



WESTERN AUSTRALIA

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(HANSARD)

THIRTY-FIFTH PARLIAMENT
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LEGISLATIVE COUNCIL

Tuesday, 20 April 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

HON MARGARET MCALEER, MLC

Condolence Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.31 pm]: I move -

That this House expresses its deep regret at the death of Hon Margaret McAleer, a former member of the Legislative Council for the Upper West Province and the Agricultural Region, Government and Opposition Whip; and places on record its appreciation for her long public service and tenders its profound sympathy to the members of her family in their bereavement.

It was with some shock that I learnt recently of the death of Hon Margaret McAleer. In fact, I had not been made aware that she had been so ill. In a sense, it is the epitome of Hon Margaret McAleer that she kept her problems to herself. Her funeral was private at her request and, again, that epitomises the character of Hon Margaret McAleer because she was a very private person who did not want to burden others with concern about herself. I was pleased that the Shire of Three Springs, in association with her brother Tony, arranged for a memorial service to be held in Three Springs last week, because it gave members and former members an opportunity to meet publicly to express their sympathy to the family and to record their appreciation of her work. Hon Margaret McAleer will be remembered as a conscientious, respected member of the Legislative Council and as an effective and popular representative of a major region of this State. In her quiet way she was a trailblazer for women's representation in this Parliament.

Margaret McAleer was born in February 1930 and was educated in Geraldton and Perth, and then obtained a Bachelor of Arts degree with honours from the University of Melbourne. From 1961 she farmed at Arrino. Her father, Dr James McAleer, served as Mayor of Geraldton and contested the seat of Geraldton for the Liberal Party in 1953. Margaret followed this family example of community involvement and was elected as a member of the Three Springs Shire Council in 1967. In 1968 she became a member of the Rural Committee of the Liberal Party, and in 1970 was elected President of the Kalgoorlie Central Division of the Liberal Party and contested the half-Senate election as the third member of the Liberal Party team. The respect with which she was held by the Liberal Party was demonstrated when she was elected a State Vice President of the party in 1973. At the same time she contributed to community organisations such as the Pastoralists and Graziers Association, the Farmers Union, the Country Women's Association, the Red Cross, and many business and professional women's associations. She was a keen equestrienne who participated in polocrosse.

In 1973 Margaret McAleer was selected to contest the Upper West Province seat of the Legislative Council, following the retirement of its long-serving incumbent Hon Les Logan. She captured the seat in the 1974 election by a comfortable margin, to become the first Western Australian woman member of the Legislative Council from the Liberal Party and the conservative side of politics. The Upper West Province at that time consisted of the Legislative Assembly seats of Moore, