out the installation and hook up the gas to the appliance, and the inspector, whose role is in the early stages, is that the inspector is required only to ensure that he -

" . . . inspected the appliance and ascertained, *so far as is practicable*, that it complies with the requirements referred to in regulation 32."

The gasfitter is required to certify the appliance in total whereas the gas inspector, whose role must surely be far more important and who must be involved throughout the whole process, is required only to certify that the appliance meets the requirements so far as is practicable. The committee believes that is unfair. I am sorry to say the issue still remains because the minister does not agree with the committee's recommendations.

The minister agreed to all the other committee recommendations. The committee wrote to the minister seeking his concurrence with the recommended changes. He replied on 30 December, accepting four of the five changes to the regulations and the Act. He advised the committee that amendments to the Act and the regulations would be introduced this year. I commend the minister for that. However, the minister stated that -

"I acknowledge that in the particular case of a person who merely connects pipework to a Type B appliance this could be justified. However, simply changing Regulation 28(4) in the way indicated is likely to have repercussions in relating to other areas of gasfitting and I could therefore not agree to that specific change. I can, however, commit to any changes necessary to achieve the desired outcome, taking advice of Parliamentary Counsel as to the most appropriate means of achieving it."

While the minister has not agreed to the change that the committee recommended, he does appear to have accepted that, at least in some circumstances, the amendment proposed by the committee could be justified. His letter indicates that he will look at this issue with a view to addressing the committee's concerns if that is possible. I thank the minister on behalf of the committee. I commend him for the way in which he has worked with the committee on this difficult issue and look forward to the changes proposed and acknowledged being put in place in the near future. I commend the report to the House.

[See papers Nos 819 and 820.]

PORTFOLIO-BASED STANDING COMMITTEES

Establishment, Motion

MR BARNETT (Cottesloe - Leader of the House) [10.11 am]: I seek leave to move this motion in an amended form. The original motion has a reporting date of 1 June 2000, which is during the budget estimates committees. I wish to change that date to 15 June 2000.

Leave granted.

Mr BARNETT: I move -

That this House -

- (a) supports the establishment of three portfolio-based Standing Committees to come into operation after the next election;
- (b) supports the retention of the Public Accounts Committee in its current form;

- (c) supports the amalgamation of the Joint Standing Committee on Delegated Legislation and the Standing Committee on Uniform Legislation and Intergovernmental Agreements, in accordance with recommendation 18 of the Final Report of the Select Committee on Procedure and subject to the concurrence of the Legislative Council; and
- (d) requests the Procedure and Privileges Committee to report by 15 June 2000 on the method of operation and Standing Orders which should apply to portfolio-based Standing Committees.

This is a very significant motion. It will bring about a fundamental change in the way in which this House operates in terms of its debate on issues and its method of operation. The changes are anticipated to come into effect following the next election. The Government is moving this motion now to allow plenty of time for the debate about the merits or otherwise of the changes and for the changes to be introduced. I doubt the debate will be concluded today, therefore I will move for the continuation of the debate to enable members to contribute. I anticipate many members will wish to do so.

I will start with some history and background to the issue. The origins of this can be dated to 1992. The report of the Royal Commission into Commercial Activities of Government and Other Matters recommended the establishment of the Commission on Government to inquire into 24 specific matters that emerged from the royal commission. The Commission on Government Act 1994 was subsequently passed by Parliament and COG was established as an independent body in November 1994. One of the specific matters referred to COG was to consider the role of parliamentary committees on legislation, including the accommodation of the right of the public to make representations on legislative measures referred to any such committee. When COG presented its recommendations in regard to Parliament in 1995-96, the Government response of October 1996 was that it was of the view that it was not up to the Executive but rather was up to the Houses of Parliament to determine committee matters. That was an appropriate response by the Executive.

In advance of COG's recommendation, the Legislative Assembly in 1994 established the Select Committee on Procedure. The committee's terms of reference were to inquire into and report upon ways to use the time of the Legislative Assembly more effectively. It eventuated that the Select Committee on Procedure made a number of recommendations that conflicted with those made by COG. To this end, the Legislative Assembly passed a motion on 26 November 1997 to refer these unresolved COG recommendations to the Standing Orders and Procedure Committee for consideration. The committee tabled its report in June 1998. It generally addressed most of the COG recommendations relating to the management of the Legislative Assembly. The committee is continuing to develop certain COG proposals in regard to parliamentary privilege, codes of conduct and disclosure of the financial interests of members. Since that report, the House trialled late last year and adopted on a permanent basis the majority of the new standing orders recommended by the renamed Procedure and Privileges Committee.

The matter of portfolio-based standing committees is being addressed as a separate issue, hence the motion today before the House. With respect to portfolio-based standing committees, the recommendation of the Select Committee on Procedure that forms part of this motion is to support the establishment of three portfolio-based standing committees to come into operation after the next election. The Commission on Government, in recommendation 110.2, proposed that the Legislative Assembly establish an estimates and financial operations committee and up to four portfolio-based committees. The Standing Orders and Procedures Committee, in its June 1998 report, supported that recommendation in principle. However, it believed that the method of establishment be that as previously recommended by the Select Committee on Procedure.

Recommendation 19 of the final report of the Select Committee on Procedure proposed the establishment of three portfolio-based standing committees and the retention of the Public Accounts Committee. It was proposed that five members would be appointed to each of the three portfolio-based committees, and that those committees would be: An education, social development and community affairs committee; a health and justice committee; and a primary industry, resources, transport and trade committee. It was also recommended that the functions of each committee would be to review and report to the House on the policy objectives and administration of departments within the committee's portfolio responsibilities; annual reports of government departments laid on the Table of the House; the adequacy of legislation and regulations within its jurisdiction; and any matters referred to it by the House, including a Bill, motion, petition, vote or expenditure or any other financial matter, report or paper.

The Select Committee on Procedure also recommended that each standing committee be given the power to act until the Assembly is dissolved, to sit to when the Assembly is adjourned, to send for persons, papers and records, to move from place to place, to invite any person to give evidence, and to direct the Clerk of the House to summons a witness to be examined before the committee.

The rationale for supporting in principle the establishment of three portfolio-based standing committees is that it is envisaged that they would do away with the ad hoc select committee system. From time to time ad hoc select committees have been established; indeed, we are about to debate the establishment of a committee to consider fuel prices. It is hoped that the new committee system will provide a coordinated approach to the oversight of government departments, provide an established avenue for the referral of inquiries, enhance accountability, and complement the Parliament's role in the legislative process.

From an administrative point of view, a coordinated standing committee system will remove to some extent the resourcing and funding uncertainties associated with an ad hoc system and should provide for an orderly approach to committee membership and the scheduling of meetings. It should also create more predictability in relation to the funding and staffing of committees. I note that the Procedure and Privileges Committee has already considered these matters in its report, which was tabled in the House yesterday.

In addition, each of the proposed new standing committees will have the power to consider any Bill referred to it by the House. It is envisaged that this process might contribute to time saving in the operations of the House itself. In particular, when a Bill would normally be debated for long hours on the floor of the House during the consideration in detail stage by perhaps only one or two members, under this proposal it will be possible to refer that Bill to a committee.

It should also be noted that structured committee systems for lower Houses exist throughout Australia. The House of Representatives has eight general purpose standing committees, numerous joint committees and four domestic committees. Of course, the House of Representatives has 148 members compared to this House's 57 members. Perhaps the lower House in South Australia, with its 47 members, is more comparable to this House. The South Australian House of Assembly has six permanent committees provided for under its Parliamentary Committees Act 1991.

The approach proposed by the Select Committee on Procedure and endorsed by the Procedure and Privileges Committee will provide for eight committees in total. We will have two joint standing committees - the Joint Standing Committee on the Anti-Corruption Commission and the Standing Committee on Uniform and Intergovernmental Agreements; three portfolio-based standing committees; the Public Accounts Committee; and two domestic committees - the Procedure and Privileges Committee and the Parliamentary Services Committee. This proposal, although it will stretch members, is appropriate and workable.

Part (b) of the motion relates to the Public Accounts Committee. It states that this House supports the retention of the Public Accounts Committee in its current form. The Select Committee on Procedure, in recommendation 17 of its final report, proposed that the Public Accounts and Expenditure Review Committee, as it was then known, be retained and form part of the proposed system of standing committees. Most members would agree that the Public Accounts Committee plays an integral part in the accountability process and that its functions and composition should remain.

Part (c) of the motion relates to the amalgamation of committees and reads -

supports the amalgamation of the Joint Standing Committee on Delegated Legislation and the Standing Committee on Uniform Legislation and Intergovernmental Agreements, in accordance with recommendation 18 of the Final Report of the Select Committee on Procedure and subject to the concurrence of the Legislative Council;

This will probably be the most contentious of the proposals put forward. In essence, it was argued that the proposed new standing committee system in this House was not to be over-cumbersome, and having regard to the availability of members and to the potential workload, it was considered that these other two committees should merge. The Standing Orders and Procedure Committee has noted that conferences held in Australia, to which Delegated Legislation Committees are invited, are also attended by Standing Committees on Uniform Legislation. Although the two areas of work are distinct, there are many common areas of interest between them. It is therefore suggested that we combine the functions of these two so that any new standing committee system will be relatively streamlined and so that logical processes work before this House.

I note that the Joint Standing Committee on Delegated Legislation in its nineteenth report tabled in September 1996 argued that its role related to reviewing the process of delegated legislation as opposed to reviewing the substance or policy behind each regulation, rule or by-law. The Standing Committee on Uniform Legislation and Intergovernmental Agreements, on the other hand, is empowered to inquire into proposed or current intergovernmental agreements and is therefore able to comment during the executive process of making primary uniform legislation.

Amalgamating the functions of the committees would perhaps destroy the ability of the Delegated Legislation Committee to be a non-partisan reviewer of executive action in the context of subordinate legislation. This is a matter that could be overcome with a change to standing orders that would clearly define the role and function of the committee with regard to each of its functions. The Government would like to see the Procedure and Privileges Committee investigate this matter, with a view to perhaps drawing up new standing orders that would allow a single committee to successfully undertake both roles without any perceived conflicts. As the Delegated Legislation Committee is a joint committee, the concurrence of the Legislative Council will need to be sought to make this change. I imagine that the Legislative Council may be reluctant to agree to this proposal. However, that is a matter for it to determine.

Part (d) of the motion relates to standing orders applicable to portfolio-based standing committees and states -

requests the Procedure and Privileges Committee to report by 1 June 2000 on the method of operation and Standing Orders which should apply to portfolio-based Standing Committees.

As I previously stated, the Government agrees in principle to the establishment of three portfolio-based standing committees. However, we would like to know, as would all members, exactly the detail of how they will operate and function under standing orders.

There has been some discussion on the make-up of the standing committees. I suggest an alternative structure for those standing committees; that is, that the first committee be on education and health; that the second be on justice, social development and community affairs, where there is a clear synergy; and that the final committee, the economic-based one, be on primary industry, resources, transport and trade. That is a more logical structure than that which was previously recommended. However, that is one issue that the Procedure and Privileges Committee should consider in its deliberations.

The Government would also like the standing committees to be established along clear lines of accountability and to ensure that the separation of powers is not blurred. It is important that lines of accountability from agencies to their minister, and from the minister to the Parliament, are not undermined by the establishment of this new committee system. Perhaps one

solution is that the standing orders provide that standing committees first inform the House before initiating investigations into the administration of government agencies.

Another vexing question is the role of these proposed standing committees as they relate to government trading enterprises and non-consolidated fund agencies. For example, will the standing committees initiate reviews of these bodies, or is it more appropriate for the Public Accounts Committee, annually or biannually, to review their finances? There should be clear guidelines on how these matters will be handled under the proposed new structure.

They are just some of the issues that require clarification and further consideration. When the Procedure and Privileges Committee reports back to the House in June, its proposals will be assessed, and by the commencement of the thirty-sixth Parliament, I hope that this House will have established a committee system which will provide a balance between ministerial responsibility and public accountability.

Mr Kobelke: The June date has now changed, hasn't it?

Mr BARNETT: Yes, it is a little bit later.

This is a significant change. It is the sort of change that is needed for a modern, contemporary Parliament. I believe it will strengthen the role of Parliament, and particularly the role of the Legislative Assembly. It will change to some extent the balance of accountability between ministers, the Executive and the Parliament. I think that is appropriate.

Also, I think members of Parliament, particularly new members, should be conscious that this provides a more logical development of a parliamentary career, which is an important point. A new member of Parliament is elected. A logical step in a career would be, first, to become a member of a standing committee to gain experience and to have involvement with the Executive, particularly with government agencies, to learn to understand the government system; hopefully aspire to become a chairman of a committee; then, logically, if that person is a member of a Government, to become a parliamentary secretary, then perhaps a minister and a Premier - who knows what. It is important in any profession, including parliamentary careers, that there be a logical progression. I think this provides opportunities for backbench members of Parliament to have a clear way of developing their knowledge and their parliamentary career. That is important.

Mr Graham: Next you will be arguing for merit-based promotion, regardless of the party.

Mr BARNETT: I will just argue for merit-based endorsement at preselection; that will do.

This is a relatively small House, but it allows people to progress in that way. It should also be noted that during the term of this Government there have been extensive reforms of our parliamentary system. I do not want to go through them, but I will remind members of some of the changes since 1993. Parliamentary proceedings are being covered by television; we have more parliamentary sitting days; sitting times have been modernised; question time has been brought forward to 2.00 pm every day as a standard time; the asking of supplementary questions during question time has been introduced; the requirement to answer questions on notice within three months has been introduced; the right of reply to statements made in the House has been given to members of the public; the budget estimates committee system has been expanded, with the inclusion of capital works expenditure giving greater accountability; Legislation Committees have been formed to allow the committee stages of bills to be dealt with independently of the main Chamber; explanatory memoranda for all government Bills are provided; pro forma procedures that allow amendments to be incorporated in legislation being debated have been introduced; private members' statements have been introduced; grievance debates are brought on in every sitting week; matters of public interest have been amended so that independent members have guaranteed speaking opportunities; we have had the very productive reports of the select and standing committees, particularly the reports relating to standing orders matters; time limits for second reading stages of Bills have been changed; and time limits for the committee stages of legislation have also been changed.

Parliamentary change should happen continuously. I claim that during this period of government, and through the Procedure and Privileges Committee, there has been significant parliamentary reform. That is important. One thing that concerns me is the long-term future of States and of State Parliaments. For us to ensure that the people of Western Australia have a strong role in the determination of their own affairs - something they want and to which they have a right - will require that State Governments remain strong, and for that to happen, State Parliaments must remain strong and relevant. I do not think we should ever shy away from the issue of parliamentary reform. We have seen gradual but significant change in creating a more contemporary, and more responsive and modern Parliament. The move towards setting up standing committees - probably one of the most significant changes foreshadowed - will continue that trend. I commend the recommendations to the House. I know that there will be a number of speakers and a number of points of view will be put forward in this debate. However, the debate is coming on in a timely way, well in advance of the change, and will allow us to canvass properly all of the issues raised by members.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [10.30 am]: The Opposition supports this motion. The establishment of a proper system of standing committees in this House is a long overdue reform. It has been urged on the House by a variety of bodies that have reported to either the public or the House. The recommendations began in 1992 with the Royal Commission into Commercial Activities of Government and Other Matters which said -

The Commission urges the Parliament to bend its efforts to the fulfilment of its review obligation as a matter of urgency. The rational and systematic use of standing committees for this purpose should be a priority.

That report was completed almost eight years ago. In part 2 of its report No 2 of December 1995 the Commission on Government made a similar recommendation which reads -

The Legislative Assembly should establish the following system of committees:

- (a) The Estimates and Financial Operations Committee; and -

It makes a reference to an earlier report of the commission -

- (b) up to four portfolio-related committees.

The Select Committee on Procedure, which reported to this Parliament in June 1996, proposed a set of standing orders related to committees. Proposed standing order No 411(1) reads -

At the commencement of every Parliament the House shall appoint three portfolio-related Standing Committees, namely -

- (a) Education, Social Development and Community Affairs;
- (b) Health and Justice;
- (c) Primary Industry, Resources, Transport and Trade.

In an earlier recommendation the same Select Committee on Procedure said that the Public Accounts Committee should continue as part of a new system of standing committees.

Finally, the Standing Orders and Procedure Committee reported to the House in May 1999. It noted at page 31 of its report, "A decision on a Standing Committee system is necessary". In recommendation 4 it said -

Your committee recommends,

That a debate on the establishment of a Standing Committee system be initiated by the Leader of the House and take place early in the second half of 1999.

At least four reports since 1992 have urged this Legislative Assembly to adopt a system of standing committees as a matter of urgency or priority. Is not the pace of reform painfully slow? Nearly two terms of the Court Government have passed and we still do not have a system of standing committees in this House. Even if this motion is passed, we will not have a system of standing committees until a new Parliament sits. Two Parliaments will have sat since the Royal Commission into Commercial Activities of Government and Other Matters recommended that the rational and systematic use of standing committees in the Legislative Assembly should be a priority. Although the Leader of the House can talk about the parliamentary reforms that have occurred, we can see that much more should have been done about this standing committee system.

Mr Barnett: In a careless moment I remember you describing me as a reforming Leader of the House. Was it a loose moment?

Mr RIPPER: It is a question of whether the glass is half full or half empty. Yes, the Leader of the House has presided over reforms and I do not resile from that remark. He has had the cooperation of the Opposition. In fact, opposition members on the Select Committee of Procedure, the Standing Orders and Procedure Committee and now the Procedure and Privileges Committee have pushed the case for reform and cooperated with the Government on this matter. However, the reform has not gone far enough. The standing committee system particularly has been a glaring inadequacy in the reform program.

The current select committee system is ad hoc and does not represent the best use of the resources devoted to committee work in this Parliament. If we move towards a standing committee system we will have a better opportunity of developing the expertise of members. The standing of committee work among politicians and the public will be enhanced. The expertise that will be developed among members will create improved scrutiny of government activities. That improved scrutiny will also result from the more consistent work that will result from a standing committee system. If a select committee occasionally examines an area of government and years go by before another committee examines that area, the scrutiny is compromised. If a portfolio based committee has a continuing responsibility to scrutinise an area of government we will have a better result.

Most important, a standing committee system will better equip elected members of Parliament to compete with other players in the political system who are interested in influencing government policy. Members of Parliament on both sides of the House should be aware that there are many rivals for influence in the policy-making process. Ministerial advisers and officers are rivals to members of Parliament for influence on the details of policy. Senior public servants, lobbyists and members of the media are also rivals. That which distinguishes members of Parliament from all the other players in the system is that members must be elected and are, therefore, accountable to the people of Western Australia. Although we have a vested interest in enhancing our influence in the system, a broader concern is that our influence in the system represents the outcome of democratic processes. Democracy is strengthened if the influence of elected people is placed above the influence of people who reach their positions of influence by other means. Information and expertise is power. Members of Parliament without a standing committee system are less equipped to obtain the information and to obtain the expertise that will give them the ability to have proper influence in the policy-making system.

The Procedure and Privileges Committee has presented a report to this House on the resources that will be required for the operation of a standing committee system. I must confess that, as the opposition spokesperson on Treasury matters, I have

some concerns about the bid for resources for a standing committee system, although I agree that it must be properly resourced. This House already spends a significant amount of money on committee work. However, we do not spend it efficiently; we spend it on an ad hoc, unsystematic system of select committees that cannot provide consistent scrutiny of government activities. Members of Parliament need to understand that when we move towards a new system of standing committees, inevitably the system of ad hoc select committees will have to decline.

Resources will need to be shifted from our current system of select committees to the new standing committee system.

Mr Barnett: I hope it will be an extremely rare occurrence that a select committee is established. A unique issue of a social or conscience nature - such as the abortion debate - might be sent to a select committee but any normal issue of government or public policy should fit into the standing committee system.

Mr RIPPER: I agree with the Leader of the House that members will need to make the new standing committee system work to deal with the issues which were previously dealt with by select committees. I do not object to that; it is a better use of resources and we will get a better outcome from a standing committee system in which members have a chance to develop expertise over time than we get from our current ad hoc and irrational system of select committees.

The decision which the House is asked to make today is long overdue and I support the motion. It is one which has been supported in principle by the recommendations of numerous bodies since 1992. If we have a system of standing committees, the scrutiny of government will be enhanced, the expertise of members of Parliament will be developed and their role in the policy-making system will be supported. It is a long overdue reform. The Opposition is pleased to both support this motion and commit itself to implementing a system of standing committees after the next election.

MR TRENORDEN (Avon) [10.41 am]: I will talk only briefly as I do not disagree with the vast majority of what the opposition lead speaker said. However, I want to make a couple of points. I put a paper together for the Commission on Government and COG referred to this type of process as the Trenorden model. I have been a passionate supporter of a standing committee process in the House for some years. I have not been here as long as some others but I have been here long enough. I have been watching the way the House does business and I want to talk about how I see things changing within the Parliament. When the history book is written, this is one of the things the Leader of the House will be noted for because there has been considerable change over the past few years. I think nearly every member of the House would agree that the change has been good. We should embrace change but, for the benefit of the member for Belmont, change does not need to be rapid. Although I would prefer this committee system to be in place now, it is important that we get it right and I think we have. I must admit that the member argued this case, I was on the select committee with him. It is a bit of a disappointment for a person who is as passionate about the argument as I am that we will start this at the beginning of the new Parliament. However, I do not have any real difficulty with starting something new whenever the next Parliament is formed.

Mr Ripper: I agree that at this stage of the electoral cycle it would not be appropriate to establish a completely new parliamentary system. It is better to do it after the election but the tragedy of it all is that we did not move sooner and we have let all that time go by since 1992.

Mr Barnett: We also had a series of select committee which have essentially run their course.

Mr TRENORDEN: Other than the one being established today, there are very few select committees operating in the House at present. Therefore, the timing is right and we are going in the right direction. The fact that the House is not full and people are not jumping up and down shows that people will debate the detail within the principle and most members want to go this way.

I will embarrass the member for Merredin as he does not like it to be pointed out that he is the father of the House, but he is. I have also been told that one should never talk about private conversations but I was having a private conversation with the Acting Premier a couple of days ago and he was talking about how much the House has changed in his time and about the way the sittings and the times of the House have changed.

Mr Barnett: The coming of the electric light was a big step to him.

Mr TRENORDEN: The dropping out of horses was also a major point. However, the House has changed even in my time. The administration of government itself has changed. Outsourcing, privatisation and government trading enterprises seriously affect the mechanism of how this House works and its scrutiny of government. Not all that many years ago nobody would have argued that Westrail should not be scrutinised by this House but it is now an off-budget agency and not a part of the budget process. That is the way things have evolved and we need to evolve our system to keep up with the times. It is important that we change as this process get more complex and as demands are placed on us. Again, not all that long ago being a member of Parliament was a part-time job and it is now a full-time job. Those things need to be recognised.

The knowledge of members is an important point. The activities of government will be divided between the four new standing committees and the Public Accounts Committee. The five committees will be able to carve up the list of government agencies and gain good, sound knowledge of the agencies over the life of every four-year Parliament. Issues such as the one the Auditor General raised yesterday about people not doing things appropriately with purchasing are less likely to escape notice. The agencies will appear regularly before these standing committees to talk about administrative issues.

I know some people hold negative views about standing committees and I have seen that. I think there are 11 committees in the Victorian Parliament and one particular committee was renowned for being a rogue committee. It went off and did its own thing and upset not only the Government of the day but also the Opposition of the day. That grouping of members got a name as being, in my view, dysfunctional. That is always a risk but this House could become dysfunctional if 30 members of the House wanted it to be that way. On the other hand, we see time and again in our context that when we put five members of Parliament into a committee, be it a standing committee or a select committee, they take that role seriously, they take off a fair slice of their political hats and they apply themselves for the betterment of the people of Western Australia. That is the positive. Yes, there is a chance that a standing committee might take up an issue which will irritate a minister, a Government or even an Opposition of the day, but I do not believe that is anything like the major risk. Members of this House take their roles seriously and have the capacity to work well within the system.

Committee systems in Parliaments are long established. I was lucky enough to be a member of the select committee which examined different Parliaments and we are not the lead Parliament when it comes to committees. In fact, we are at the other end of the process. Most other Parliaments have well-established committee systems. We are not breaking new ground. We have examined many other Parliaments and processes and we have the advantage of being able to look at those issues, pick up the best of them and put them into our Parliament with the knowledge that they will work. They are working well in hundreds of places. I suggest that the odd occasion on which a committee might embarrass the Government, the Parliament or the Opposition is a part of life; those things occur. However, it will not occur in the vast majority of cases.

Mr Ripper: According to the latest polling, we are the ones taking the political risk on this matter.

Mr TRENORDEN: Is that right? I do not mind that.

Mr Cowan: I will remind you about that comment.

Mr Ripper: The polls might be wrong.

Mr TRENORDEN: That is right.

We are a small House of only 57 members; therefore, it is important that we think about ensuring that the number of committees is not too great to be unworkable. The aim should be that every member not in the Executive or on the opposition frontbench should be a member of only one committee; in that way, they can give their time and effort to one committee. I support the argument of a second role for chairpersons. Chairing a committee is a skill. I have chaired a standing committee in two Parliaments and, not wanting to report tales, Mr Deputy Speaker, my second effort was a lot better than my first. It is a learning process. By working and acquiring experience on committees, members gain knowledge and an extra level of satisfaction in Parliament. Most importantly, this process keeps Parliament in tune with what is happening in society. We do not want a 100-year-old system trying to deal with an evolving world. We need to evolve our Parliament to meet the times. I am a strong proponent of this proposed system. I hope I am here, Deputy Leader of the Opposition, when this system is brought into this House.

MR WIESE (Wagin) [10.52 pm]: My view is probably contrary to that expressed by most other speakers in this debate. As Chairman of the Joint Standing Committee on Delegated Legislation - I emphasise that I do not speak in that role - I probably have a better understanding of subordinate legislation than do most members in this place, perhaps excepting you, Mr Deputy Speaker. The Deputy Leader of the Opposition and three or four other past members of the Delegated Legislation Committee are currently in the Chamber, and they have some understanding of the issues involved. Generally speaking, the knowledge of the role of subordinate legislation, and the scrutiny to which subordinate legislation is subjected by Parliament, is fairly minimal, especially in this Chamber, and that is probably an understatement.

Subordinate legislation covers a far wider range of instruments which have legislative effect to be considered by the Delegated Legislation Committee. Subordinate legislation as a whole has a major influence on the everyday life of every person in this State. It has a significant impact on everything we do. This House, and Parliament as a whole, does not do a job of scrutiny of subordinate legislation in any form comparable with that done in other States. This Parliament, especially this House, is way behind virtually all other States in dealing with subordinate legislation.

If this motion is passed, we will combine the Joint Standing Committee on Delegated Legislation with the Standing Committee on Uniform Legislation and Intergovernmental Agreements. The Delegated Legislation Committee right now is swamped with work, which is an ongoing process from week to week. As you would well know, Mr Deputy Speaker, the workload is enormous. Although the House rises for extended breaks for elections or the December-March recess, no-one stops introducing new subordinate legislation or regulations. Local government does not stop enacting local laws in such times. The work builds up over the three-month recess, and the committee at times has been unable to look at some of the subordinate legislation passed as it simply has run out of time. This motion intends that the committee will scrutinise not only subordinate legislation, but also primary legislation of a uniform nature - that is, legislation adopted in one State or the Commonwealth and picked up by every other State. That work is proposed to be drawn together for one committee under one banner.

I have worked in delegated legislation for nine of my 13 years in Parliament, with four years as a minister. The committee cannot cope at times with its workload, as has always been the case, but the motion will impose a substantially increased workload. It will not be able to work and effectively - I emphasise that point - carry out its role. That point was totally overlooked when this proposal was put before Parliament.

The Joint Standing Committee on Delegated Legislation compromises four members of the Assembly and four from the

Council. The Leader of the House indicated that if we adopt this motion, it will require a resolution from the Council to adopt the proposal with the joint standing committee. I will not prejudge what that Chamber will do. However, the drafting of this motion has been somewhat neglectful as it did not at least seek the opinion of members of the other place about this matter. They do not have a role in this place, but the motion relates to a joint standing committee. Some consultation was needed about the practicalities of what the motion attempts to achieve.

An indication of the workload of the Joint Standing Committee on Delegated Legislation is that it lost four or five of its good members over the years because they could not attend meetings as the workload was too great. The changed sitting hours of this Chamber had a substantial effect on the committee, as many members who worked on other committees could not cope with the times of meetings and for personal reasons were forced to withdraw from the committee. We lost some good members, and this proposal will further aggravate that problem. It will increase the committee's workload and certain members will not be able to front up to meetings.

This Parliament, this Chamber especially, does not scrutinise subordinate legislation to the extent of that carried out by Parliaments in other States.

Western Australia is way behind the other States in the manner and scope with which it scrutinises subordinate legislation and I will give a few examples of that. In this State, a great number of legislative instruments are not even able to be scrutinised by the Parliament, let alone by a committee, as they are not even required to be tabled in the Parliament. For example, notices which a huge number of departments use to implement their subordinate legislation, are not required to be tabled and, hence, are never even looked at by this Parliament. As I said earlier, those notices have a substantial effect on the public as they are instruments that enable the implementation of the nuts and bolts of the primary legislation passed in the Parliament.

Currently, about 30 legislative instruments are used by various agencies. I believe report No 16 of the Joint Standing Committee on Delegated Legislation identifies them. This Parliament is able to look at only three types of instruments - regulations, rules and local government local laws, which were previously local government by-laws. The balance of legislative instruments are not looked at by this Parliament. If members contrast that situation with other States and the Commonwealth they will see an enormously different picture. I believe the Commonwealth and some other States scrutinise all instruments. Some States have a far wider scope than we have in this State. They not only look at all of them but also in a very effective way compared with Western Australia. Victoria, for example, requires agencies to produce impact statements. Before subordinate legislation can be brought into the Parliament and gazetted, it must go through substantial public scrutiny so that people can see what is being proposed. The financial implications of the effect of regulations are especially considered. Other States are required to look at the financial impact on business or individuals of the implementation of a regulation. In many cases, when the financial impact and intended benefits of subsidiary legislation are considered, that legislation is discarded and never comes into being when agencies discover that the cost of scrutinising and policing the measure to be implemented by the legislation outweigh the benefits. If the measure is not cost effective, agencies find other more financially effective ways of implementing it. This Parliament does not do that. It is an absolute disgrace that we do not subject all subordinate legislation implemented by government agencies to that kind of scrutiny.

About 10 years ago, Victoria introduced sunset clauses into its subsidiary legislation. That mechanism was phased in so that a number of regulations could be scrutinised each year and repealed. They are subject to the scrutiny I have been talking about in that the agency decides whether an instrument that it knows will come up for renewal in 12 months can be implemented in a more effective way or whether it should be renewed. If the agency wants to renew a regulation, it must conduct an impact statement and consider the costs involved, etc. If all those matters add up, the regulations are renewed by the agency. Therefore, for 10 years every piece of Victorian secondary legislation has been repealed and, if found to be worthy and needed, renewed. The use of sunset clauses in Victoria has resulted in cutting in half the volume of subsidiary legislation under which the people there live and operate. Western Australia does not have such a mechanism to allow that to occur, let alone compel it to occur. How much subsidiary legislation do we have which is superfluous and totally cost-ineffective? Nobody in this Parliament, and certainly nobody in the agencies, scrutinise that legislation unless they are compelled to.

I will spend a little time talking about how this Chamber currently handles subordinate legislation. This Chamber is totally ineffective in its ability to consider subordinate legislation because of the standing orders under which it operates and which apply to the Joint Standing Committee on Delegated Legislation. That means that no proper scrutiny or effective means of disallowing subordinate legislation occurs in this Chamber. How many notices of disallowance dealing with regulations of this State have members seen brought into this Chamber? There have been probably three or four notices in the past four to five years. I may be wrong but I cannot recall even one of those disallowance motions being moved and debated in this Chamber. That is because no procedure exists in this Chamber to compel a notice of disallowance to be brought to the Chamber for debate and final decision. If the Government decides it does not want to deal with a disallowance motion, the motion languishes on the Notice Paper and lapses on prorogation, as has occurred to every notice of motion for disallowance brought into this Chamber; that is totally ineffective. We have handed to the upper House the role of scrutinising delegated legislation. That may be fine as it is that House's role as a House of Review. It disturbs me enormously that we in this Chamber have handed that role to the upper House because we have failed to adopt effective standing orders in this place. Notices of motion for disallowance in the upper House proceed until the expiry of 14 days when the House is compelled to deal with them. That House must vote at the expiry of the time laid down in its standing orders. The notice of motion for disallowance must be debated and is debated; that does not occur in this Chamber. That

is the reason that the notices of motion to disallow moved in this Parliament are handled by the upper House. We have effectively handed across to the upper House the role of scrutinising delegated legislation as our standing orders are totally ineffective and do not allow us to deal with them.

I have dealt with the question of workload, but I need to talk more about it to give members a better understanding of what is involved in the role of the Joint Standing Committee on Delegated Legislation. The workload is enormous. The committee has scrutiny of all the regulations, rules and local government local laws brought into being in this State. In my experience that is normally between 400 and 500 a year. I do not think it has ever been fewer than 400. In some cases it is a very simple matter: The committee looks at the regulation, notes that it is fine and does not offend the requirements the committee must consider, and it goes through automatically. However, some are extremely substantial and can comprise between 40 and 50 pages of detailed regulation. That is not an exaggeration; it is fact. Some are extremely complicated, and the Leader of the House will be very well aware of one with which the committee has dealt.

The committee today tabled a second report in relation to the gas regulations, and they are a classic example of a very complicated set of regulations which required very detailed consultation. The regulations dealt with issues which are highly technical, but which were of enormous potential importance to Western Australia, especially industry. They dealt with the safety of all gas appliances put in place in Western Australia, especially the larger type B installations. If anyone wants an indication of the sorts of problems that could arise if those matters were not properly dealt with, they need look only at Longford and what happened when Victoria was without power for 10 days to a fortnight as a result of an accident which occurred in a refinery. That is the sort of issue and level of safety dealt with in the gas regulations. They were highly complex and required the committee to hold many hearings with specialist witnesses. It took an enormous amount of time. That happens in some cases.

Another example of complicated issues are those relating to local government laws on signs. Local governments across the State are slowly adopting local law legislation to deal with signs. Again, they are highly complex issues crossing several different boundaries; some are dealt with under town planning legislation, as well as the local laws on signs, and some come under the jurisdiction of Main Roads. These are complicated issues with which the committee had to deal and which took an inordinate amount of time, and they still are taking an inordinate amount of time because local laws on signs are still being brought to the committee. They are inevitably long, perhaps 15 to 20 pages of complex, subsidiary legislation, and they have small changes in each of them which means they must be scrutinised individually and in great detail. Local laws introduced by local government cover an enormous range of issues. At present the committee is considering local laws on cats and if anyone thinks that legislating for the control of cats is a simple issue, I can tell them otherwise. I see the Minister for Local Government nodding his head; he may be saved the responsibility because the committee may do the job for him.

Mr Omodei: I am not silly.

Mr WIESE: No, the minister is not silly; the committee is! Again, these are very complex and highly emotive issues, and they have a substantial impact upon members of the community. This committee must go through the subsidiary legislation, and in many cases it must exercise the wisdom of Solomon when making judgments on what is right, what is wrong and whether the laws infringe people's rights. That is one of the key areas the committee considers. The committee must balance those issues against my very strong belief, on the basis of 19 years in local government, in the importance of local government as the third arm of government in this State. It has a right and a role to pass legislation. This committee deals with the legislation passed by local government, and it must be very careful not to infringe upon the rights of local government and its role and responsibility. The work performed by the committee is complicated, time consuming and requires delicate judgments. This proposal before the Parliament would not only lumber the committee with additional work, but also make it responsible for the scrutiny of uniform legislation. I reiterate that it is not possible for one committee to handle that role.

I now deal with one more issue - some members will breathe a sigh of relief - that is, the question of primary legislation, the scrutiny of that legislation and who performs that role. This motion deals with uniform primary legislation generally, but it also has a role in uniform secondary legislation. It raises the whole question of scrutiny of primary legislation. My personal belief is that rather than combine a committee that considers uniform legislation with a committee that considers delegated legislation - totally different responsibilities and roles - this Parliament should put in place a committee to consider primary legislation and all the uniform legislation that comes before this Parliament. That should be done not on the basis of all the politics which may surround primary legislation, but to ensure that the primary legislation does not have time bombs embedded in it. It should not include features which should not be dealt with in primary legislation.

My first example of this relates to the gas legislation, where issues dealt with by the Joint Standing Committee on Delegated Legislation, in my opinion and in the opinion of the committee, should have been dealt with by primary legislation. The primary legislation should have had a mechanism to ensure that some of those issues were in primary legislation rather than their being dealt with by the mechanism which is very simple for the bureaucracy; that is, regulations. It sometimes seems that the attitude of the bureaucracy is that if it is too difficult to deal with a matter in the primary legislation, it should be put in the regulations. I do not believe that sort of issue should be dealt with in regulations.

In its scrutiny of delegated legislation, the committee has reported five or six times at least, probably more, that issues dealt with in the regulations should have been dealt with in primary legislation. The committee has brought that to the attention of the Parliament because it is one of the matters it must consider. Recently the committee tabled reports in relation to the Western Australian Trotting Association rules and regulations. In the committee's scrutiny of the delegated legislation it also had to look at the Act itself. Some of the provisions in the Act were absolutely appalling. The Act was unbelievable, and it is totally and utterly beyond me how that legislation ever got through this Parliament.

Mr Trenorden: It was a long time ago.

Mr WIESE: It was only 20 or 25 years ago. Those issues should never have been put into that primary legislation, and we reported that to the Parliament. The same applies in the case of the racing legislation.

An important issue that all members of this Parliament would have concern about, and which we have reported to the Parliament, relates to the Spent Convictions Act in which agencies are given access to all of the spent convictions waived under that legislation. It allows a range of agencies by regulation to scrutinise those spent convictions. That is totally and absolutely opposed to the concept of spent convictions. We reported that to the Parliament. Issues of the importance of spent convictions should never have been relegated to delegated legislation. If a minister wants to give another agency access to spent convictions - in a couple of cases there were good reasons - that should be done by way of amendment to the primary Act. As it stands that is not done under the Spent Convictions Act. A committee which looked at all of the primary legislation and could target all of those areas, could prevent that sort of thing from getting into the primary legislation in the first place. We do not have a committee in this House to look at those matters. The Standing Committee on Legislation in the other place, in an insubstantial manner - I do not mean that to be derogatory - looks at primary legislation only when it is referred to that committee. It should happen as a matter of course in this Parliament, either in this House or the other place, and it does not. The only time that it happens is when primary legislation is sent to a committee in the upper House. This House derogates its responsibility in that area.

If the Parliament is looking at amalgamating or expanding the roles of committees, it should consider that area rather than try to combine the Joint Standing Committee on Delegated Legislation with the Standing Committee on Uniform Legislation and Intergovernmental Agreements. I do not believe it is possible to do that. It will not work. If we go down that path we will effectively lessen the role of this Parliament in that scrutiny process. That is because the workload will ensure that the proposed committee will not be able to do either job effectively.

MR GRAHAM (Pilbara) [11.22 am]: I have an interest in this issue stretching back some time, and members will recall that the Royal Commission into Commercial Activities of Government and Other Matters made a number of findings. Generally, it found that there was no corruption in the period that it investigated, although one could be forgiven for believing that the media, the public and the conservative side of politics escaped reading that part of the report. The royal commission found that there was no corruption.

One of its key recommendations revolved around the absence of checks and balances on the Executive, although it is probably not fair to say that. It found there was no systematic or systemic way for our Houses of Parliament to check on the Executive, and that over the years the power of the Executive in the Western Australian parliamentary system has grown to the extent that the power of the Executive surpasses the power of the Executive in Westminster. Although committee systems had developed in Westminster, which is the system on which our committee systems have been developed, and the power of the Parliament to check on ministers had increased, that had not happened in Western Australia where the power of the ministers and the Executive had increased substantially.

I made a submission - I do not think there were too many members of Parliament who did - off my own back and not a party submission, to the Commission on Government in which I recommended that there be committees of this nature in the Parliament. I am not claiming credit for doing it, because it would be false to do so.

Mr Trenorden: It was called the Trenorden model.

Mr GRAHAM: Yes. I claim to have had some influence, through my submission to COG and my role on the Standing Committee on Procedure and Privileges, on where we have got to today, which is but the first step. The principle that underlies the standing committees is one of the Parliament having some ability to examine the operations of a minister, a minister's department and the actions. This is where I differ from the member for Wagin, as I do not see anything in what is proposed that restricts these committees from looking at primary, secondary or tertiary legislation. Once established, these committees will take unto themselves all the powers of the House. Whether that takes a matter of months or years, it is an inevitable course.

The Speaker raised a couple of quite practical questions in his report to the Chamber, and I will come to those in a while. I want to make one other point. The Leader of the House referred to reforms that have been undertaken in this House - in particular, the legislation committees. It is interesting how that idea got hijacked. When that was first put forward we were arguing for legislation committees that had the power to travel, to hold public hearings and to take in public input into legislation. That has not happened, and I am not critical of the Government for that, because there has been no push for that to happen. I make the point that currently, the public cannot influence legislation in this Chamber. They are able to talk to the minister before legislation comes into this place. They are able to talk to the Opposition at any time, but usually interest groups talk to the minister before legislation comes in here, and the minister balances out competing interests and brings legislation in here. We never hear again from the people who get what they want. The people who oppose all or part of the legislation go to the Opposition and the Opposition argues on behalf of the dissent group. However, there is no process in this Chamber for the public to make a submission to the Parliament on a piece of legislation either in principle or in detail. That power exists in the upper House with its Standing Committee on Legislation, and in a number of Parliaments in this world, particularly in Westminster Parliaments. It would be a great initiative in this House.

Yesterday, the Speaker raised issues in comments on the report of the Standing Committee on Procedure and Privileges on the implementation of standing committees. One of its recommendations was that committee chairmen be paid and that the Salaries and Allowances Tribunal strike a rate of payment for committee chairs. I have great difficulty with that

recommendation. My submission to the Commission on Government said the exact opposite because the Western Australian Parliament is too small for someone to decide on a career of committee chair. I will not bore the House by going through the issue.

Mr Shave: Deputy chairmen of select committees should be paid.

Mr GRAHAM: No, I do not believe so.

With only 57 members, if one takes away cabinet members and parliamentary secretaries and then divides the number of opposition and government members, we are left with a small pool of people on the government backbench from whom to choose committee chairs. Nothing in what is proposed will prevent members of the Opposition, new-found Independents or other Independents - members from the non-government groupings - from becoming a committee chair. However, it would be extremely unusual, because what the parties do, whether they be Liberal or Labor, whenever they get into government is divide the spoils among their own; and that includes the committee chair positions. Our system of government rewards the successful party with government. However, it should not reward the successful party with absolutely everything. I say to those members opposite who have been in this place only when their party has been in government that, if they are lucky, some of them will survive long enough to be in opposition and will find out, as people on this side of the House have found out, how little there is to go around.

That is a political question, but, in any event, the point I am making is that the talent "pool" for committee chairs is significantly diminished by the political realities of this place. That being the case, there should be no extra pay and it should be expected that members of Parliament will work on committees. In fact, one of the reasons that we are in this place is to work on committees in the parliamentary system. That work should not be remunerated any more than it is currently. It escapes most people's notice that committee chairs already get a car and added resources, so they are already remunerated sufficiently, and there should be no greater remuneration than that; and, out of sheer consistency, I will make a submission in that regard to the Salaries and Allowances Tribunal when it considers this matter.

I support the motion, and I have supported it for many years. It is a step forward and is about providing the Parliament with the tools to check on and balance the competing interests in Western Australia. What is in the Government's political interest is not always in the State's interest. Our system of government is remarkably petty in that ministers take any point of dissent as being a major failing or rift. People do not respond well to the politicisation of committees, and neither should they, because if a matter is political, it should be dealt with politically, but if committees find that errors, omissions or contradictions have occurred in a minister's department, or that legislation does not or will not operate in the way that it is intended to operate in the more robust Parliaments the good ministers - I stress that word - accept that advice from the committee and act on it; and, by so doing, they enhance both the operations of their department and their reputation. However, we have a remarkably petty system of government that does not allow or tolerate that type of criticism.

Question put and passed.

SELECT COMMITTEE ON PETROLEUM PRODUCTS PRICING IN WESTERN AUSTRALIA

Establishment - Motion

MR SHAVE (Alfred Cove - Minister for Fair Trading) [11.33 am]: I seek leave to move the motion in an amended form by deleting the words "in the metropolitan area" in paragraph (1)(b).

Leave granted.

Mr SHAVE: I move -

- (1) That a select committee be appointed to investigate and report on the wholesale and retail price of petrol fuel and LPG Autogas petroleum products in metropolitan and non-metropolitan Western Australia, and in particular -
 - (a) the reasons for differences in the price of petroleum products in metropolitan and non-metropolitan Western Australia;
 - (b) the reasons for significant price fluctuations in petroleum products;
 - (c) the impact of State and Federal Government policies, taxes and charges on the price of petroleum products in both metropolitan and non-metropolitan areas of the State;
 - (d) the effect on the price of petroleum products of current changes in the system of petroleum product franchising throughout Western Australia;
 - (e) the reasons for the high cost of LPG Autogas in Western Australia relative to other Australian States;
 - (f) whether legislative intervention is necessary or desirable to reduce the difference in the price for petroleum products within and between metropolitan and non-metropolitan areas of Western Australia; and
 - (g) recommendations for any other measures to reduce the price difference for petroleum products within and between metropolitan and non-metropolitan areas of Western Australia.

(2) That the committee finally report by 30 September 2000.

The terms of reference for this committee are extensive and demonstrate that the Government is very aware of the significant differences in petrol pricing between the country and metropolitan areas of Western Australia. This is an important issue, because, as most members of this House would know, the majority of the wealth that is created in Western Australia is produced in the regional areas. That is not to be critical of the contribution that the metropolitan area makes to our economy, but the reality of life is that the majority of the natural resources of this State are located in the regions. The regions of this State are very vast. Western Australia is about five times the size of the American State of Texas, and communication and fuel are critical to the ability of those regions to produce the revenue and output that Western Australia and Australia need. It is of no small consequence that Western Australia produces between 26 and 30 per cent of this nation's export income, yet it receives back only 10 or 11 per cent from the Federal Government in the form of payments. Therefore, it is necessary to ensure that people are aware - particularly the oil companies that are providing this product at the bowser - that if petrol is not sold in a competitive environment, we will not be able to produce the income that makes this nation go around.

The establishment of this select committee is in response to the many submissions that have been put to me in recent months, and particularly over the past year with the rapid escalation in the price of fuel on the international market. There is a lot of concern in the community about the price of fuel that is being paid at the bowser, particularly in country areas, where a disproportionate rate is charged in many locations. I am sure that other speakers who follow me will cover those issues, particularly people who live in country areas and are experiencing this situation within their own community, so I will not dwell on the exact locations about which concerns have been raised.

It is important to make sure we address the issue. It is said that when the price of crude oil goes up by \$1 a barrel, we pay 1¢ a litre more at the petrol bowser. Every cent is critical to a small business and a consumer. Many members of Parliament and the public are concerned by the price fluctuations. The oil price has been at a high level over the past nine to 12 months, although some reductions have occurred over the past couple of months. The concern is that the price at the bowsers rises immediately the price of crude oil increases by a few dollars, yet it takes a significantly longer time for consumers to benefit when the price of oil goes down by a couple of dollars a barrel. I hear all sorts of explanations for this, such as that it involves the stock on hand. Having been a small business person all my life, I can relate to that. I had a business involvement in Kalgoorlie for 15 years. At one petrol pump within the City of Kalgoorlie-Boulder, petrol cost \$1 a litre, but three-quarters of a mile down the road, it cost \$1.05 or \$1.10. I am sure that when the select committee gets under way, the oil companies will submit what they consider to be valid reasons for such differentiation in price, which is concerning to many people. We welcome the participation of the oil companies and members will undertake the task of the committee with an open mind. The quality of the people who have opted to go on the select committee - without deferring from the quality of the other members of Parliament - is a significant indication that both sides of the political spectrum consider this an important issue. I receive many letters and inquiries to my electorate office from consumers about the price of fuel at the bowsers. Only last Friday, a gentleman came to see me about the significantly different charges he pays in my electorate of Alfred Cove for the type of petrol he uses. He thinks the surcharges imposed by the oil company are unreasonable and cannot understand why they vary. He is taking an interest in this inquiry and I welcome his input.

We receive many explanations from people about the variation in country prices, some of which suggest that factors such as freight cost and higher cost of operating in remote areas should be taken into account. A small operator at Coober Pedy might suggest that the cost of power and electricity is higher than it is for someone providing that service in Merredin. That may be true and I am sure it is reflected in the cost. Other comments suggest that the volume of sales in some remote areas is very low and the retailer must maintain a certain charge so he can continue providing the service. I am not suggesting high petrol prices are the fault of any one group; nevertheless, the concern exists.

When issues such as prostitution are raised, they become very emotive and community attention is focused on them. In the 11 years I have been in Parliament, I have never come across an issue which has attracted over such a prolonged period the concerns of members of Parliament more than the petrol debate. Crime is certainly the biggest issue in the community at the moment, but petrol pricing is always the general commodity issue that comes back to my office week after week, year after year. Community comment suggests that a level of uniformity occurs when an inquiry of this nature takes place. Prices in particular areas suddenly start to become more uniform and modest. I do not suggest that is happening; however, the select committee will investigate the issue. This committee will have the power to look at whether the State Government should legislate to improve the level of equity or fairness. A grievance was raised this morning about the monopoly control of supermarkets in Western Australia. The "Big Four" control 80 per cent of the Western Australian market. I criticised that situation and the inability of or lack of effort by the Federal Government to try to rectify it through federal legislation. Federal legislation regulating the larger petrol retailers and multinational oil companies would be most beneficial. It is not good enough for federal members of Parliament, including Prime Ministers, to say the marketplace will look after itself. The marketplace does not look after itself. Instead, predatory pricing takes place. Supermarkets are gobbling up the little businesses. The little pastry shops and the butcher shops are being preyed upon by the larger retailers. For a long time, these shops have faced the predatory practices of larger supermarket chains. It is not inconsequential that some of the small retailers in the large shopping centres, such as butcher shops, are paying three or four times the amount per square metre of floor space than the larger chains are paying. I have digressed from the subject matter slightly, but it is an important point. I will not pre-empt the findings of the committee, but I believe that although some members of the public feel the small operator in the service stations is getting a windfall through these fluctuations in prices, the heart of the problem lies with the price charged by the larger companies when it comes into the outlet. It is also not inconsequential that many of these outlets in the metropolitan area are just one-stop shops for people to buy petrol from the multinational companies,

because they control many of those outlets, and the person behind the counter who is receiving the query at the service station is often just a manager for these multinational companies.

I welcome all of the oil companies making submissions to the select committee. It was originally my intention to have this committee set up under the auspices of the Ministry of Fair Trading. Many representations have been made to me and other members of the coalition that this is a critical issue to both small and big businesses around Western Australia and Australia. For that reason, this Government has taken the important step of putting forward the proposal to form this select committee. If the committee comes up with proposed legislative changes for the Government to implement because it is not satisfied that the existing systems are giving consumers and small businesses a fair deal, the Government will look very favourably upon those proposals.

MR BLOFFWITCH (Geraldton) [11.51 am]: I have been asked to sit on this committee. I say to the House that I have a pecuniary interest in that I own a service station on the corner of Dundas and Walter Roads, Inglewood, which is leased to a private operator. I also have an extensive background in the oil industry. I started as a service station operator, I had a freehold depot in the hills, and then I operated a large country depot in Geraldton. For three years I was the Australian Service Stations Association chairman, so I did look at many of the pricing and other issues. I have reservations in that I do not think the committee will come up with much. I say that because I have read the Alberta report from Canada. I think 30 accountants there tried to work out what fuel should cost. To my knowledge, Canada is the only country that has ever arrived at a figure for the price of fuel.

It should be remembered that out of one barrel of oil we get diesel, petrol, unleaded petrol, liquefied petroleum gas and motor oil. A million things come out of one barrel of oil. That is why it is very difficult to ascertain how much of that barrel is used to make a litre of fuel. The Alberta report brought down a recommendation. I suggest that the select committee obtain a copy of that report, read it and examine the way the committee in Canada went about its operation and considered the issue of pricing. Our price is high because we operate under a world parity pricing policy. That policy says that, dependent upon the prices set by the Organisation of Petroleum Exporting Countries, the cost of our fuel will move to reflect those figures. In moving the cost of our fuel to reflect those figures, during the period when the price was up to about \$31 or \$32 a barrel, in Geraldton we were paying \$1.05 to \$1.10 a litre. It has now dropped to 88¢ or 90¢ a litre because OPEC has decided that it will not restrict the amount of oil produced; it will supply more to the world markets. The minute that happens, it means there will be competition, and the fuel will be sold at a cheaper price.

This will be a hard job, but it must be done. We need to talk to the oil industry, because my experience tells me that the difference in fuel prices between country and regional areas has nothing to do with freight; it has everything to do with competition. The oil companies dictate to their dealers that if the dealers supply another service station they will lose their franchise. That is exactly what the oil companies say to the dealers. That is what they said to me when I ran my service station. It is no different. However, in the metropolitan area, there are two or three independent operators, whether it be Gull Petroleum (WA) Pty Ltd or -

Mr Shave: When oil companies are saying that they will take franchises from dealers, isn't that one very good reason to have an inquiry?

Mr BLOFFWITCH: It is, but, unfortunately, as the minister pointed out, the Federal Government removed from the Trade Practices Act the Robinson-Packman Antitrust Act provision, which provided that if I asked for five million litres of fuel, I must be supplied with that fuel at the same price that someone else was paying for the same amount of fuel. That provision was removed because it was considered to be anti-competitive to allow a small operator to be supplied with fuel from the same barrel as somebody else. I do not know who talked the Federal Government into doing that, but the silliest thing it ever did was to remove that provision from the Trade Practices Act. Because of the way it was worded, it was difficult to get a conviction, but at least it was in the Act and it could have been strengthened. However, it was not strengthened; it was weakened.

I believe the select committee will come up with results and will expose people who are not playing the game fairly. That is the job of the committee.

MR GRAHAM (Pilbara) [11.57 am]: For the purposes of this debate, I am the lead speaker for the Opposition and I presume I will get the appropriate time. I think that means I am back in the fold a bit.

Mr Trenorden: Yes, I was very interested to hear that.

Mr GRAHAM: For about 30 or 40 minutes.

I am pleased that the Government has decided to support the appointment of a select committee to investigate the price of petroleum products in Western Australia. In saying that, I give whatever notice I must give that on the passing of this motion I will seek to withdraw notice of motion No 17 which stands in my name and which seeks to do similar things; that is, effectively to establish a select committee. By way of that motion, I asked the Government to establish an open and public inquiry into fuel pricing. Incidentally, I asked the Minister for Fair Trading to do it through his department, and I did that because I did not think, given the current climate, that a select committee would be established by the Government. I am ecstatic that the Government has taken that extra step to establish a select committee. I have no difficulties with the proposed chair or with the proposed structure of the committee.

I am pleased that this select committee will have powers, as do all select committees, because one of my real concerns was how any committee would access information. People who are listening to and who will read and note the discussion about

this select committee and the movements and actions of it should look at the standing orders of the Parliament to see exactly what the powers of the committee are, because they are considerable.

I do not want to start the committee off on a confrontational footing but it is not open for people to say they will not provide information to the committee. While I am a member of the committee I will argue that it conduct itself in essentially the same way as the Public Accounts Committee; that is, all its hearings will be open and people and the media will have the ability to sit in and listen to determine what it is that is being put before us. If there are reasons people need to give evidence in camera, they can explain them to the committee and it will make the appropriate decision at the time. However, the key to this committee achieving anything is it conduct itself openly and publicly, and that it not be seen to be - because it is not - at the beck and call of the ministers of the Government; it is a parliamentary select committee.

The committee must do some other things. It must get out of the city. I asked for a committee which would look at petrol pricing in the country areas of Western Australia, the non-metropolitan areas, but in my terms of reference I said it could look at things in the city, as it must. I was extremely concerned that the focus might change from the country to a metropolitan inquiry into petrol pricing and then some country matters would be bolted onto it. That is not the case with this inquiry; it will look at country pricing first and foremost and, secondly, the metropolitan area. I have great confidence that that will happen given the structure and membership of the committee.

Before I go on to some of the detail, I must express my grave concerns about the statements made by the member for Geraldton. He has complied with the standing orders and notified the House of his pecuniary interest. That is a proper thing for him to do but I have grave concerns about him being on the committee, although I accept that his knowledge will make a contribution to the committee. However, the member for Geraldton comes from a position of currently being an operative in the industry. It is not reasonable for the member for Geraldton to stay on the committee. I will not move to expel him but I ask him to give serious consideration to his other interests and the interests of this select committee. He is a good bloke and an "honourable man". I cast no aspersions on him but he has put himself in an impossible position. While he has complied with the standing orders, the aim of this select committee is to lower retail petrol prices in the country areas of Western Australia. That was my single motive in moving for the select committee. It will be extremely difficult for the member for Geraldton to sit on a committee and recommend lowering the price of the product he sells from an institution he has a major interest in - extremely difficult. While I have admiration for his declaring his interest and I accept that he did the proper thing, he has put himself in an impossible position. The buzz words in the Federal Parliament this year are "the perception of conflict of interest". I do not go down that road, I think there is a conflict of interest between the member for Geraldton being on the committee and his holding those positions and owning that business. It is his decision, I will not move to have him taken off the committee but I hope he reconsiders his position and has a good hard think about it if for no other reason than the damage he could possibly do to any findings of the committee.

I touch again on the comments of the member for Geraldton and his doubts about anything the committee could do. I do not share his doubts in any way, shape or form. I have been on a number of committees in this Chamber over many years. When it works and works properly and puts its mind to issues, the committee system produces results. This committee can produce results. It will make recommendations to the Government with the aim of lowering the price of fuel in non-metropolitan Western Australia.

As to the timing, while it is a difficult task, I asked the committee to report by June. The minister has extended that to September. I do not normally argue for lengthy extensions of select committees - I think one gives them a time and a job and lets them go away and do it - but if members think about where we are in the electoral cycle and the importance of the non-metropolitan vote to all the major political parties in this nation, they will realise that having a report presented in this Parliament in September in the lead-up to the election will position this issue as one of the major events in the election. It bodes well for country people. I dispatch to the boundary the negative thoughts of the member for Geraldton that we cannot do something about the price of fuel in non-metropolitan Western Australia.

I will now deal with why we need such a committee and such an inquiry. People who move for things in this place have a responsibility to demonstrate a need. That goes without saying and is why we get speaking time. Since November 1998, I have been pulling together information about the price of fuel in about 108 towns and cities around Australia. I have been making comparisons between and across those towns and cities and some glaring facts leap out and hit me between the eyes. For the benefit of members, some of whom might be listening, the figures I will give in cents per litre will seem extraordinarily low. That is because they are monthly averages of high and low figures. They are not the true retail price but industry figures produced by the industry. Therefore, they are verifiable figures. The figures show some trends. The first is that of the mainland capital cities, apart from Darwin - God only knows why the figure for Darwin is so high given its proximity to Singapore which is a major fuel-producing area - Perth has the most expensive fuel in Australia. That is demonstrable. It is quite extraordinary given that Western Australia is also the nation's biggest producer of petroleum products. There is a question there which needs to be answered. Why is this so? It is a question which needs to be asked of the Government; it is a question which needs to be asked of the industry; and an answer must be provided. When one compares the price of fuel in Perth with the price in regional centres, one finds some extraordinary things. One would assume that the closer one got to bulk handling facilities, the cheaper one's fuel would be. One would assume that, if one ascribed to the view which the industry puts forward that freight is the major component in the increase in the price of fuel in non-metropolitan Western Australia, but that is not the case. There is no demonstrable relationship between distance and the cost of fuel except when one goes to tiny isolated towns and communities where one would reasonably expect that to be the case if freight was the major determining component. For example, the difference in fuel price is the same between Perth and Bunbury and Perth and Esperance; that is extraordinary. There is a 1¢ a litre difference in fuel price between

Bunbury and Kalgoorlie; that is extraordinary. There is a 13¢ a litre difference in the coastal towns of the north west of the State between Port Hedland and Perth, which have major bulk handling fuel points and competition between service stations with different brands of fuel. Between Port Hedland and Broome, another 600 or 800 kilometres north, fuel is 1¢ cheaper; that is extraordinary. It is not open to fuel companies to appear before this select committee and say the sole reason fuel is more expensive in the bush is due to the cost of freight.

Mr Trenorden: The cost between Toodyay and Northam is 5¢. There is a big hill in between those two places.

Mr GRAHAM: I would like to have the freight costs between Port Hedland and Broome because the further away one is from a refinery the more it gives it away. I put the fuel industry on notice that it will be required to appear before this committee and, if it wishes to use that argument, it must produce evidence. Members of the fuel industry should not appear before the committee, as other industry people do sometimes, and say, "Freight rates have increased therefore our cost of fuel has increased." We expect members of the fuel industry to appear before us and produce hard figures and hard evidence as, without a shadow of a doubt, if they blame the freight companies and the truckies, the freight companies and the truckies will blame the fuel companies. Someone must sort out who is right and who is wrong, and I expect that this select committee will do that.

I am pleased that the Government agreed to the provision in my motion that one of the things that required close examination was the impact of state and federal policies on the price of fuel. It is a major step forward for a select committee of this Parliament to be given the capability of commenting on both state and federal policies. Federal authorities might say that we are a subordinate jurisdiction and have no right to inquire into, or comment on, them; technically they are correct. We have no right to require them to appear before us. However, I expect the federal authorities, particularly the Federal Government, will cooperate and, if not, I expect the Government of the day to deal with the Federal Government in seeking that cooperation and I expect the Government to support the Parliament if it becomes a problem in the committee's inquiry.

The ability to assess the impact of state and federal government policies is important for regional Western Australia, as state government taxes and charges are claimed by people in the industry to be major cost centres of their businesses. If I am wrong someone will have to shoot me down, but, from memory, the Pilbara Development Commission produced a paper that indicated that water and electricity charges in a roadhouse or service station in Port Hedland are three times more than the charges that apply to a similar service station in the metropolitan area. Without scrutinising that too much, one would probably believe that to be reasonable as the cost to government to produce electricity and water in regional areas is more than in the metropolitan area. However, it is not borne out on close scrutiny, as electricity in the Pilbara is produced and used by the mining companies and consumers receive the surplus. The cost of producing electricity in north west communities, particularly Port Hedland and Karratha, is about 20 per cent of the cost of producing electricity in Perth. It is therefore reasonable to take a good, hard look at that to find out why the charge for that utility is 300 per cent higher when the cost is allegedly 20 per cent less. It is reasonable for the community to want to know that and we have the power to do it. The same analogy can be drawn for the provision of water, only more so where the water infrastructure is provided by the mining companies. If I get my way, government taxes and charges will be scrutinised as to their effect on the price of petroleum in the regions and the city, will show a break-up of the cost of a litre of fuel as to who makes what out of it, and will be incorporated in the final report.

The next aspect of the inquiry which must be addressed is the competitive element. The select committee will investigate and report on the effect of current changes to petroleum product franchising on the price of petroleum products throughout Western Australia. My wording for that aspect of the inquiry would have been more direct. However the effect of the wording of this motion will be the same and it will give power to the select committee to investigate the franchising of fuel outlets. Some interesting aspects of that issue require examination. I will not go through all the details of them other than to say that petrol companies are reducing significantly the numbers of independent outlets. In small country towns it is not unusual for the only fuel outlet to be owned by a major multinational oil company. Those outlets face no competition or scrutiny and are subject only to price setting by their own corporation. Firstly, that is an unfair system; it is not competitive and does not lead to lower prices. There is evidence that that system leads to ever increasing prices of fuel in those towns. The committee will have the power to examine that matter, and will examine that matter. I suggest to members that it is self-evident that having multi-outlets would increase competition. Even if all the points that people allege about behind the scenes price fixing, dictation of terms and restrictive practices are true - I do not know whether they are - having multi-outlets and multi-brands automatically creates competitive forces that help to lower fuel prices. How can we demonstrate that? The average figures for February this year in the Perth metropolitan area varied from 72.9¢ to 94.9¢ a litre, a variation of 22¢ a litre. The further a person goes from the metropolitan area, the lower that figure becomes. In my view that demonstrates that the less competition there is, the less variance there is in the price. I will give members the worst example in Western Australia: There are five or six petrol stations in Port Hedland, all of which are allegedly competing. The price variation between all of those stations in the month of February was 0.6¢ a litre. In the metropolitan area the variation over that month was 22¢ a litre.

Ms MacTiernan interjected.

Mr GRAHAM: We will find out whether it is a question of the distributors or the franchising. Who knows? However, when we consider the public utterances of the fuel companies about the reasons that the price of fuel is so high, one would be led to believe that there are two major reasons: One is freight and the other is world parity pricing. I dispatch the world parity pricing, albeit that has created an upward pressure. I do not argue that world parity pricing does anything other than include us in that upward pressure when it happens around the world. However, as the minister said, when the downturn

is felt around the world, it seems to happen more slowly in Australia than in the rest of the world. The figures I have from the past year indicate that it affects the metropolitan area faster than it affects the country area. In June last year there was a significant dip in the price of fuel in every metropolitan area in the nation. Coincidentally, the price in every bush centre in the nation increased substantially. That must be addressed. The figures cannot be gathered in one day; 13 or 14 months' research has gone into presenting to the Government the case for a select committee. When one looks at those figures, one sees some extraordinary things. When I started looking at the figures, I found, for example, that fuel in Alice Springs was cheaper than fuel in Port Hedland. There can be no logical reason for that. I found that - the minister drew on this example because I have used it publicly - fuel in Coober Pedy in the middle of South Australia was cheaper than fuel in Port Hedland or, for that matter, in Kalgoorlie. I chose these towns by going through the figures and picking the most expensive fuel in every State in Australia, and these were the towns I came up with. In Orbost in Victoria the price of fuel is about two-thirds the price of fuel elsewhere. I do not know whether members know where Orbost is in Victoria, but fuel is cheaper in Orbost than it is in Bunbury in Western Australia. It is quite extraordinary. It is a bush town in Victoria. Coonabarabran in New South Wales tells a similar story. Amazingly, the cheapest outback fuel in Australia is in Longreach in Queensland. If members know anything about the geography of Australia, they will realise it is hard to find a town more in the middle of the outback in a State than Longreach. The price of fuel in Longreach is significantly cheaper than the price of fuel in any regional centre in Western Australia. When one looks at those figures and the research, and my research is basic, one cannot make the case that world parity pricing is the reason we pay more for our fuel in Western Australia than anyone else in Australia. If it were simply world parity pricing and the up and down movements of the price of a barrel of oil, one would expect all the prices to move in concert around the nation, but they do not. It is equally not open to argue that it is freight, albeit we have dealt with that issue.

In closing, first I will reiterate my point that the single aim of this inquiry, notwithstanding its terms of reference, is to deliver lower fuel prices in the non-metropolitan areas of Western Australia. It can and will become a political issue in the next election. If there is an election between now and September, obviously it will not be a political issue because we will be prorogued. Assuming that the election is sometime after September, it will be a political issue and it will determine the fate of a lot of people in this place. Secondly, the committee must and, if I get my way, will visit every region in the State. It is important that those people have the opportunity to put their case to this Parliament, and the committee must visit those areas to give them that opportunity. It will be a lot of work in an already busy schedule and I am looking forward to it.

MR BARRON-SULLIVAN (Mitchell) [12.28 pm]: If any issue makes the blood boil and gets people knocking on the doors of members of Parliament, it is petrol prices. In this Chamber we deal with a number of issues on a day-to-day basis. Some come and go, but this issue has been on the books for many years. It is time we looked at it in a great deal of detail at a state level. In terms of the amount of public interest in this issue, no-one hopes for an inquiry more dearly than I for the simple reason that my office is located immediately next to a busy petrol station, which is on the route taken by many people from Leschenault and Bunbury who are travelling to and from Perth.

Consequently I get a great number of motorists who, having filled up with petrol at the station, walk into my office and demand to know why the petrol price is so much higher in Perth and why the LPG prices seem to be so much higher than they are in the eastern States. Since the Minister for Transport announced that an inquiry would take place, there has already been a considerable amount of interest. I have had a number of people contact me on this issue. Even the Royal Automobile Club of WA (Inc) in its latest journal put in a stop press article about the fact that an inquiry was being set up. A quote from the April/May edition of *Road Patrol* magazine reads -

For the past few months choosing the right day, or even the right hour, to fill up the car has been a challenge for motorists. In February the price of unleaded petrol in Perth ranged from a low 77.8c/litre to a high of 86.7c. In the past 12 months Perth motorists have seen a 34% increase in the price of petrol and, understandably, are wanting to know why.

That is the key. People want to know why this is happening. They want some answers to what can be done about the situation. That quote in the RAC's journal related to the situation in Perth. I would argue that the people in country areas have even more reason to be hot under the collar about this issue. A report from the Petrol Prices Advisory Committee sums up the situation very clearly. It states -

In WA, more than some other States, the level of petrol prices in country areas is a matter of particular concern to many consumers.

That is not a recent report. That quote was from a report produced in Western Australia in 1983. It is the last time that petrol prices were looked at seriously in this State. It brings back the old expression, plus ça change, plus c'est la même chose; basically, nothing has changed in this regard. It does highlight the fact that after 17 years, and all the controversy over petrol prices in the State, it is time for some action. It is time for the matter to be looked at very clearly and concisely. In that regard, I commend the minister's decision. I am very grateful that Cabinet and the Government have decided to go down this path and, in particular, that a parliamentary committee has been chosen to carry out the work.

I say this for a number of reasons. Parliament is the right forum for this, partly because we are able to have a bipartisan approach to the matter. The member for Pilbara said that petrol prices were a political issue and will continue to be a political issue; I do not deny that. The issue of petrol prices, investigating the anomalies and the problems associated with the current pricing structures and regimes, needs to be looked at on a bipartisan basis. I am very encouraged by the fact that, with the consent of the House, we will have a committee that does not only consist of a couple of coalition members, but will also have an Opposition member and an Independent member actively working on it. The fact that the Parliament

will carry out the inquiry and the fact that it will be a non-political structure will enable people to have a degree of confidence in the process that they might not have had if the committee had been set up at a government level or whatever. People want to ensure that no fear or favour is given in this area. By having members from different sides of the political fence on the inquiry we have virtually ensured that.

The minister made the point that the terms of reference of the inquiry are very broad. That is essential if the committee is to do its work and not be hampered. To demonstrate that the terms of reference are appropriate - apart from the fact that I support the broad nature of the terms of reference - it was encouraging that the member for Pilbara indicated he was prepared to withdraw his notice of motion on this matter and is prepared to work with the terms of reference that are before the House. The parliamentary committee is able to take on any advice it wishes; it is not constrained necessarily just to use departmental advice. It can buy in advice in relation to contractual financial matters and it can seek whatever legal advice it requires. That will be very important when looking at some of the more complex aspects of the operation of the petrol and LPG industry in this State.

I recognise the fact that it is through the efforts and persistence of a number of people that this committee is being considered. The member for Pilbara has spoken about the issue previously, and members in this Chamber certainly know his views on the matter. I also acknowledge the members for Bunbury, Collie and Ningaloo, and Hon Greg Smith. A number of other members in the government ranks and in government party room meetings have been indicating very strongly on behalf of the people they represent that a comprehensive investigation is required. I do not wish to preempt the work of the committee, or even the research that may arise as a result of it, but we already know a number of key issues will have to be addressed. An issue that springs to mind which will probably be an immediate priority for the committee will be the matter of LPG pricing. I say that because the Australian Consumer and Competition Commission has already been in contact with the committee. It is widely known that, following a preliminary report into the question of LPG pricing, the ACCC is looking at the matter in further detail and has indicated it is prepared to work hand in hand with a select committee.

The bottom line is, I have no answer to constituents who walk into my office and tell me that they were on holiday in Victoria recently and they could buy LPG gas for almost 20¢ a litre cheaper than they can in Western Australia. I have no answer to that. That is the point. We have to get those answers and work out what can be done about the situation. We also have to look in detail at why there is such a difference in fuel prices between country Western Australia and the metropolitan area. Interestingly, when I was looking at the 1983 report I alluded to earlier, it mentioned that, at the time, the situation in Bunbury was such that the prices in the State's second city were comparable to those in the Perth metropolitan area.

A member interjected.

Mr BARRON-SULLIVAN: I think the report was talking about figures from slightly before that time, but I will not go into that. The report pointed out that the cheapest place in Bunbury at the time was a bowser in front of a car dealer. How things change; that bowser is no longer, the car dealer is no longer and the prices are no longer the same as they are in Perth. When I came to Perth on Tuesday morning, the price in the Bunbury area was around 91.9¢ a litre; by the time I got to the end of the freeway to the Shell service station - which is certainly not renowned as the cheapest in the Perth area - the price was 7¢ a litre less. I do not think anyone -

Ms MacTiernan: Which station sold petrol for 91.1¢ a litre?

Mr BARRON-SULLIVAN: A couple of service stations on the way through in Eaton and Australind. Generally the prices in Bunbury do not tend to differ too much from one station to another. That is one of the issues people want to know about. They want to know why a self-service station, which is supposed to have economies of scale, high-pump rates and low staff wages should be charging the same amount for petrol as a very friendly little family operated, low-volume station located only a couple of minutes away. Every time a motorist from the south west travels to and from Perth they are reminded of this situation. People want to know who benefits from the high prices charged for petrol. I will make a point about something the member for Pilbara said in relation to the member for Geraldton. I do not have a problem with the member for Geraldton being on this committee and I am glad the member for Pilbara reiterated that. In view of that, I cannot understand why he raised the matter. As I understand it, the member for Geraldton's involvement in this area has been at the retail level.

If I have sympathy for anyone in the industry, it is for the retailers. They cop a lot of flak from the public, they tell me, yet they are not the ones who are scooping the pool and getting the cream at the top of the bottle. It is commonplace for their margins to be between 2¢ and 4¢ per litre. There are not many family-run or owner-operated petrol stations in this State where the owners are driving around in brand new Porsche Boxters, or anything like that. Many of those people are battlers. I believe it will be good to have someone on the committee who has a depth of knowledge of the retail side and will be able to ensure that the retailers' voice is heard in this process.

Another community concern is that people say that whenever there is a long weekend, petrol prices seem to go up. That is particularly relevant for people who travel to the south west, and it is an important consideration for our tourism industry. I have also heard people say that petrol prices seem to go up in certain areas on pension day. As I said earlier, people also cannot understand why the price of fuel at self-service petrol stations is generally no cheaper.

The member for Pilbara touched on a number of things that I too would like the committee to examine. One area that has been spoken about a number of times is the need to encourage what used to be called jobbers to sell fuel; and by that I mean

giving small business people the opportunity to buy fuel from the distributors at the same price for which the company sites can buy fuel so they can sell it to the independents on a competitive basis. That would be particularly relevant for country areas. The Federal Government has made some noises along those lines, but some practical constraints prevent that from happening, some of which are contractual matters, and I hope the committee will examine those matters. If action could be taken along those lines, it would assist the smaller-volume stations, particularly the small family-owned service stations.

The member for Geraldton touched on the import parity pricing structures. There is no doubt that the committee will need to examine that matter in detail and will need to speak to the federal authorities about that matter; and although the State has no direct jurisdiction over that area, it may be a matter on which it can make some firm recommendations. I am pleased the minister has suggested that the terms of reference will enable the committee to assess the impact of the goods and services tax on fuel prices, particularly in country areas. Those are just some of the issues at which I am confident this committee will look.

However, what is just as important is how the committee looks at these issues. This committee, more than any other select committee, will need to listen to the people of Western Australia in both the metropolitan and rural areas - a rural road show, if we like - and perhaps even go to the extent of setting up a hotline. It may be that through some of the points raised by individual and family motorists, small business owners, farmers and so on, the committee will pick up some vital clues that will enable it to look at the situation in earnest. The minister pointed out that it would be appropriate for the committee to meet with the participants in the industry, whether that be the petrol companies and distributors, the Motor Traders Association, the Royal Automobile Club and consumer groups. It will be very important that the committee cast the net as widely as possible.

I commented earlier on a 1983 report on petrol prices. I also alluded to the fact that this matter has not been looked at in a serious way in Western Australia since that time. The situation in Western Australia is different from that in other States in a number of respects. Parliamentary inquiries have been conducted in Tasmania and the Australian Capital Territory, but we have not really looked at the situation in detail in Western Australia. I am optimistic that we will be able to come up with some recommendations which ultimately will have a bearing on fuel prices and will send fuel prices down. Certainly this is the best opportunity we have to consider the issues with regard to this matter. I have a very open mind. However, if the committee finds that the marketplace for petrol and LPG does not truly reflect a free enterprise situation - and far be it from me to cynically suggest that it does not - I will have no hesitation in recommending improvements to the current arrangement to promote competition and a healthy degree of choice in the marketplace. Previous speakers have mentioned that from time to time, some of the independents spot-purchase crude, and market forces dictate through price wars that the price of fuel should come down, albeit for only a short time. However, when there is a price war in Perth, there is very rarely one in the country. Again, this is a matter which antagonises country residents and people in areas such as Bunbury and Kalgoorlie and which causes them to wonder what is wrong with the system. In fact, the only price wars we ever seem to hear about are those in the metropolitan area. It is extremely frustrating to get off the highway at Bunbury and have to pay more than 10¢ per litre more for fuel than one would have to pay in Perth.

If the committee finds that a free-enterprise situation does not exist and we can recommend improvements to promote competition and choice, all very well and good. However, if that is not the case, I put on record that I will have no problem with taking out the big stick. Members may be interested to be reminded that price control legislation is on the books in this State. The petroleum products pricing Bill was put to one side about seven years ago because at that time we had a very competitive environment, which led to a reduction in fuel prices. However, the situation today is very different, and I will be assessing whether it will be appropriate to reintroduce some form of price control and whether we need to pull that legislation out of the bottom draw. I am not sure whether the Australian Competition and Consumer Commission would appreciate such action, but that is a bridge that we would need to cross at that time. It is time to flush out any blatant rip-offs at the petrol pump and ensure that motorists, whether they be family drivers, small businesses or farmers, get a fair go at the bowser. I believe this select committee will give us the best opportunity to do that.

The member for Geraldton has been very open and accountable in saying that he has had an involvement in the industry. It will be up to all members of this House, whether they be government, opposition or independent, to determine at a later stage whether they are happy for that member and other members to be on the committee. I put on record, perhaps slightly jovially, that my office in Bunbury is located on land that is owned by a private businessman. It is actually subject to a head lease by Caltex Australia Limited. That lease is with the Department of Premier and Cabinet, and I have nothing to do with the detail of it, and I certainly have no pecuniary interest, but I bring that to the attention of the House in any event.

[The member's time expired.]

MS MacTIERNAN (Armadale) [12.48 pm]: I have a number of concerns that I would like to have clarified. I asked the minister by way of interjection to clarify whether paragraph (c) of the terms of reference, which refers to taxes and charges, will include an examination of the impact of the GST. *Hansard* will note that the minister said yes. I will raise some concerns that have been expressed to me by people in Bunbury about what is happening with petrol pricing in their community, and perhaps query the appropriateness of the appointment of the member for Mitchell as the chairman of this committee. I do not want to take this too far, but it may well be that, in terms of the appointments, this is shaping up to be a rerun of the Gunning inquiry.

Debate adjourned until a later stage, pursuant to standing orders.

[Continued on page 6131.]

LENTEN WALK*Statement by Member for Girrawheen*

MR CUNNINGHAM (Girrawheen) [12.50 pm]: I am very much appreciative of my parliamentary colleagues in both Houses for their marvellous support in sponsoring my 7.5 kilometre Lenten walk around the central city churches last Saturday. The walk was great for the soul but did nothing for the arthritis in my ankles. Nevertheless, onwards we marched. My wife, Julie, took some photographs as proof that I walked the distance. The \$1 030 pledged by the 61 members and three journalists was a wonderful contribution to Caritas Australia.

Through Project Compassion, Caritas gives aid to places such as Cambodia, Pakistan, East Timor and Zambia. It recently raised over half a million dollars to help the survivors of hurricane Mitch in central America. Unfortunately, time constraints allowed me to approach only 61 of the 91 members. I apologise to the 30 members I was unable to contact, but they are welcome to make a late donation.

To those 61 members, including government and opposition members and independents, and three journalists - two from *The West Australian* and one from the ABC - I extend my thanks for their generous contributions. Finally, I leave the House with a message: May Easter be special to each and every member and his or her family.

KENNEL ZONES*Statement by Member for Southern River*

MRS HOLMES (Southern River) [12.52 pm]: I take this opportunity to thank all the members of my kennel zone community committee for their hard work and dedication in dealing with all the issues surrounding kennel zones. The community committee is now represented by Shirley Briggs on the group which has been set up by the City of Canning. The job of this group is to look at producing a best practice manual for the Canning Vale kennel zone. This excellent initiative by the council will undoubtedly also be of assistance to the other kennel zones in the seat of Southern River, and Shirley will be able to act as a conduit in this regard.

I also thank the Minister for Planning, Hon Graham Kierath, for his initiative in setting up a cross-agency committee to look towards the future by identifying land that would be suitable for kennel zones. I am pleased that a representative of my community committee will also sit on that committee.

Information collated by my committee has confirmed that approximately 156 000 dogs are registered in the Perth metropolitan area. These dogs are currently being serviced by the four major kennel zones in the State. Such a large number of dogs indicates that it is feasible for further kennel zones to be developed to cope with future growth in the domesticated animal industry. Currently, no alternative areas are set aside to house kennel zones in the future. In view of this, the work of the government committee and my committee is very important. The money generated into the economy by the people operating these kennel zones cannot be overlooked.

HOLMAN, MISS M.A., FORMER MEMBER OF PARLIAMENT*Statement by Member for Perth*

MS WARNOCK (Perth) [12.53 pm]: This week marks the seventy-fifth anniversary of the election to this House of May Holman, the first Labor woman to be elected to any Australian Parliament, and following closely upon the election of Edith Cowan, the pioneer woman parliamentarian who served one term from 1921. Mrs Cowan was 60 years when she was elected, Miss Holman 31 years. May was the member for Forrest from 1925 to 1939. She worked very hard to improve the conditions of working-class women and children and did her best to alleviate poverty, low wages and unemployment.

May Holman opposed conscription but used her skills as a pianist to entertain departing troops at Perth railway station in 1916. As a proxy delegate of the League of Nations in Geneva in 1930, May Holman attacked the drug trade and the growing international traffic in women and children. In Parliament she spoke about women and children and the timber industry workers she represented in Forrest. Her contribution to a second reading debate on a timber Bill in 1926 took 2.5 hours and was meticulously researched. During the 1939 election campaign May Holman said in answer to a question about women in Parliament, "I think you will find women as successful in Parliament as men, but women members are judged by harsher standards . . . they have a definite contribution to make to public life."

May Holman was fatally injured in a car accident the night before that election and died three hours after hearing that she had been re-elected. Tributes showed how much she had been loved, admired and respected. John Curtin said of her, "Her life was magnificent; it was gallant and gracious and every day had its good deed." Today the Labor Party salutes the memory of pioneer Labor woman, May Holman.

EDWARDS, MR DON*Statement by Member for Carine*

MRS HODSON-THOMAS (Carine) [12.55 pm]: Yesterday I attended a burial service for Mr Don Edwards, a constituent of mine. Although Don held opposing political views from me and was a member of the Labor Party, I admired the huge contribution he made to the community. He was a most dedicated and committed community-minded individual who played a pivotal role in the many areas in which he was involved. Unfortunately he was diagnosed with cancer in the latter part of last year and passed away last week.

Don Edwards was an extremely active person and a leader in community affairs in the North Beach and surrounding areas. He was associated with nearly every local community organisation. Don Edwards was a past president of Trigg-North Beach-Waterman ratepayers association and an active member of the Star Swamp-Trigg bushland management advisory committee. He actively pursued the establishment of the Henderson resource centre and I am pleased to advise that Hon Norman Moore, the Minister for Sport and Recreation, approved a grant of \$9 000 towards this project.

Don was also a founding member of the northern suburbs historical society and contributed to the establishment and ongoing management of the northern suburbs historical museum, the Mount Flora Regional Museum, located on Mt Flora in North Beach. He was responsible for the establishment of the Centaur Seat, which is shaped like the bow of a ship. The seat is situated on West Coast Drive between North Beach and Mettams Pool, directly opposite where the *Centaur* hit the reef and sank. I understand that the City of Stirling has agreed to rename the monument the Don Edwards Centaur Lookout in recognition of his outstanding contribution to the community. I extend my condolences to his family.

STOLEN GENERATION, PRIME MINISTER'S STANCE

Statement by Member for Willagee

MR CARPENTER (Willagee) [12.57 pm]: In the past seven days we have seen John Howard demonstrate with stunning clarity why he is completely unfit to be the Prime Minister of our country. His performance in dismissing the significance and denying the reality of the stolen generations must rank as one of the most despicable acts perpetrated by any Australian Prime Minister and certainly any Prime Minister in my lifetime.

Indigenous Australians have suffered a history of deprivation and abuse, the reality, effect and injustice of which has only recently been recognised by the wider community. A reconciliation process has been promoted and pursued by community leaders, both Aboriginal and non-Aboriginal, as a means by which we can begin to move forward together as a nation. A first step in that process must be facing up to historical reality and apologising for past wrongs, one of which was the forced separation of generations of Aboriginal children from their parents in what amounted to an officially sanctioned policy of cultural and racial genocide. The only limiting factor on that policy was not limit of intent but of capacity to implement it.

For the Prime Minister of this country, at this time and with the knowledge and understanding we should now have, to deny the reality of the stolen generations because not all Aboriginal children were taken from their parents is so repugnant, so insensitive and so grossly offensive that it brings incredible shame upon the entire country. The whole of Australia was devastated by the separation and assimilation policy and the whole of Australia is now diminished by what John Howard has done. It is disappointing that the Premier of our State did not take the opportunity to condemn the Prime Minister on this issue. To borrow a phrase from Xavier Herbert, the great Western Australian author; poor fellow my country.

ST ANDREWS ESTATE, YANCHEP-TWO ROCKS

Statement by Member for Wanneroo

MR MacLEAN (Wanneroo) [12.58 pm]: I recently had the pleasure of attending a three-day workshop on the proposals for the St Andrews estate in the Yanchep/Two Rocks area. The project intends to develop a region with a population of about 150 000 and a work base of 60 000. This would be based on industry clusters covering a range of opportunities from education to industry. The workshop was designed for a core group of representatives of government, industry, community and the landowners, the Japanese Tokyu Corporation. We all sat down and worked through the issues which have been evident for a number of years. Key issues were discussed in working groups and as a whole through a range of topics as a way of determining what could happen and how to approach issues and concerns. Building community understanding and an awareness of the project was a major issue as communication between the company and local residents has been lacking in the past. Factors which would block and delay development, and key development markers were discussed so that progress can be monitored at future meetings. The size and scope of the proposal is evident when planning for a quick win to get started on the project has a time line of some five years.

The residents of Yanchep and Two Rocks are now beginning to look to the future. All too often in the past nothing happened, but since the Court Government came to office, the Tokyu Corporation, the landowner, has been under pressure to get things moving. For its part, Tokyu has shown that as the Government is interested, so is it. For too long the former Labor Government showed no interest in what was happening with Yanchep and Two Rocks, and Tokyu took its lead from that Government. This Government is showing leadership and Tokyu is happy to come along with it.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

QUESTIONS ON NOTICE, UNANSWERED

MR BROWN (Bassendean) [2.38 pm]: Pursuant to the Standing Order 80 I ask the minister representing the Minister for Transport when I might receive answers to my questions on notice 1512 and 1534 asked on 25 November 1999.

MR COWAN (Merredin - Deputy Premier) [2.39 pm]: I assume that means that the minister has not complied with the three-month time limit. I will ensure that the Minister for Transport is notified of that and an answer is provided.

DR EDWARDS (Maylands) [2.40 pm]: Under the same standing order, I ask the Minister for the Environment when I can expect an answer to questions 1588 to 1592.

MRS EDWARDES (Kingsley - Minister for the Environment) [2.40 pm]: I will follow up that matter.

MR RIEBELING (Burrup) [2.40 pm]: Under the same standing order, I ask the minister representing the Minister for Mines when I can expect an answer to question 1681 asked on 21 December 1999.

MR BARNETT (Cottesloe - Leader of the House) [2.41 pm]: On behalf of the Minister for Mines, I will ensure that is followed through.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [2.41 pm]: Under the same standing order, I ask the minister representing the Minister for Transport when I can expect an answer to question 1490 asked on 25 November 1999.

MR COWAN (Merredin - Deputy Premier) [2.43 pm]: That is the responsibility of the Minister for Transport, and I will ensure that it is answered. If people want an answer to a question that has been asked directly of me, all they need to do is look at my web site and they will find it.

MR KOBELKE (Nollamara) [2.42 pm]: I also rise under Standing Order No 80. On 21 December I asked the minister representing the Minister for Transport - a minister who does not want to accept the responsibility that he is supposed to take in this Chamber - question 1637, which has now been outstanding for over three months. I ask the minister, according to that standing order, whether he can give some explanation of why he has not fulfilled his obligations and tabled an answer to that question; and if he can explain why not, can he also indicate when I may receive the answer.

The SPEAKER: Order! It is a bit difficult when ministers are representing ministers in the other place.

MR COWAN (Merredin - Deputy Premier) [2.42 pm]: Again, I will ensure that the answer to that question is provided.

MR RIEBELING (Burrup) [2.43 pm]: I have two questions -

Mr House: More of this charade! Can't you blokes get your act together and ask one question? You are hopeless!

Mr Brown: We can only ask one minister at a time. Don't you know the rules?

The SPEAKER: Order, members! Members are entitled under the standing orders to ask these questions; and when a lot of members are asking questions, they are making a point.

Mr RIEBELING: I have two questions to the minister representing the Minister for Transport that have not been answered since 21 December - questions 1684 and 1706.

MR COWAN (Merredin - Deputy Premier) [2.43 pm]: As I have said before, that matter will be pursued. I began representing the Minister for Transport at the beginning of this session. I had overlooked keeping track of the questions on the Notice Paper, although members will note that there are now no questions on the Notice Paper, so it is not easy to identify whether an answer is overdue.

Mrs Roberts: Look at the parliamentary web site! Don't you know that?

Mr COWAN: Until members opposite start to comply with the standing orders in this place, I am not all that inclined to obey the standing orders that I am supposed to comply with either.

MR RIEBELING (Burrup) [2.44 pm]: On 21 December, I asked question 1689 of the minister representing the Attorney General, and I request a response to that question.

MRS EDWARDES (Kingsley - Minister for the Environment) [2.44 pm]: As the minister representing the Minister for Police representing the Attorney General, I will follow up that matter.

MR RIEBELING (Burrup) [2.44 pm]: Mr Speaker -

The SPEAKER: Order! I have a list in front of me. The member has asked the ministers representing the Ministers for Transport and Mines, and the Attorney General.

Mr RIEBELING: Unfortunately I did not ask a question with regard to question 1703, even though I asked -

The SPEAKER: Order! I believe the member for Burrup asked two questions of Transport and two of Mines.

Mr RIEBELING: It was only one, Mr Speaker, but if your indication is that I have asked about that question -

The SPEAKER: Order! The member for Burrup asked about both questions. The point is that 18 questions are outstanding from 1999, and it probably is time that they were answered. The point has been made.

MR BARNETT (Cottesloe - Leader of the House) [2.45 pm]: The point has been made. It is the responsibility of ministers to answer questions. It is difficult when they are representing ministers in the other place, and most of those questions relate to ministers in the other House. However, in this House, there is no excuse, and ministers who cannot answer questions should indicate to members opposite when they anticipate being able to answer those questions. That is easily done, and it shall be done.

SELECT COMMITTEE ON PETROLEUM PRODUCTS PRICING IN WESTERN AUSTRALIA

Establishment - Motion

Resumed from an earlier stage.

MS MacTIERNAN (Armadale) [2.46 pm]: Before the luncheon suspension, I said that the Opposition supports this fuel inquiry and believes it is an important project that must be undertaken very seriously. We just want to pass on some of the concerns that have been raised with us by the residents of Bunbury about the proposed chair of this committee. We heard earlier from the member for Pilbara, who expressed concern about the role that the member for Geraldton may play on this committee because of his perceived conflict of interest. The member for Mitchell in his comments on this motion made a cute point when he said that perhaps he had a conflict of interest because the land on which his office is situated is subleased from a fuel company. That cute point is perhaps a bit of a pretence and may be an attempt to conceal an interest that is of a little more concern.

The member for Mitchell had his election campaign funded substantially by a Mr Barry Myles, who is a major supporter of the Liberal Party in Forrest Division. Mr Myles has received fulsome support in his commercial endeavours. We know that when the member for Mitchell was still a Bunbury city councillor, he formed part of the posse of -

Point of Order

Mr TUBBY: We are debating the establishment of a select committee. It is a fairly precise sort of debate and has been going for some time. The member for Armadale is engaging in a general second reading-type debate that is probably more applicable to the Address-in-Reply that will be debated in a couple of months.

The SPEAKER: Order! The member may be venturing down the pathway of making comments about the suitability, or not, of members to serve on a committee, or whatever; that motion will follow. I am not sure of what is coming and whether the member is proposing to make a particular attack on a member. I just remind the member that if that is what she is about what to do, that is inappropriate under the standing orders. There are ways in which the member can handle those matters. It is as simple as that. It is really not a point of order, but it is verging on appropriateness in the House. I remind the member for Armadale that after this motion is passed, if it is passed, a motion will be moved to appoint people to the committee, and that may be the time to deal with the suitability of members to be on that committee.

Debate Resumed

Ms MacTIERNAN: Mr Speaker, I appreciate your bona fides in giving me that advice, but the members for Geraldton, Pilbara and Mitchell all canvassed the issue of potential conflicts of interest and the appropriateness of certain people to take positions on this committee. I do not intend to go on for long, but I want to make this point, because this will be an important inquiry, and it is important that it have some credibility. We do not want a situation to arise in which the relationships of the individuals who might be involved in this committee undermine its effectiveness.

We know that Mr Barry Myles has been a strong supporter of the Forrest division of the Liberal Party. In particular, he has had strong support from the member for Mitchell. In the first instance, in 1994, he, together with a number of other prominent Liberals from that area - I think Mr Prosser may have been one - approached Eric Charlton and had overturned Main Roads' strong objection to Mr Myles' building, contrary to all policy, his large service station on the Australind bypass. However, it did not end there. When the member for Mitchell got into Parliament, he went in to bat again for Mr Myles. This time it was to open up the verge to allow traffic to enter Mr Myles' service station from both sides of the Australind bypass. Again, this was strongly opposed by the regional manager and the Commissioner of Main Roads on the basis that it contravened safety provisions. However, once again the party, led by the member for Mitchell, took it to Eric Charlton and had Mr Myles' interests looked after.

Mr Myles is not just a service station owner. He happens to be the proprietor of Myles South West Fuel Supplies Pty Ltd, which is the distributing company for Shell Australia Ltd in the Bunbury region. The people in Bunbury have a particular concern about their fuel prices. We know that many country areas have fuel price problems, and it is a complex issue. However, what particularly galls people, as the member for Mitchell has acknowledged, is that in Bunbury, which is a mere two hours from the centre of Perth, the fuel prices are 10¢ a litre higher than the metropolitan prices. The local committee in that area, the Bunbury petrol action coalition, which was recently formed to get some justice on this matter, has been told that the cost of transporting the fuel from Perth to Bunbury is only 1¢ a litre, so where does the extra 9¢ a litre come from? As far as the committee knows, only 2¢ or 3¢ goes to the service station proprietors, so who are the people who may be making the big dollars on this? It very well may be the fuel distributors.

Mr Bloffwitch: What is the wholesale price in Bunbury?

Ms MacTIERNAN: I do not know.

Mr Bloffwitch: If you do not know, how can you say -

Ms MacTIERNAN: I did not say it was; I said it might be. I am posing it as a possibility.

Under those circumstances, it is important that we ensure, and that we have confidence, that this committee will fearlessly pursue all players in this industry, including those distributors. The member for Mitchell said that he had an open mind about it, and I hope that is true. There will be a great deal of vigilance of the role of the member for Mitchell in chairing

this committee because of those close links with the fuel distributors in his town and because of his proven track record of intercession on their behalf in spectacular ways, against the advice of Main Roads.

Mr Barron-Sullivan: You are making a serious suggestion. Would you please elaborate on what you think those links are? What is your basis for saying that?

Ms MacTIERNAN: I am sorry; I have already set that out. The member can read it in *Hansard*. We basically hope that this committee will perform well.

Mr Trenorden: You had better vote against the committee.

Ms MacTIERNAN: No. We just want to put the member for Mitchell on notice to make sure he is aware of -

Mr Trenorden: I am also a member of that committee.

Ms MacTIERNAN: Yes, I understand that, and we want to see it work well and come up with some results. Concerns have been raised about the member for Mitchell's links. Therefore, we want to put him on notice to make sure that he is fearless in his pursuit of the truth in fuel pricing, because the people of Bunbury are particularly concerned about fuel pricing in their area.

MR BROWN (Bassendean) [2.54 pm]: I will make about three points. The first is that I am pleased that the Parliament will establish this committee. I am particularly pleased that it will look at some of the interesting petrol pricing arrangements in the metropolitan area. I refer to an article that appeared in the *Sunday Times* on 20 February 2000. That article dealt with a Mr John Horton, who reported that he was getting out of the petrol business while he still had his shirt on his back. The article states -

Last week, service stations near Mr Horton's site were selling petrol at 2c/litre less than they paid for it.

In other words, the small, independent service station proprietors are being pushed into a position in which they are required to purchase fuel at a higher price than that being charged by petrol stations controlled by the majors.

Mr Bloffwitch: When these people ring up the majors, they refuse to supply them.

Mr BROWN: That is right. I also refer to a further article in the *Sunday Times* which quoted comments by the Executive Director of the Motor Trade Association, Mr Peter Fitzpatrick, about this matter. The committee will need to investigate matters contained in the federal legislation, particularly in the sites Act and so on. It will be necessary to examine this matter in some detail, because Australian Competition and Consumer Commission reports on this issue are anything but emphatic. Indeed, there seems to be some hesitancy on behalf of the ACCC to thoroughly investigate this area. I do not know why it is pulling its punches, but if this is the best it can do, it does not provide too much protection for consumers. If this is the best it can do, it should become the ACC, removing the word "consumer", because in the reports I have read, it pulls its punches when investigating fuel prices and the price of liquefied petroleum gas. One need only read those reports to see where it has declined to answer some of the hard questions.

After a recent trip to Geraldton, I also wrote to the ACCC and asked it why fuel prices in Geraldton were 10¢ a litre higher than prices in the metropolitan area and what it was doing about it. The ACCC wrote back and indicated - I think the member for Geraldton alluded to this in his comments - that on 1 August 1998, that wonderful Federal Treasurer, Mr Peter Costello, who often appears on the television and stares superciliously at people, took it upon himself to remove fuel as a declared product under the Prices Surveillance Act. That meant that the Howard Federal Government removed price surveillance of fuel and LPG. The Howard coalition Federal Government has a great deal to answer for in terms of the prices and rip-offs in this industry because the supercilious Federal Treasurer decided to take that idiotic action back then when there was no justification for it. I hope that when the committee starts to examine this area, it will examine some of those decisions and the rationale for them, because there is no rationale for them - absolutely none. There is no fair competition in this industry. Look at the way it has been restructured and at the way one franchised person now has multi franchises for 35, 50 or 60 stations, and it is that single person who is smiled on by the oil companies. If we are talking about competition in this industry, that is the matter that should be investigated. I am pleased this committee has been established. I hope that it will examine these matters.

There is the LPG report and the other reports which have been produced by the Australian Competition and Consumer Commission. The select committee will need some strength in its arm if it is to take a more aggressive position than the ACCC because the ACCC has wimped out, it has forgotten about consumers and about competition and it has buckled under to the pressure and the power of the fuel companies. I look forward to receiving the report of the select committee. I wish the committee well and I urge its members to not be as limp-wristed in dealing with this industry as has been the ACCC.

MR RIEBELING (Burrup) [3.00 pm]: I will make a short contribution about the situation in my electorate. The common thread in the comments made by members supporting the creation of this select committee is that the villains are the oil companies because of the lack of competition in the market. Operators in the industry have been frozen out and prevented from competing properly because of the strength and capacity of the big companies to drive them out of existence. That also happens to operators who are working for the companies themselves. Some people who have invested a lot of money in service stations have been removed from the management of those stations for some reason by the oil companies which then put multi-site franchises in place, and that destroys real small business.

For the information of the members, in inland Pilbara last weekend people were paying up to \$1.16 a litre for petrol. If that was the price in Perth, there would be riots but here in Perth it is 89¢ a litre. Members need to understand that apparently

petrol was \$1.04 a litre in Karratha this morning. One might think the cost of transport from wherever to Karratha would account for that, but it is the same price in Dampier. The fuel from Singapore lands in Dampier which therefore should have Australia's cheapest fuel, but petrol costs \$1.04 a litre in Dampier. It comes straight off the boat and goes into the service stations and costs \$1.04 a litre. If ever there was a place in the north which should have the cheapest fuel compared to Perth it is Dampier.

Mr Trenorden: Do you know who owns it when it comes off the boat?

Mr RIEBELING: My understanding is that it is the oil companies.

Mr Bloffwitch: They work out the price from Perth. They do not care where it comes from; it is the price from Perth to where it has to go.

Mr RIEBELING: Exactly. I hope this committee will have the capacity to look at regulation. I know that is an awful thing to say, but we need some sort of regulation in the industry to protect competition. We cannot leave it to the big boys to sort out what competition is; they have been exceptionally bad at self-regulation. If any member of this place agrees with re-regulation of an industry, it is I in relation to this industry. I hope this committee comes to that conclusion and comes to it quickly.

MS ANWYL (Kalgoorlie) [3.03 pm]: I will make some brief comments about this issue. However, it is important to first acknowledge the contribution the member for Pilbara made to the establishment of a select committee into this issue. Coming from Kalgoorlie-Boulder I have watched with interest the array of members who have jumped up and claimed some credit for the establishment of this select committee. It seems to me that only one member of this Parliament deserves credit for that and that is the member for Pilbara.

Mr Cowan: Is this the overture to bring him back?

Ms ANWYL: No, I just believe in telling the truth. The Acting Premier probably cannot relate to that but the fact is that the member for Pilbara raised the issue and was the impetus for the committee. While we are on the issue of political advantage as suggested by the Acting Premier, if anybody is actively wooing the member for Pilbara it is his side of politics. I know many members of the coalition are confident that it will pick up a swag of seats in the Mining and Pastoral Region, and obviously the coalition is trying to do deals not only with the Independents but also with One Nation in that regard.

However, the member for Pilbara deserves all of the credit, not some of the other members who have put their hands up as being responsible for this select committee. Having said that, obviously the Government has agreed to this committee and that is also important. The most puzzling thing about the cost of petrol is that distance does not seem to be the main indicator. I am sure all of the select committee members will find it a very interesting exercise.

Mr Trenorden: Your region and all the mining regions use more fuel than the whole of Victoria. If that is the case, you would think volume would equal price.

Ms ANWYL: That is right and much of it comes in through the port at Esperance which is why we want to ensure we have a very viable port in that region.

Other members who have spoken on this issue have given examples of different pricing structures, but I do not propose to repeat that sort of detail. However, the cost of petrol has a real impact on average, working people - not only those who are engaged in small business and other forms of commerce but also the average family. Recently I was at my local swimming pool and a mother commented to me that with the amount of ferrying she does of her children between different sporting venues and clubs she was seriously thinking about curtailing some of the children's activities because of the cost of petrol each week. It is a significant cost which is impacting on many families. Of course, the goods and services tax is about to hit and the Motor Traders Association has made it absolutely clear that it expects fuel prices in regional areas to skyrocket rather than fall as has been promised. That will also impact on the cost of petrol. We will wait and see, member for Geraldton. I will be happy to raise the matter after 1 July when we see what effect the GST has on regional fuel prices. I look forward to the outcome of the select committee.

Mr Bloffwitch interjected.

Ms ANWYL: The member for Geraldton says the GST will be a non-event, but we will wait and see. In any event, I am pleased to see that this select committee is to be established and I wish its members well. I hope the committee acts without fear or favour. I have been involved in two select committees in my time in this place and neither of those committees has resulted in any legislative changes, which is a great disappointment not only to me but also to a number of other people who have been involved in those committees.

Mr Trenorden: I have been involved in many and quite a few have changed legislation.

Ms ANWYL: That might be the way I will look at things after many more years in this place. I put on the record my hope that the findings of the select committee can result, where appropriate, in government action, whatever colour that Government may be.

MR MARLBOROUGH (Peel) [3.08 pm]: An earlier speaker on this side said that the inquiry has an extremely important role to play, but I have some strong views on where I think the oil industry is at. I have a particular interest in this matter, not only as a consumer but also given that I have the State's major oil refinery within my electorate.

Mr Trenorden: It's the only one, isn't it?

MR MARLBOROUGH: It is the only oil refinery. The fuel industry in Australia is rather like the oil industry around the world; that is, a significant change has occurred over a short time. When I was first elected in 1986, BP was British-owned. I remember in 1987-88, the then Premier Burke and Minister Parker flew to London to speak to the board of British Petroleum about putting a sulfur extraction plant into the Kwinana facility. BP is now owned by a group of Kuwaiti princes and the British have no input. It still has its headquarters in London, but that is as close as the company gets to being British.

The change over the years is that competition has been taken out of the marketplace once petrol reaches the consumer. The oil companies in the main control the retail outlets in Australia. One can count on one hand the number of independent operators in the oil industry. Western Australians need to be thankful for petrol prices for the independent producers like Gull Petroleum (WA) Pty Ltd, which purchases at world oil prices and keeps some sort of honesty in fuel prices. The reality is that we have a monopoly. As more fuel outlets become retail shopping centres, more of them are falling into the hands of franchise arrangements. A company may own a number of outlets. One may think when pulling into a fuel station that it is individually owned and operated; however, evidence I have seen indicates that many of these stations are part of a retail conglomerate. If they are not attached to the oil company, they are part of a retail conglomerate in their own right.

The old days of real competition between service stations has gone. The reality is that it has all happened during the life of this Government. It has come about in the last eight or nine years. The Government has stood idly by and done nothing to intervene in the changes. There is no competition in fuel prices.

Mr Cowan: It has been going on for 25 years. There have been 23 inquiries to the petroleum industry in the past 25 years.

Mr MARLBOROUGH: It is certainly not new. It is about time we woke up to the situation in Australia. If the Leader of the National Party looks at what happened in America with the Microsoft organisation -

Mr Trenorden: That could not have happened in Australia.

Mr MARLBOROUGH: Dead right. The legislation which operates in America to stop monopolies -

Mr Shave: Should apply here.

Mr MARLBOROUGH: I thank the minister - he is spot on. It should apply here. We are in the new millennium; let us see whether both sides of the Parliament can agree that we need to introduce legislation quickly to apply to the oil industry.

Putting petrol in the car is like putting bread on the table. If families do not own a vehicle, they jump onto a vehicle almost every day. It is as basic as bread and butter. A cross-party approach is needed. As the Acting Premier said, the debate has been going for many years. I sincerely hope that the outcome of this committee will be to put the Opposition and Government in a position to seriously consider introducing legislation similar to that used in America against the Microsoft organisation. This was used in court to prove that the corporation was being unfair to competition and, therefore, unfair to consumers. That is where we are at with fuel prices in Western Australia. It has little to do with the world price fluctuations, but more to do with the monopoly of the retail outlets.

Question put and passed.

Appointment of Members

On motion by Mr Shave (Minister for Fair Trading), resolved -

That Mr Barron-Sullivan, Mr Bloffwitch, Mr Graham, Mr Trenorden and Mr Grill be appointed members of the committee.

FIRST HOME OWNER GRANT BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Kierath (Minister assisting the Treasurer), and read a first time.

Second Reading

MR KIERATH (Riverton - Minister assisting the Treasurer) [3.17 pm]: I move -

That the Bill be now read a second time.

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

The framework principles on which the scheme is based were set out in the intergovernmental agreement and, together with

the amount of the grant, are consistent across all jurisdictions. However, each State and Territory will implement separate legislation to give effect to the scheme. The impact of the assistance provided by this scheme is expected to be significant. In the first year alone, it is expected that over 17 000 applicants in Western Australia will be able to claim assistance totalling nearly \$120m. By the end of the decade, it is expected that assistance in excess of \$1.3b will have been provided. The payment of the grant is not means tested and there is no upper limit on the value of the property being acquired.

However, to receive the grant, each of the applicants must comply with five eligibility criteria. The first and second criteria require the application to be made by a natural person who is an Australian citizen or permanent resident. Where joint applications are made, only one of the applicants is required to meet the citizenship or residency test. The third and fourth eligibility criteria will disqualify any person if the person or his or her spouse has previously received an earlier grant anywhere in Australia, or has held a relevant interest in residential property, including an investment property, prior to 1 July 2000. The fifth eligibility requirement provides that all applicants must occupy the home to which the grant relates as their principal place of residence within a 12-month period. Failure to fulfil this condition after the grant has been paid will result in the applicant being required to repay the full amount of the grant.

To be successful, the application for the grant must also relate to an "eligible transaction". Three types of transaction are provided for: A contract to purchase an established home that is entered into on or after 1 July 2000; a contract to build a new home that is entered into on or after 1 July 2000; and the construction of a first home by an owner builder where the building work commences on or after 1 July 2000. Only one grant is payable for the same eligible transaction. This means that where two or more persons jointly purchase or build their first home, only one amount of \$7 000 will be paid. The Bill also contains anti-avoidance provisions to deny the payment of a grant to an applicant who effectively contracts before 1 July 2000 to enter into a binding contract after 1 July 2000. It should be noted that the anti-avoidance provisions do not prevent pre-construction activity occurring as a precursor to a post 1 July 2000 binding contract, if the arrangement in relation to the pre-construction activity allows both parties to walk away at any time without a requirement to sign a binding contract.

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

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

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

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

This legislation will have a significant and ongoing impact in ensuring that home affordability for first home owners buyers is maintained at existing levels for the people of Western Australia. It gives me great personal pleasure to introduce this Bill to the House. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

HOPE VALLEY-WATTLEUP REDEVELOPMENT BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Kierath (Minister for Planning), and read a first time.

Second Reading

MR KIERATH (Riverton - Minister for Planning) [3.24 pm]: I move -

That the Bill be now read a second time.

In March 1999, I made a statement to Parliament which related to the tabling of the draft Fremantle Rockingham Industrial Area Regional Strategy, otherwise known as FRIARS. The strategy was made available for public comment and since then substantial work has been undertaken to consult with the community and finalise the plan. At the time I tabled the FRIARS document, I made a number of points about the nature of land use change and the benefits which the FRIARS plan would bring to the Kwinana buffer area. This area has been blighted by many years of inaction, where a clear view of land use change backed by clear decisions by government was missing. I made the points that the metropolitan area was facing a shortage of industrial land and, in advocating land use change, the FRIARS plan would yield environmental benefits, including a positive contribution to cleaning up Cockburn Sound. The plan provides the context within which ambivalence to further development has been removed and there is a clear notion of future land use for the area. The plan provides for a wide range of planning benefits, including more than 10 000 jobs located close to where people will be living, the establishment of a wide range of industries which will meet world's best practice, and the clarification of property issues which are currently clouded by indecision.

In the past 12 months, the Ministry for Planning has undertaken perhaps the most comprehensive consultation campaign that has ever been undertaken on a planning issue in Western Australia. The ministry opened a community information centre at Wattleup, which has been a major focal point for dealing with inquiries directly with the public. This shop front has handled more than 4 000 direct inquiries through people visiting the shop, telephone contacts, property interviews and a number of home-based interviews undertaken by a community resource officer. In addition to those initiatives, copies of the plan were made widely available in the community. Every landholder received information about the plan on an ongoing basis through newsletters and other information. There were calls for written submissions of which 322 were received, and hearings were undertaken in August 1999, at which affected landholders could be heard by an independent hearings panel. I released the hearings panel report last December.

In the context of all of the work that has been done, a number of clear messages emerged. These were for the Government to act decisively in mapping out the long-term future of the area and its communities, the need for adjustments to be made to the boundary of the proposed industrial areas and for decisions to be made as soon as possible. On that basis, and in weighing up all of the technical and planning advice which has been analysed through the process, and the large amount of public input, the Government has decided to implement a modified version of option 4 of the FRIARS report. This is a particularly difficult decision as it involves the greatest amount of change in the area and the gradual phasing out of the Wattleup and Hope Valley townsites. This option advocates the establishment of 800 hectares of general industrial land in the current Kwinana air quality buffer and 100 hectares of heavy industrial land at Hope Valley. There is no doubt that the continuation of these townsites will see a reduction in their amenity and quality of life. As increased industrial and transport activities proceed, these towns will suffer from increased noise and will be alienated from their hinterlands. It has been said that they resemble rural towns but the nature of development will lead to their changing character. I have released the final FRIARS planning report today which outlines these arguments.

The Government is aware of the differing aspirations of the community in the affected area and it is sensitive to these aspirations. FRIARS is a long-term plan which will need careful implementation. This is a plan which will provide choice. Some people will want to leave the area sooner than others. Others may not wish to leave for a long time. In the short term, there is no compulsion for them to leave; it will be their choice. For those residents and landholders who choose to leave, there will be a staged acquisition process. It is not possible for the Government to acquire all land immediately and it is not desirable for that to happen.

The Government is serious about its commitment to resolve longstanding issues and, at the same time, help people who are in difficult situations. Over the past nine months the Western Australian Planning Commission has been acquiring properties in the townsites of Wattleup and Hope Valley on the basis of genuine hardship cases. It has taken this action and eased the personal stress and hardship of more than 50 families in the area. In any future acquisition program, hardship will remain as a major criterion for setting priorities in the area to ensure that those who are the most deserving get a fair go.

The Government also does not see land acquisition as being the sole preserve of government. There is no impediment to private sector involvement in the development of the area. In fact, it is highly desirable. I am pleased to announce that the Government will provide \$50m of funding over 10 years to specifically acquire property in the townsite areas. LandCorp will fund property acquisition in the rural areas which will form the largest areas of the project. Over a 20-year time frame, this reflects the current land use commitments in the area.

One of the key issues has been the long periods associated with decisions in this area. In order to provide as much clarity as soon as possible, the Government has decided to introduce legislation to deal with the matter. Given the nature and extent of consultation that has occurred in the preparation of this plan, we need to act to provide certainty to landowners in the area. That is not to say that this will be an instant fix or instant panacea, but it is one for which we are prepared to take decisive action. It is clear that people do not want further consultation on planning matters, but they want decisions to be made and surety of process. It is this surety of process upon which the legislation is based.

If the Government were to proceed with a range of statutory amendments to town planning schemes in the metropolitan region scheme, it would take another few years of process to resolve the issue before more detailed planning could occur. Given the issues that have been canvassed and the exhaustive nature of consultation, it is quite clear that the public wants a firm decision. That is what the legislation is about.

I am pleased to advise that the Government has decided that, following promulgation of the legislation, LandCorp will be

the implementing agency for the FRIARS plan. LandCorp has extensive experience in the land development area and has produced award winning developments across the State. It is within this very strong land development background that LandCorp will operate. It is the Government's intention that any development on this land will be world class and state of the art. Although some people have tried, and will try, to paint industrial development in this area as one of continuing smokestacks, that is certainly not the case. The area of land identified ensures that a range of industries can be established there. FRIARS represents an integrated estate comprising technology-based industries, business parks and general industry. This will complement other employment areas in the metropolitan region, particularly some of the world class industries which currently exist in the south west corridor.

There is some capacity in land use planning terms for an extension of the Kwinana industrial area into the Hope Valley area, but this will be undertaken by applying the highest environmental standards and within the existing limitations of the Kwinana air shed. The Hope Valley-Wattleup Redevelopment Bill broadly establishes the functions of the implementing authority and its requirements to prepare a master plan, which will be subject to a thorough environmental assessment by the Environmental Protection Authority. This master planning process will be very rigorous and subject to public scrutiny. The plan will also be subject to the approval of the Western Australian Planning Commission.

The Bill also removes the application of the Town Planning and Development Act and the Metropolitan Region Town Planning Scheme Act from the project area. This will enable planning control to be assumed through the Western Australian Planning Commission and an efficient development control mechanism to be set in place. Clause 34 of the Bill also sets out compensation mechanisms, which will enable landowners to make claims for compensation for injurious affection as if the area were subject to a town planning scheme.

To complement the package of measures in the legislation, LandCorp will also prepare a social transition strategy to address the social issues associated with the implementation of the plan. This strategy, which was recommended by the hearings panel, will be a major contribution to community planning at the local level. The shop front at Wattleup will be retained as a major conduit for information to the local community. It is simply not realistic to do nothing in this area. This would lead to a loss of confidence, continued uncertainty and a potential decline in property values. The area has been subject to uncertainty for many years. This is an opportunity to resolve a wide range of planning issues for the long term benefit of the State and for the benefit of land-holders in the area. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ROAD TRAFFIC AMENDMENT BILL 1999

Consideration in Detail

Resumed from 5 April.

Clause 30: Section 58 replaced -

Debate was adjourned after Ms MacTiernan had moved the following amendment -

Page 22, after line 13 - To insert the following -

- (3) Where a vehicle is used for commercial or business purposes or forms part of the stock of a business, then reasonable measures or arrangements will mean at least retaining an accurate record of the person to whom custody of the vehicle was given at any time. For the purposes of this subsection commercial or business purposes includes public sector purposes.

Ms MacTIERNAN: The Opposition acknowledges the importance of the provisions that have been inserted by the Government's amendments, and it is not in any way seeking to derogate from those provisions. However, the Opposition wants to give the proposed section a little more substance. These provisions do not specifically deal with the identification of traffic camera fines. These are more a general duty to identify an offending driver or person in charge of a vehicle; for example, where a vehicle is involved in an accident and an attempt is being made to identify the driver responsible, who may have fled the scene. The current provision is that a person responsible for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if a driver identity request is made in relation to the vehicle, the responsible person will be able to comply with it. The Opposition seeks to amplify that provision and to clarify what "reasonable arrangements" might mean. It has moved to amend the clause to provide that where a vehicle is used for commercial or business purposes or forms part of the stock of a business - that is, if it is a car in a car yard - then reasonable measures or arrangements will mean at least retaining an accurate record of the person to whom custody of the vehicle was given at any time.

That also includes public sector uses. The issue here is whether this is an impost on business. We know from comments made by the member for Geraldton that any prudent business would do this; and from comments made by insurers we know one cannot make a claim in the case of a motor vehicle accident without the claimant demonstrating who was driving at the time. Any company that had reasonable commercial probity would keep those records. This amendment will not impose something that is unreasonable, as any reasonable company would do this. Without this mechanism we will not get to the nitty-gritty to make sure that companies that are asked who was driving the vehicle are able to comply with that request. We have confined this amendment to business, because that is where the problem largely arises. It is far easier for businesses to say that dozens of people use the car through a pool arrangement and anyone can take it out. It is more difficult for a private person to argue that, and experience shows that the problem is not with private individuals.

Mr COWAN: The Government will not accept this amendment. It does not add any great value to the clause. There is no reason for the amendment. A responsible person will be required to take reasonable measures or make reasonable arrangements to comply with a driver identification request. Keeping written records like logbooks may be one of a number of such measures or arrangements that a company may apply. However, the Government does not support a prescriptive approach of this nature. We consider it is inappropriate and unnecessary for some small businesses. The amendment moved by the member for Armadale makes no distinction between small business and big business, only that a vehicle is used for commercial or business purposes or forms part of the stock of a business. If that is a one-man business, the member will impose a prescriptive measure on that person.

Ms MacTiernan: If it is a one-person business, there will be only one person using the car.

Mr COWAN: That is my point. Why would that person want to keep all these records? It is an example of the prescriptive nature of the member for Armadale. It is not necessary, and as a consequence the Government will not support the amendment.

Ms MacTIERNAN: I will not protract the debate. However, there is a great deal of uncertainty over the arrangements at present. Telling people what we expect from them would add considerably to the certainty of the provision. A car is potentially a lethal weapon. The whole concept of responsible ownership entails the notion that the person who has control over that vehicle should exercise some care.

Mr Cowan: They do that as a matter of course.

Ms MacTIERNAN: If that is so, it will not be a difficult for them to do this. I will not make a federal case out of it. The provision is an improvement on the existing situation and it is probably not as important in this clause as it is in some later provisions in which we may have a more protracted debate than in this clause.

Amendment put and negatived.

Clause put and passed.

Point of Order

Mr COWAN: Yesterday I responded to a question from members opposite which, while it was technically correct, deserves further explanation. The question relates to testing procedures for applicants who are over the age of 17 years. Can I answer it on a point of order or is there another way?

The CHAIRMAN: You can clarify the point.

Mr COWAN: These people will be required to pass tests in the same way as applicants who are under 17 years; that is, the same driving test, experience requirement, period of practice in different conditions and hazard perception test. The significant difference will be that they will not be required to comply with the time limits. A person who gets a learners permit at 16 years of age cannot sit the practical test for six months - until he or she has achieved the age of 16 and a half years. Also they cannot take the final hazard perception test for another six months, at the age of 17 years. Similar time lines will not apply for those people who are over the age of 17 years. Even though the tests will be the same and they have to pass the requirements, they can condense the time frame.

Ms MacTiernan: The log book is part of the process for the under 17s.

Mr COWAN: They would have to maintain a record of their experience.

Ms MacTiernan: Will they have to produce evidence of 25 hours of practical experience?

Mr COWAN: Yes, or whatever the requirement is. However, they do not have to wait for the full six months as people under the age of 17 years do; they can condense that time. Provided they meet all of the requirements, they can do it in whatever time is necessary for them to meet those requirements.

Debate Resumed

Clauses 31 to 41 put and passed.

Clause 42: Sections 102A to 102D inserted -

Ms MacTIERNAN: I move -

Page 30, after line 32 - To insert the following -

- (5) For the purpose of subsection (4)(b) where a vehicle is used for commercial or business purposes or forms the part of the stock of a business, the responsible person of the vehicle is required to retain an accurate record of the person to whom the custody of the vehicle was given at any time. For the purpose of this subsection commercial or business purposes includes public sector purposes.

This clause relates to the owner-onus provisions and is probably the most controversial part of the legislation. The Opposition is seeking to do very much what it tried to do in the previous clause. However it is far more critical here. The amendment is similar to the previous amendment, but the context is considerably different. That context makes this far

more important than it was in the previous clause which we debated. Proposed new sections 102A to 102D were initially called the owner-onus provisions. They relate to the identification of drivers of vehicles who have broken the speed limit and been detected by a traffic camera, or have gone through a red light and been detected by a red light camera, and to fines for those offences. The Government has sought to put some onus on the responsible person, the owner of the vehicle - and for the sake of the argument, we will call that person the owner, although it is a little more complex than that - to say who had control of the vehicle at the time. The owner of the vehicle is sent a traffic infringement notice; and, if he does not respond, he is then sent a further notice, which will include the photograph. If the owner of the vehicle does not accept that he was the driver of the vehicle at the time and is not prepared to nominate the person who is the driver, he must produce a statutory declaration. That statutory declaration will declare that the responsible person did not know, and could not have reasonably ascertained, the name and address of the driver or person in charge of the vehicle at that time.

There is no indication in this proposed section of how it will operate. We all know that this is a massive watering-down from what was proposed originally. Given that in 45 per cent of the photographs, the driver cannot be identified, a person who was sent a photograph can quite properly, sign a statutory declaration saying that he has examined the photograph, he cannot identify the person who is in the photograph, and he cannot recall who was driving the vehicle at that time. A person who made such a statutory declaration would cover all the bases and would not in any way perjure himself or breach section 106 of the Evidence Act.

Mr KOBELKE: I would like to hear more from the member for Armadale.

Ms MacTIERNAN: Given that in 45 per cent of the photographs, the driver cannot be identified, the capacity for evasion will increase. Why is it proposed to have this twofold system where the person will be sent an infringement notice, and it is only if the person does not respond that he will be sent the photograph? If this system is to work, the photograph must be sent out at the same time. In my view, the reason for this twofold system is that the Government is hoping that people will not realise when they get their infringement notice that if the photograph is one of the 45 per cent that is unclear, they can avoid paying the fine. How does the Deputy Premier think this twofold system will work, given that a statutory declaration can be easily formed and can never be challenged, and why does he believe that this provision will address the problem that 20 per cent of the owners of vehicles do not pay their fines?

Mr COWAN: The member for Armadale raised a number of issues. The reason that an infringement notice will be sent out is based on the fact - not the assumption - that the majority of people know when they have been picked up by a speed camera and have infringed, and are prepared to pay a fine, without going any further than that. They just cop it sweet. The majority of Australians are prepared to acknowledge when they have infringed.

Ms MacTiernan: What is the percentage?

Mr COWAN: I have no idea.

Ms MacTiernan: So how can you make that assertion? You are justifying a scheme on the assertion that most people comply -

Mr COWAN: They do.

Ms MacTiernan: But you do not know the figures.

Mr COWAN: I have no doubt that we will be able to give the member the percentage of those people who pay the fine, without quibbling, under the existing system.

Ms MacTiernan: I thought that people -

Mr COWAN: The member might think lots of things; I have no doubt she does. In this case, the idea is that we will send out an infringement notice; and most people - I will stand by that - will acknowledge that they were the person driving the vehicle at the time and were speeding, and will pay the fine. I will go as far as to say that where the vehicle is owned by a company or business, that company or business will say to the person concerned, "We know you were driving the vehicle at the time; pay up." With the exception of those members of the House who, as I said earlier, use it as a confessional box, when the Department of the Premier and Cabinet gets infringement notices and sends them to the members to whom the vehicles are assigned, most members of Parliament pay up; and I am sure the member would if it happened to be her.

The second question asked by the member related to - if I interpreted correctly what she said - whether we are placing enough onus on the responsible person to ensure that that person does follow through, either by indicating that he or she was driving the vehicle at the time, and paying the penalty, or by seeking, as he or she has the right to do, to defend that infringement notice in the court. The member's amendment is to page 30. The member needs to look at proposed section 102C(4) on page 33, which makes it clear that the responsible person can be convicted of an offence under proposed section 58A for not providing sufficient information. The member will recall that we have had a debate about that section.

Ms MacTiernan: This is a different section and it deals with a different issue. Section 102B deals with infringement notices -

Mr COWAN: This is section 102C.

Ms MacTiernan: That is a different section. I will explain how the Act is structured.

Mr COWAN: The member does not need to do that.

If the member looks closely she will see that section 102B deals with individuals and section 102C deals with companies. The member has been talking about companies. There can be a very significant penalty of up to \$5 000. I do not think any company would want to cop that if it provided insufficient information in the eyes of the court.

Ms MacTIERNAN: The provision that the Deputy Premier read out does not impact on or relate to the circumstances to which we are referring. As I was trying to tell him, section 102B applies to instances wherein the responsible owner is an individual and not a corporate entity. The provisions of section 102C are invoked only when the person is a corporate entity, and I am well aware of that. If the Deputy Premier understood this amendment and the subsequent amendment, he would know that it is evident that I appreciate that fact. I have drafted two separate amendments in different terms for those different clauses.

There is an inherent contradiction, almost an oxymoron, in the way the Deputy Premier has presented his argument. In the first instance, he is saying that it is fine because most people do the right thing in any event. Why are we dealing with this legislation if this is not a problem? We are dealing with it because we know it is a problem. If the Deputy Premier does not know how many people are evading penalties, I point out that it is about 20 per cent.

The Opposition's concern is that once it becomes general knowledge - these things do move through the community - that only 55 per cent of photographs reveal an identifiable image -

Mr Cowan: It is coming down every day.

Ms MacTIERNAN: What?

Mr Cowan: The percentage of photographs effective in revealing drivers.

Ms MacTIERNAN: What is it now?

Mr Cowan: I do not know. Perhaps the member should read her own contributions in *Hansard*. It appears that the figure is now down to 55 per cent.

Ms MacTIERNAN: That is what we have been told. I am not particularly impressed with the amount of preparation the Deputy Premier has done.

Mr Cowan: I am even less impressed with yours.

Ms MacTIERNAN: The Opposition is asking the Deputy Premier important questions. He is making bold assertions about what most people do and stating that this is not a problem. When asked to quantify and clarify the figures, not only is he unable to do so but also he does not seem to believe that he has an obligation to get the information to justify the statements.

We are not talking about section 102C now - we will talk about that in respect of the next amendment - we are talking about an individual. It may well be that cars are used for business although they are not registered in a company name - they are registered in the name of an individual. One could logically argue that the provisions we are attempting to insert should apply across the board, not only to businesses or the public sector. As a political matter it is probably unlikely we would be able to achieve that. It is probably also true that vehicles used for private as opposed to commercial purposes are used by only one person, so there will not be the same degree of ambiguity. We are talking about cars which are not in the name of a corporate entity but which are registered in the name of an individual and used for business. A person might say that a vehicle is used for business purposes by five or six employees. On that basis, that person could say that he had no idea who was using the car. There is nothing in this provision that puts any obligation on such a person to keep any records.

We were prepared to let go on the previous amendment because the clause imposes an obligation to make reasonable attempts to ensure that one is able to comply. There is nothing in this legislation that imposes a requirement on a person to do anything to keep a record of who was driving his car.

Mr COWAN: We can keep having this debate about whether we have or have not gone far enough. Obviously the member for Armadale thinks we have not. In my view and the view of the Government, we are sure that we have. We have made significant amendments to these sections that will give the department, or whoever is responsible for collecting the fines imposed on those people who offend, the capacity to do so. If people do not do that, they face significant penalties.

Ms MacTiernan: How will it work?

Mr COWAN: The individual who owns a vehicle that may be driven by a number of people and who does not identify the driver must sign a statutory declaration to say that he or she cannot do so. If it is clearly a false statutory declaration, the penalty is significant.

Ms MacTiernan: I explained how you can do that without perjuring yourself. You can look at the photograph and say that you cannot recognise the person and cannot recall who was driving the car at the time. You can legitimately say that because you have no record of who was driving the car. If a notice comes in a month later, you can legitimately say you do not recall and thus satisfy the requirement.

Mr COWAN: If there is any doubt about that, and that issue is taken to court, the court will make a decision. The legislation states "and could not reasonably have ascertained".

Ms MacTiernan: If you do not keep records, you reasonably cannot ascertain.

Mr COWAN: I will revert to my original statement; that is, if the owner of the vehicle has half a dozen employees who are being irresponsible, and he is prepared to accept that irresponsibility, he will be severely out of pocket.

Ms MacTiernan: No, he will not. All he will do is write in the statutory declaration that he cannot recognise the person in the photograph and does not remember who was driving at that time.

Mr COWAN: He can still be prosecuted.

Ms MacTiernan: On what grounds would you prosecute?

Mr COWAN: If the authorities constantly received statutory declarations from someone saying that he could not identify the driver, someone would notice and do something. I can only offer these explanations. Clearly they are not being accepted by the member for Armadale so to stop her wasting the rest of the time of the House I suggest she allow this to go to a vote.

Mr McGOWAN: In light of what the member for Armadale and the Deputy Premier have said, I would appreciate the Deputy Premier using the resources available to him to tell us how often someone is prosecuted for making a false and misleading statutory declaration. I have very rarely seen anyone prosecuted for making a false statutory declaration. It is an offence under the statutory declarations Act but I cannot recall ever seeing anyone prosecuted for it. If the Deputy Premier is suggesting that prosecution will be a deterrent or penalty, we need to look at the historical records.

Ms MacTiernan: You don't have to make a false or misleading statement; you can just say that you don't know who was driving that car at the time and you probably would not know. Because you have no obligation to keep any record of who was driving your car, you just say you do not know. That is not false; you probably would not know.

Mr McGOWAN: It is also very difficult to prove the state of somebody's mind and what he does or does not believe. This is a major loophole. Having read all of the press articles about this, I do not think many people are satisfied with the explanation put forward.

Mr RIEBELING: Having, unfortunately, had numerous speeding tickets from the awful cameras which sit on the side of the road, the real -

Mr Cowan: Don't you take a very good photo?

Mr RIEBELING: Unfortunately, I do. I have spoken to the police involved in this area and the real problem occurs with the photographs which do not give a clear indication of who was driving. Having been to the police station on three occasions to view photographs - one of them was clearly mine and another my son's which pleased me no end - the real problem -

Mr Cowan: You did not mention the third.

Mr RIEBELING: It was mine as well but the photograph was not as clear. I understand that the photographs are very poor on occasions, not necessarily in showing the vehicle but in showing who was driving it. That creates some problems. If seven or eight people have access to a private car, which is not unusual, I do not think there should be an obligation for a person to know who the private vehicle is being driven by at all times. However, with a business vehicle which is used for business 99 per cent of the time, I would be surprised if most businesses did not know who was driving a particular vehicle at a particular time. I would have thought that even the owner of the vehicle would want to know who was breaking the law in that vehicle on a regular basis. It is eminently sensible to oblige the owners of business vehicles to know who is driving them and who is responsible for any offences. It would be simple for a person to log a vehicle in and out. If 10, 12 or 20 people use one vehicle, whoever grabs the keys off the wall could simply write the date and time in a book. It would not be an onerous responsibility but it would allow the owner of the business to say, "At this time Joe Bloggs was using my vehicle." I am sure the businesses would know if there was a hit and run or something of that nature which is more serious than speeding.

Mr Cowan: So I am.

Mr RIEBELING: I am convinced they would know. The statutory declaration is to be completed if there is some dispute over the driver and there is an offence under the Evidence Act, I think, of making a false declaration. If a large number of these fines are being avoided, then this is an opportunity to close that loophole. I know that the intention of this legislation is to close loopholes. If the Government is closing loopholes, why not close all of them. I urge the Deputy Premier to have another look at subclause (5).

Ms MacTIERNAN: The Deputy Premier was recently defending proposed section 58A which deals with the general duty to take reasonable measures to comply with a driver identity request when the driver at the time of a motor accident needs to be identified and in the end we did not pursue our amendment to the clause with great vigour. Proposed section 58A(2) states -

A responsible person for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if a driver identity request is made in relation to the vehicle, the responsible person will be able to comply with it.

This is where a bit of nonsense is coming in. In one section which deals with accidents we are saying it is reasonable to impose a requirement on reasonable owners to do whatever is necessary for the purposes of that section - that is, they must

make reasonable arrangements to ensure that they are able to identify the driver - but we do not have that in another section. When we come to deal with another process of identification, we do not require that. What are we doing here? Why is this the case? If it is appropriate for us to put the provision in proposed section 58A in place, would the Government not want to avail itself of the same requirements when it comes to the identification of drivers for speed camera and red light offences? It is a deliberate departure from commonsense in this legislation. It will not place any greater burden on business because presumably people are taking reasonable measures, which may include keeping a logbook, for that proposed section and therefore, they could, without any additional burden, apply those measures to the identification of drivers from red light and speed cameras.

I would like the Deputy Premier to explain why we are prepared to include a requirement in proposed section 58A for all responsible persons to take reasonable measures and make reasonable arrangements to ensure that if a driver identity request is made, the responsible person will be able to comply with it but we do not have analogous provisions in clause 42, be it for an individual owner or a corporate owner. It simply does not make sense.

Mr Cowan: I explained it before and I am not going to repeat myself.

Mr RIEBELING: I wish to give an opportunity to the member for Armadale to pursue the question she wished to ask about proposed new section 58A.

Ms MacTIERNAN: This is the first time the matter has been raised and the Deputy Premier has not attempted to explain the disparity between the provisions under proposed new sections 58A, 102B and 102C. The provisions in proposed new section 58A impose a requirement to take reasonable measures or make reasonable arrangements to ensure that, if push came to shove, a driver could be identified. The Deputy Premier's view was that that was an adequate measure. We are trying to specifically tie down that proposed new section and the Deputy Premier has stated that he does not support that tying down and the reasons for not supporting it. We have had that argument and have put it behind us. We are now seeking an explanation of something quite different: Why is it appropriate under proposed new section 58A to require reasonable arrangements to be made to ensure a request can be complied with? Why is that provision included in this proposed new section but not included in either proposed new sections 102B or 102C? That matter has not been canvassed by the Deputy Premier today. What is so different about a driver identity request made under proposed new section 58A from one made under proposed new sections 102B and 102C that warrants that important provision being left out of the equation? The Deputy Premier may say that my amendments go too far but why does he not want to insert a provision in proposed new sections 102B and 102C which he accepts and says is an adequate and acceptable provision in proposed new section 58A?

Mr RIEBELING: As I said, the Deputy Premier does not intend to reply to the member's questions. Perhaps the Deputy Premier might respond to the member for Rockingham's question about the percentage of people who are avoiding these fines and perhaps he will respond to my comments on this amendment. I would appreciate some response.

Mr McGOWAN: Like the member for Armadale, I seek an explanation about whether this clause provides a deterrent effect to people who make misleading statutory declarations. I do not believe many charges are laid for that offence.

In my contribution to the second reading debate I raised an issue, on which the member for Armadale eloquently expanded a short time ago, about the fact that there will be no presumption in relation to infringement notices issued on photographic evidence. This provision, which has somehow been passed, will allow people to get away with speeding and I am sure the Deputy Premier could not agree to that. That was not the original intention of those who drafted the clause. I seek an explanation of why we will allow people to so easily get away with speeding and its consequences, which will mean that people will not take speeding offences seriously. If he accepts the concept that some people are deterred by penalty, which has been the overriding imperative of the common law system for about 500 years, he must accept that if people are able to get away with speeding, consequently they will speed and concomitantly people will die. I respect the Deputy Premier; however, he seems to be adopting the old adage that silence is golden on this point. I ask him to give us an honest answer as I do not believe he disagrees with the arguments I am putting. If he could be honest and say that he disagrees with the drafting but, unfortunately, it is a decision of the party room, I would be satisfied with that answer.

Mr COWAN: I remind the member for Rockingham - he does not need any reminding as he knows the answer - that as a lawyer I would expect him to know the answer. If someone fails to provide correct information in a statutory declaration, that person will be subject to prosecution under the Criminal Code. The member for Rockingham knows that and he did not need me to tell him that in this Chamber.

Mr Riebeling: How many people have done that?

Mr COWAN: I am not aware of how many people have done that. The member for Rockingham asked about the consequences of speeding. The Criminal Code has provisions for prosecuting someone who provides false and misleading information - or whatever the wording is - in a statutory declaration. It is a serious offence and the member for Rockingham knows that. I do not want to start an argument.

All I can say to the member for Armadale in answer to her questions is that vehicles have been categorised by different forms of ownership. There is a provision for a vehicle that is owned by a corporate body but which has an identifiable responsible owner. There is another provision for a vehicle that is owned by an individual but is used for commercial purposes. I understand precisely what the member for Armadale is saying about the provisions with respect to the vehicle that falls into the category where it is in the name of an individual and is used for commercial or business purposes but can be driven by a number of people, as in a private vehicle -

Ms MacTiernan: That is not what my question is about. My question is about the provisions in proposed new section 58A which apply regardless of who is the responsible owner. Why has the Deputy Premier not replicated the provisions in proposed new section 58A in proposed new sections 102B and 102C? This issue is not about who owns the vehicle.

Mr COWAN: I will finish what I was about to say as the answer to the member for Armadale's question is on that point. A corporate vehicle under proposed section 102C can be related back to proposed section 58A.

Ms MacTiernan: How?

Mr COWAN: I am talking about the issue raised by the member for Armadale and the clause to which she has proposed an amendment. I acknowledge there is greater licence in that instance for people who want to evade the law to be able to do so. However, that is predicated on the fact that the majority of individuals, whether or not the member for Armadale agrees, are honest enough to accept that they have been speeding, to know that they have been caught and to pay the fine. The differences in the various provisions are recognition of that fact. If that does not work, if all the comments made by the member for Armadale are correct and the Government and I have misread the attitude of the general public, we will come back and amend this provision. At this moment we will take the public on trust. We are not prepared to put in those provisions for the corporate vehicle owner which exist currently when this becomes law. That is the best explanation I can give the member. If it is not satisfactory, I cannot give her another one that would make her feel more comfortable.

Ms MacTiernan: Are you suggesting that proposed section 58A applies only to corporate vehicles?

Mr COWAN: I am saying that proposed section 102C gives the ability to apply proposed section 58A.

Ms MacTiernan: Where is that?

Mr COWAN: It is proposed subsection (4). The member is quite right: That does not apply in the clause she is seeking to amend. As I said, we are doing that because we are taking the general public on trust. If that proves to be incorrect and the member's predictions are right, the Government will have to come back and amend this provision.

Mr RIEBELING: I must have misheard the second reading speech and the publicity surrounding these amendments, because I thought the whole purpose of these amendments was to tighten up the Act because people were avoiding paying infringement notices.

Ms MacTiernan: You silly boy! We are taking people on trust.

Mr RIEBELING: The whole purpose of these amendments is to tighten up the section on infringement notices in which a loophole has developed, and large numbers of people are driving through that loophole. If the Government leaves open the loophole, people will continue to drive through it. I am at a loss when the Deputy Premier does not know the magnitude of people who are currently avoiding paying an infringement notice and when an amendment attempts to close up that loophole. If the Deputy Premier now has that information, I would appreciate knowing how trustworthy people have proved to be to date. I would appreciate it if the Deputy Premier could identify commercial and private vehicles in that information to see how accurate the member for Armadale's predictions may be in the future.

Ms MacTIERNAN: I do not suppose there is much point prolonging this debate. We know the reality is that far from the Government wanting to take people on trust, it was well aware that there was a problem. Legislation was drafted and announced by the Minister for Transport that the Government would introduce a full-bodied, owner-onus provision within the Road Traffic Act. That was the undertaking and commitment that was made. What happened? Skipper's, EuroCars Pty Ltd and a few other car yards wanted to avoid the law and their commercial interest dictated that they wanted to be able to give their clients the keys to a Porche and not have to write down their names. The reality is that they wanted people to get in these cars and let it rip, knowing that it was a dealer's licence and that when the speeding infringement came in, they could just say that they did not know who was driving. That group of people has rolled over the Minister for Transport. This is a pathetic attempt to patch up the hole.

Mr Bradshaw: That is not true!

Ms MacTIERNAN: That is absolutely true. We have seen the letters and we know what went on. We know what the Minister for Transport wanted. We know what operates in every other State. Ironically, now that the minister has made the announcement, things will become worse, because now there is a greater awareness in the community of the ease with which these things can be evaded.

Mr Trenorden: Members of Parliament need only not pay them. I wish I knew that.

Ms MacTIERNAN: The member knows now. Because the Government wimped out in putting in a proper owner-onus situation, we will be worse off than we are currently. We will see a greater degree of avoidance of these fines and, more importantly, a greater degree of people saying, "We have nothing to worry about from speed camera fines." We know we will not win the argument in this Chamber. We have set out the argument, and fortunately the Deputy Premier has stopped his impersonation of the sphinx and answered one or two of the questions.

Mr Trenorden: It is not his Bill.

Ms MacTIERNAN: If he is not capable of doing it, he should give it back to the Minister for Local Government. We will not prolong the debate on this. I think this legislation will be back before this Chamber in a couple of years after this has proved to be a debacle.

Mr McGOWAN: I will finally put my views on this clause. The Deputy Premier is a decent person and I think that the Minister for Transport is a fairly decent person.

Ms MacTiernan: Do not go overboard!

Mr McGOWAN: No, I think he is. He does not have the aggression of some other members of Parliament.

Mr Cowan: You have not seen him play football.

Mr McGOWAN: I could not imagine him playing football these days. I think the Deputy Premier would have wanted to do the right thing. I am sure that some backbenchers - the member for Mitchell was named in the Press - have received telephone calls primarily by Liberal Party people, who have managed to roll those members who wanted to do the right thing in the government party room. The result of that will be that some people will not see these cameras as a deterrent. Some people will speed, and the ultimate consequence of that is that we will suffer more accidents and some people will die as a result.

Mr COWAN: I undertook to give the member for Burrup some information. I cannot give him percentages; I can give him only incidents. In the case of those infringements that cannot be pursued by the Police Service for the 1998 calendar year, individual red light infringements totalled 637; corporate red light infringements totalled 534; individual speeding infringements from speed cameras totalled 6 388 -

Ms MacTiernan: Are these the ones that cannot be pursued?

Mr COWAN: These are the ones that have not been pursued. Corporate speeding infringements totalled 4 432.

Ms MacTiernan: Can we have a copy of that?

Mr COWAN: I am quite happy to give that information to the member. I think that is public information; but if not, it is about to be made public. That is the request that was made. These are the numbers of incidents; they are not percentages. I do not know how they would be expressed as percentages. I am sure that someone will be able to tell the member. I understand precisely what the member for Armadale is articulating. There is no question that the comment she made about the difference between this provision and the provision in proposed section 102C is right - the difference exists. The Government is not prepared to make the change she is advocating and I recommend to members of the House that they vote against this proposal to amend the clause.

Amendment put and a division taken with the following result -

Ayes (15)

| | | | |
|--------------|----------------|--------------|---------------------------------|
| Ms Anwyl | Dr Gallop | Mr McGinty | Mr Ripper |
| Mr Brown | Mr Graham | Mr McGowan | Mrs Roberts |
| Mr Carpenter | Ms MacTiernan | Ms McHale | Mr Cunningham (<i>Teller</i>) |
| Dr Edwards | Mr Marlborough | Mr Riebeling | |

Noes (26)

| | | | |
|---------------|-------------------|-------------|----------------------------|
| Mr Barnett | Mrs Edwardes | Mr MacLean | Mr Shave |
| Mr Bloffwitch | Dr Hames | Mr Marshall | Mr Trenorden |
| Mr Board | Mrs Hodson-Thomas | Mr McNee | Dr Turnbull |
| Mr Bradshaw | Mrs Holmes | Mr Minson | Mrs van de Klashorst |
| Dr Constable | Mr House | Mr Nicholls | Mr Wiese |
| Mr Cowan | Mr Johnson | Mr Omodei | Mr Tubby (<i>Teller</i>) |
| Mr Day | Mr Kierath | | |

Pairs

| | |
|------------|--------------|
| Mr Grill | Mr Court |
| Mr Thomas | Mr Prince |
| Ms Warnock | Mr Osborne |
| Mr Kobelke | Mr Ainsworth |

Amendment thus negatived.

Ms MacTIERNAN: I move -

Page 33, after line 7 - To insert the following -

- (4) For the purposes of subsection (3) where a vehicle is in the name of a corporate entity or a government department or agency the responsible person is required to retain an accurate record of the person to whom the custody of the vehicle was given at any time.

This seeks to do the same to proposed section 102C as was sought to be done to proposed section 102B. I accept that the Deputy Premier is correct on one point; that probably in relation to proposed section 102C this is not as crucial because we have a reference to proposed section 58A. The provisions are not specific enough and they will not effectively deal with the problems.

Amendment put and negatived.

Clause put and passed.

Clauses 43 to 65 put and passed.

Schedule put and passed.

Title put and passed.

ADJOURNMENT OF THE HOUSE

On motion by Mr Barnett (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 2 May 2000 at 2.00 pm.

House adjourned at 4.48 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1511. MR BROWN to the Minister for the Arts:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?
- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?
- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr BOARD replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1533. Mr BROWN to the Minister for the Arts:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?

Mr BOARD replied:

- (1) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government

agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEOs", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.

- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.
- (7) Not applicable.

PRISONS, PRIVATE PRISON COSTS

1714. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) Is the Minister aware-
- (a) of the article that appeared in *The West Australian* newspaper on 22 December 1999 under the heading 'New Private Jail Will Save Taxpayers Cash';
 - (b) that the article indicated that the cost per prisoner per day in the new private prison will be \$77; and
 - (c) that the article referred to the cost of \$170 a day for each prisoner in existing state operated prisons?
- (2) Compared to the other state operated-
- (a) maximum; and
 - (b) medium security prisons;
 - (i) will the prisoner/prison officer-custodial officer ratio be lower in the private prison than in state operated prisons; and
 - (ii) what prison industries will be provided in the new private prison?
- (3) What trade or other vocational training will be provided to prisoners in the new private prison?
- (4) Is it true that custodial officers employed at the new private prison will be paid less than prison officers in the other state operated prisons?
- (5) Is it true, as reported in the article, that the private prison operator will save on labour at the prison by employing multi-skilled prison officers who will perform both security and some counselling duties?
- (6) How will that work be different from the work carried out by the prison officers in the state-operated prisons?
- (7) Will the new private prison be a maximum or medium security prison?
- (8) What is the cost, per prisoner, per day, of operating the state run maximum and medium security prisons?

Mr BARRON-SULLIVAN replied:

- (1) (a) Yes.
- (b) The article stated that "based on a daily muster of 750, CCA will get about \$77 per prisoner per day" to run the prison. This payment to CCA does not include other costs to the Ministry of Justice such as prison maintenance, contract management and monitoring.
- (c) Yes. However, this is a target cost per day for managing an adult offender in custody for 1999/2000.
- (2) (a) Not applicable. Acacia is a medium security prison.
- (b) (i) The Acacia Prison Services Agreement does not stipulate prisoner/prison officer-custodial officer ratios. Rather, it states that CCA will employ all necessary officers to fully and properly perform the services. This includes ensuring that there are sufficient officers to provide each category of the services at all times.
- (ii) It is a requirement of the Acacia Prison Services Agreement that each prisoner will perform six hours work each workday. Details of the prison industries to be provided are currently being finalised.

- (3) Each prisoner will be provided with accredited vocational/educational training for 4 hours each week. The nucleus of the vocational education program will be constructed around the National Australian Vocational Training Agenda (AVT) and the Australian Traineeship System (ATS).
- (4) As the employer, the level of payment to employees is a matter for CCA. Clause 10.2 of the Acacia Prison Services Agreement states that CCA must:
 - comply with all applicable Industrial Instruments; and
 - ensure that all Contractor Persons are paid and receive the wages and conditions as provided for by each applicable Industrial Instrument.
- (5) Yes. Appropriately qualified and skilled specialist staff will also be employed to provide specialist services such as counselling.
- (6) Greater levels of flexibility, the use of improved technology and increased officer involvement in the delivery of programs and services.
- (7) Medium, although it will have a maximum security perimeter.
- (8) The recurrent expenditure per secure prisoner, per day, in Western Australia, in 1998-1999, was \$191.36 (Source: *Steering Committee for the Review of Commonwealth/State Service Provision, Report on Government Services 2000, Volume 2: Justice, Emergency Management*).

FAMILY AND CHILDREN'S SERVICES, VISITS BY SHADOW MINISTER TO DISTRICT OFFICES

1809. Mr BROWN to the Minister for Family and Children's Services:

- (1) Is the Minister aware that the former Minister for Community Development wrote to the former Shadow Minister for Community Development on 24 August 1994 detailing the procedures to be followed whenever the Shadow Minister wished to visit one of the district offices of the Department of Community Development?
- (2) Is the Minister also aware that the former Minister required a letter to be written seeking approval for the visit to be approved with that letter detailing where the visit was to take place, the reason for the request to visit, the issues to be discussed and the names of the persons the Shadow Minister wished to meet?
- (3) Are these requirements still Government policy and if not, in what way has Government policy changed since August 1994?

Mrs van de KLASHORST replied:

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

YOUNG PEOPLE AT RISK, MINISTER'S COMMENTS

1921. Mr BROWN to the Minister for Family and Children's Services:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on Friday, 3 March, 2000 which reported the Minister saying that locking up young people thought to be at risk had proved a failure?
- (2) Is the article a correct reflection of what the Minister said?
- (3) If not, what did the Minister say that is different from what was reported in the article?
- (4) Are the comments made by the Minister a true reflection of Government policy?
- (5) If not, in what way does Government policy differ from the comments attributed to the Minister?

Mrs van de KLASHORST replied:

- (1) Yes.
- (2)-(3) The comments were made in relation to young people unable or unwilling to live at home because of conflict between the young persons and their families.
- (4) The Government's first response in dealing with young people unwilling to live at home is to provide a range of early intervention crisis and counselling services to reconcile the young person with their family. However, in cases where the young person is at extreme risk due to drug abuse the Government is considering options for intensive support and compulsory intervention. The compulsory intervention focuses on young people at extreme risk of self harm from drug addiction when all other avenues have been exhausted. Community consultation on the proposals is currently occurring through the WA Drug Abuse Strategy Office.
- (5) Not applicable.

QUESTIONS WITHOUT NOTICE

STATE BUDGET, CREDIT RATINGS AGENCIES

713. Dr GALLOP to the Minister assisting the Treasurer:

I refer to the Government's record budget deficit and ask:

- (1) Did the Government give any assurances to the credit rating agencies about actions that would be taken to restore the budget bottom line?
- (2) If yes, what was the full extent of those assurances and will the Government give a guarantee that they will be honoured in the forthcoming budget?

Mr KIERATH replied:

I thank the member for some notice of this question.

- (1)-(2) No assurances have been given to the credit rating agencies. The forecast provided allowed them to issue a AAA rating. I might say that in the question there is a statement which is wrong: There is no budget deficit.

Dr Gallop: Say that again!

Mr KIERATH: There is no budget deficit. What does the Opposition call leaving us \$8.25b in debt when it left office? That is what I call a record deficit. That is what I call a record black hole.

STATE BUDGET, DEFICIT

714. Dr GALLOP to the Minister assisting the Treasurer:

Is it not the case that there is a deficit of \$621m in the general government account?

Mr KIERATH replied:

No.

AUDITOR GENERAL'S REPORT, GOVERNMENT ACTION

715. Mr BLOFFWITCH to the Minister for Works and Services:

What steps has the Government already taken to address the issues raised in the Auditor General's report No 1, which was tabled in the House yesterday?

Mr JOHNSON replied:

I have taken the following steps: First I am strengthening the State Supply Commission, including the creation of a process review panel; second I am expanding the role of the State Tenders Committee; third an education and training program through Curtin University and TAFE has already been in place for some months; and fourth I have put a stop to the devolution process until I am satisfied that the agencies have risk management and competency frameworks in place.

GOODS AND SERVICES TAX, THIRD PARTY INSURANCE PREMIUMS

716. Mr RIPPER to the Minister assisting the Treasurer:

- (1) What is the expected impact of the goods and services tax on the cost of third party insurance premiums for Western Australians?
- (2) Can the minister explain why third party insurance will attract a GST, given that it is a compulsory charge similar to motor vehicle registration charges?

Mr KIERATH replied:

I thank the member for some notice of this question.

- (1)-(2) The expected impact of GST-related tax reform on compulsory third party insurance premiums has not been finalised yet but will be announced as part of the budget process as it has been in other years. In early discussions with other jurisdictions on the Federal Treasurer's determination of GST-free taxes, fees and charges under division 81 of the GST legislation, Western Australia argued that compulsory third party insurance premiums should be included in the determination. This was on the basis that compulsory third party premiums are a compulsory charge for regulatory purposes and motor vehicle registration fees, of which compulsory third party premiums are a component, will be GST free.

The Commonwealth and most other jurisdictions consider that compulsory third party premiums should be subject to the GST as they provide the payer with a direct entitlement for a particular service; that is, insurance cover, as with any other fee for service. For constitutional reasons the GST must apply in a uniform manner across all jurisdictions. Accordingly, Western Australia had to accept the majority view that compulsory third party

premiums should be subject to the GST. Nonetheless, I note that as a result of special transitional arrangements negotiated with the Commonwealth, the cost of compulsory third party claims payments is expected to fall by one-eleventh, which should significantly offset the 10 per cent GST on compulsory third party premiums in the first three years of the GST.

CHILD PROSTITUTION, NUMBERS INVOLVED

717. Mrs HOLMES to the Minister for Family and Children's Services:

In relation to child prostitution, is the minister in a position to inform the House on the issues raised during question time yesterday by the member for Willagee in which he sought information on the number of children involved in prostitution and the services in place to support or protect them?

Mrs van de KLASHORST replied:

I am pleased to answer this question as I promised the member for Willagee yesterday that I would. There is no doubt that the issue of prostitution in Western Australia is of high and major concern not only to all members here, but to parents and families and to the children on the streets. This issue is seen by Government as a matter of the highest priority. Many agencies throughout Western Australia work with children. We have Family and Children's Services, the Ministry of Justice, the police and many others. We have well-trained, professional staff from the agencies on the streets working to secure the safety and welfare of children. Family and Children's Services, as I pointed out yesterday, expends its expertise trying to get the children back with their families.

Several members interjected.

Mrs van de KLASHORST: We need to get the staff to reunite the children with their families and, where this is not possible, to find other places for the children to go.

Now to specifics: There are inner city services in Northbridge which include the agencies I mentioned as well as not-for-profit, non-government agencies. This provides teamwork and partnership in the delivery of services and the key agencies are used to help assist the non-government agencies. I wonder how many other members have been to Northbridge and worked there. I have spent an evening there. I recently went out with a Juvenile Aid Group team until 3.00 am in Northbridge with the police, driving around and walking around, so that I could see the problem first hand. How many other members have taken the trouble to do that? Some of the things I saw that night were brilliant.

Several members interjected.

Mrs van de KLASHORST: Obviously members are not interested in what is happening there. I was there for four hours with the JAG teams and the Aboriginal teams, and I met many people in the teams, and the work being done is absolutely brilliant. They are working with the kids on the streets and it is damned hard work. I want to put on record that they need to be supported and recognised for the hard job that they do.

How many children are involved? The number varies - I have had several different figures, but the Attorney General, who is working through the Ministry of Justice, said there could be up to 30 children - I think he said from about 14 or 15 to 30. It is an ever-moving feast as more children come out. There are some positives. I know of one specific case where Family and Children's Services worked with a girl and reclaimed her from the streets and reunited her with her family. That is hard work which they have done. That is the only one I know of, but there could be others.

We must remember that one child out on the street is a cause for worry. Tackling this issue is not an easy task. Group workers are out on the streets when most of us are in our beds, and most people in Western Australia are safe; that must be recognised. I point to the Opposition for continuing to not allow the Prostitution Bill through Parliament, and I hold up a letter sent by the acting minister. While the Opposition continues to hamper the efforts of the Government to pass that Bill, a dark cloud hangs over the children at risk in Northbridge.

The SPEAKER: Order! I remind ministers that an answer of three minutes is plenty. If ministers go to five-minute answers, they will be pulled up next time.

HOSPITAL TRUST FUNDS

718. Ms McHALE to the Minister for Health:

Some notice of this question has been given. I refer the minister to an article in the March edition of *Medicus*, the Australian Medical Association journal, about hospital trust funds.

- (1) Which hospital asked the trustees to assign money over to the hospital management?
- (2) What was the purpose of this request?
- (3) If it was a public hospital, does this signal that hospital trust accounts in future will be plundered in order to prop up the sick financial state of our public hospital system?

Mr DAY replied:

I hope the member relies on a little more than reading *Medicus* for her information on health matters in Western Australia. If she relies only on *Medicus* for accuracy in all matters, she will have a great problem in the future.

- (1)-(3) I am advised that in the time available it has not been possible to identify any hospital which has asked the trustees to assign money over to hospital management. It is important to note that the general purpose of hospital trust accounts is to support the activities of the hospital in accordance with the purposes of the trustees. They will continue to be used in that way.

The statement in the member's question about the sick financial state of our public hospital system does not reflect reality at all. As I have said on many occasions, no Government has increased funding to our public hospital or to our health system generally more than has this Government. A 50 per cent increase in funding has occurred in the time we have been in government. On average, a 6.8 per cent annual increase has occurred each year we have been in government, compared with only a 3.9 per cent increase for the last three years of the Labor Government. It is totally fallacious for the Labor Party to crow about its record in government as our record will stand up against that of members opposite any day.

MINISTER FOR FAIR TRADING, CRITICISM BY MR DOMINIC CASELLA

719. Mr NICHOLLS to the Minister for Fair Trading:

Is the minister aware of criticisms levelled at him in today's *The West Australian* by Mr Dominic Casella in regard to Mr Casella's activities as a finance borrower?

Mr SHAVE replied:

I was concerned when I read the comments Mr Casella made in the newspaper today that I had named him in relation to finance broking scandals. I will outline what actually happened: On 31 January of this year, an exclusive was run in *The West Australian* about a supposed bribe that was paid to a finance company by Eaton Developments Pty Ltd. When I looked into the matter, I found that the person who was the director-secretary of Eaton Developments at the time was one Mr Dominic Casella. When I raised that issue with the media, because they had not cared to name him in the Press, the member for Fremantle tried to gag me by taking the allegation to the Press that I was breaking the secrecy provisions of the Finance Brokers Control Act. That was untrue; I had not done so, but the member had not cared to check what had happened.

I wrote to Mr Barry Matthews on 25 February 2000 pointing out the allegations concerning Mr Casella and Blackburne and Dixon. I am still waiting for a reply to that letter. The member for Fremantle, rather than trying to protect people who have been borrowing money from brokers, tried to gag me to stop me naming people who have a history of wreckage; they ring up my office and say, "I've done nothing wrong; it was not me. I just borrowed the money. By the way, I used a valuer and a broker who helped me borrow the money against certain valuations." Rather than this man sitting opposite like a hypocrite, he should start naming some of the real culprits in this matter!

Withdrawal of Remark

Mr KOBELKE: The minister referred to a member on this side of the House as a hypocrite, which he has no ability to do without a substantive motion before the Chair relating to the matter. Secondly, the minister is using a dorothy dixer, not to answer the question, but to launch a public attack on the member for Fremantle.

The SPEAKER: If someone were to refer to a member's behaviour as being hypocritical, I would regard it as an acceptable comment. However, if someone were to say that the member is a hypocrite, that is unacceptable. I have ruled in that way in the past. That point of order is on the border. I ask the minister to withdraw. Although he did not specifically say "You're a hypocrite", he said words which in effect came extremely close.

Mr SHAVE: I withdraw.

Questions without Notice Resumed

DRABBLE, MR ROSS, EMPLOYMENT

720. Ms MacTIERNAN to the Acting Premier:

- (1) Is Ross Drabble still employed in the public sector?
- (2) If yes, what is his current position and will that position be reviewed in the light of the finding by the Auditor General that 31 contracts which Mr Drabble either initiated or authorised as Commissioner for Main Roads or Commissioner for Railways were improperly awarded?
- (3) If Mr Drabble is still not working in the public sector, when did he depart and what was the size of his redundancy?

Mr COWAN replied:

- (1)-(3) I thank the member for some notice of this question. I advise the member that Mr Ross Drabble is still employed in the public sector. On, and effective from, 11 February 1999, Mr Drabble was transferred from the position of Commissioner of Main Roads to the performance of other functions within the senior executive service. He is performing those functions.

DRABBLE, MR ROSS, AUDITOR GENERAL'S FINDINGS

721. Ms MacTIERNAN to the Acting Premier:

As a supplementary question, is the Acting Premier proposing to take any action relating to Mr Drabble as a result of the Auditor General's findings on those contracts with which he was intimately involved?

Mr COWAN replied:

From my perspective, the answer is no. However, there is a Public Standards Commissioner who will no doubt read the report of the Auditor General. He will make his own determination on that matter.

PRESTON CONSERVATION PARK

722. Mr BARRON-SULLIVAN to the Minister for the Environment:

I refer to the previously proposed Preston conservation park, and ask whether the minister can clarify the situation regarding the area?

Mrs EDWARDES replied:

The member for Maylands yesterday in debate on the Conservation and Land Management Amendment Bill raised concern about possible differences of opinion between me and the local member. I clarify the situation for the House. The proposed Preston conservation park is currently state forest and will remain state forest under the Regional Forest Agreement because the high conservation criteria was found to be in greater levels in another part of the ecosystem.

However, when we looked at the old-growth jarrah after a field trip had been undertaken, I was very conscious of the fact that most of it was contained around the Bibbulmun track. When I met with representatives of the environmental groups, I indicated that I wanted additional protection for that jarrah in addition to protection for what was previously understood to be the virgin jarrah forest. That will be carried out when the boundaries are drawn. The additional protection will be provided and it will meet the concerns and requests of the local community groups, although it probably will not be as much as was formerly proposed for the Preston conservation park.

CHESTERTON INTERNATIONAL, RELATIONSHIP WITH BARRACK SQUARE LTD

723. Ms MacTIERNAN to the minister representing the Minister for Transport:

- (1) When did the Department of Transport become aware that there was a relationship between Chesterton International, which was assisting the department in negotiating leases on the Barrack Street jetty, and Barrack Square Ltd, the company which had been granted the lease?
- (2) What action did the department take when this relationship became apparent?
- (3) How much was Chesterton paid for negotiating the leases, and is it still engaged by the department as project manager on the site?
- (4) Does the minister believe it is appropriate for Chesterton to represent the department's interests, given the firm's relationship with the lessor?

Mr COWAN replied:

I thank the member for some notice of this question, because it has permitted the Minister for Transport to provide the following response.

- (1)-(3) Chesterton International did not assist the Department of Transport in negotiating the Barrack Square Ltd lease.
- (4) Following recent public tenders, Transport has engaged the services of McGees National Property Consultants for property management services for Fremantle, Swan River and Barrack Square.

Ms MacTiernan: Your minister has lied.

Withdrawal of Remark

Mr COWAN: The member for Armadale knows that under the standing orders it is not appropriate to impugn the reputation of a minister, let alone a minister in another place. I ask that the member be asked to withdraw that comment.

Ms MacTIERNAN: I withdraw.

Questions without Notice Resumed

TIDY WA IN MAY PROJECT

724. Mrs HODSON-THOMAS to the Minister for Local Government:

I understand the minister today launched the annual Tidy WA in May campaign for the Keep Australia Beautiful Council. As a strong supporter of the programs of the KABC, I would welcome an update on the council's good work.

Mr OMODEI replied:

I thank the member for the question and for her continued interest and support of the Keep Australia Beautiful Council. I was delighted to launch the Tidy WA in May program this morning at Hillarys. It was a very well-attended function. The Tidy WA in May project will take place this year on Sunday, 21 May and schools will participate in the program on Friday, 19 May. Last year 40 000 people volunteered to participate in that program, and this year I look forward to even more people becoming involved.

The Tidy WA in May program adds to the impressive range of projects in which the KABC has been involved over the past four or five years. Members will know that the KABC was set up 30-odd years ago and it has led the country in keeping this State tidy. The Tidy Town competition covers the whole of Western Australia, and other programs include the Perth action awards, which cover schools, hospitals, police stations, hotels and businesses; Perth's best beaches; and the earth schools program, which is an educational program that was won by the Noranda Primary School this year. The students from that school were excellent this morning when they sang their song "Recycle, recycle". A new program has been put in place, called Adopt a Highway. During Keep Australia Beautiful Week in September, the Government will not only be involved in the Perth action awards, but also will support the state graffiti action campaign.

WATER CORPORATION, EXEMPTION FROM FOI ACT**725. Dr EDWARDS to the Minister for Water Resources:**

I refer to the Water Corporation's claim that it is not subject to the Freedom of Information Act because it is not a public body, and ask -

- (1) Does the minister support the Water Corporation in its attempts to make itself exempt from the provisions of the FOI Act?
- (2) Does the minister agree with the Water Corporation's claim that its overriding purpose is to produce a profit rather than provide a service to the community?

Dr HAMES replied:

- (1) I was not part of that application by the Water Corporation, but I was aware of it. The Water Corporation, as a corporate body, has many dealings with private companies. Because of that, the Water Corporation sought to be protected from the Freedom of Information Act in certain areas. It put forward that application and, as members know, it was rejected. Neither I nor the Water Corporation intend to pursue that further.
- (2) The statement that the overriding purpose of the Water Corporation is to make a profit was misquoted and misunderstood. If the member reads more of the document, she will see that the Water Corporation is an instrument of government and its duty is to provide services to the community for water supply, sewerage and so on. That is its overriding purpose but in doing that, as a corporate body, it must seek to make a profit. Many things the Water Corporation does do not make a profit and, as members know, under the Council of Australian Governments' reform process, the Water Corporation is compensated by the Government for its community service obligation. Underlying that, the Water Corporation, as a corporate entity, must seek to make a profit in providing a service to the very best of its ability. It does that. That profit comes to the Government - it is \$70m a year net - and that money is spent on schools, hospitals and so on.

WICKHAM POLICE STATION, REPLACEMENT OF ROOF**726. Mr TUBBY to the Acting Minister for Police:**

Yesterday, during debate on the Police Service in Geraldton, the member for Burrup stated that the police station in Wickham does not have a roof, as it blew away in a cyclone five months ago. Will the minister advise the House what is proposed for this police station?

Mrs EDWARDES replied:

When this matter was raised in debate yesterday by the member for Burrup, I asked the Police Service to provide information on the anticipated time frame for the replacement of the roof. Given that all the materials arrive on time, work on replacing the roof is expected to commence on Monday. Until that time, the police have been accommodated in the Roebourne Police Station.

STATE FINANCE, ASSETS AND LIABILITIES**727. Mr RIPPER to the Minister assisting the Treasurer:**

- (1) Will the minister confirm that -
 - (a) The total liabilities of the State increased by \$1.29b in the financial year 1998-99;
 - (b) the State's borrowings rose by a net amount of \$990m in 1998-99; and
 - (c) the State's net assets actually declined by \$674m in 1998-99?
- (2) Will the minister also confirm that the Treasurer's published mid-year review shows for 1999-2000 a deficit in the general government sector on a cash basis of \$621.3m?

Mr KIERATH replied:

(1)-(2) I ask the member to place that question on notice.

HOMESWEST, TRANSFER OF TENANTS' BONDS

728. Mr BLOFFWITCH to the Minister for Housing:

Has the minister endorsed the transfer of the Homeswest bond for tenants wishing to relocate to another area? I ask this question because one particular fellow -

The SPEAKER: We do not want to know the reason; perhaps the minister can answer the question.

Dr HAMES replied:

I am happy to provide the reason. This matter was presented to me by the member for Geraldton and it resulted in a change in policy being requested of the Homeswest board for this particular issue. Since 1994, tenants who move into Homeswest properties pay a bond to cover any damage they might do. That occurs in any rental tenancy situation. The bond is four weeks' rent, and tenants with low incomes are able pay that off slowly at a minimum of \$5 a week. As part of the commonwealth-state housing agreement, Homeswest is moving towards charging 25 per cent of income for rental. Some Homeswest tenancies are let under the previous system, and tenants pay a lower percentage of their income. A common figure is 22.5 per cent. However, when those tenants want to transfer voluntarily from one property to another - not those tenants whom we are seeking to transfer under the New Living program - in earlier days the Ministry of Housing adopted an inflexible approach and only those tenants with high priorities were allowed to transfer. I have relaxed that policy and allowed people to transfer more readily. If tenants request to be transferred they must pay the bond and move to the higher percentage of 25 per cent. They must pay \$5 a week extra to cover their bond and their rent will increase by whatever the difference is between their current percentage and the new percentage. That discourages people who may want to move; perhaps for social reasons, but often very good reasons. I have asked the board of Homeswest to look at that and I hope that will change, so people will retain the percentage and system they were under in their previous tenancy.

DEPUTY PREMIER, MINISTERIAL VEHICLES

729. Mrs ROBERTS to the Deputy Premier and Minister for Regional Development:

- (1) Can the Deputy Premier explain why the number of government vehicles allocated to his ministerial office has increased from three in 1993 to nine last year?
- (2) What public benefit is being derived from this excess, particularly when the Police Service has recently been forced to hand back 25 police cars and funding restraints have caused officers to cancel patrols in remote areas?

Mr COWAN replied:

(1)-(2) I can explain immediately three of the additional cars. Three additional regional officers are attached to my ministerial office and they are located in Bunbury, Esperance and Dowerin.

Mr Ripper: Do you have three extra ministerial officers?

Mr COWAN: No, they relocated from the Perth office to those three regions. The regional offices are not established as separate entities but in conjunction with existing government offices. As one would expect, the officers need a form of transport, and their vehicles are attributed to my office.

The member stated that only three motor vehicles were attached to my office in 1993. I suggest she look at the record. She will find that towards the end of 1993 additional cars were allocated to that office.

HEALTH AND AGED CARE FACILITIES, RURAL AREAS

730. Mr McNEE to the Minister for Health:

In view of the need to provide health and aged care facilities as close to home as possible, what progress has been made to meet this need in rural areas in Western Australia?

Mr DAY replied:

This Government has a fine record of establishing new facilities and services in rural parts of Western Australia and upgrading existing facilities. One successful aspect of our extensive program in rural areas has been the establishment of a large number of multipurpose services. This has come about as a result of cooperation between the State and the Commonwealth Government to pool funds from the aged care and health sectors to provide facilities and services in smaller towns in Western Australia. That would not be possible without that collaboration. Western Australia is regarded nationally as being a leader in the development of multipurpose services in Australia. Of the total amount of recurrent funding of about \$35m up to the end of last December which has been made available for the operation of these services, about \$29m has come from the State. Western Australia has provided the bulk of the funding for this program. Fifteen multipurpose service sites have been established in Western Australia covering 36 of the 110 rural shires in Western Australia. In the next financial year seven additional MPSs are expected to be established in the Dongara-Eneabba-Mingenew area, Pemberton, Wongan Hills, north Midland, Morawa, Perenjori, Moora and Beverley. In the electorate of Moore we are

nearing the completion of the construction of an impressive new health services centre at a cost of \$2.5m. This new centre will provide services 24 hours a day, seven days a week, for accident and emergency cases, with the availability of short-term inpatient beds.

Several members interjected.

Mr DAY: The Opposition does not like hearing this because they are learning finally about the Government's extensive activities in rural parts of Western Australia. If members opposite looked - I know a couple are in the Kimberley region next week - they would see some of the outstanding projects that have been established by this Government. The new centre in Jurien Bay will be a great benefit to the people not only of Jurien Bay but also the surrounding areas.

CANNABIS, NATIONAL PARTY POLICY

731. Mr CARPENTER to the Deputy Premier:

I refer the Leader of the National Party to the National Party's policy on cannabis. For the benefit of the self-confessed cannabis smokers in the Cabinet and for the rest of the community, which policy does the National Party support today -

- (1) The Government's cautioning system for first time offenders caught with small quantities for personal use; or
- (2) the policy adopted by the National Party State Conference in Hyden in 1998 which states that first and second time offenders caught with small quantities for personal use should be issued with infringement notices rather than face court action, which is very similar to the Greens (WA) Bill that was passed through the upper House?

Mr COWAN replied:

- (1)-(2) I am so pleased that this is all the member for Willagee has got to ask. I recall the conference in Hyden where that policy was agreed to. I made the statement there and then that they could have whatever policy they like; it is not one that I will pursue. I stand by that position now.

Several members interjected.

Mr COWAN: Mr Speaker, I do not know whether you are going to accord me -

The SPEAKER: Order! I want to finish question time. I said that this is the last question, but people want to drag it on.

Mr COWAN: The second part of the question relates to government policy. I have no difficulty with the government policy as it exists at the moment. The National Party Conference passed a motion and I have already told the House and the public that I disagree with it, and I am comfortable with the Government's policy.
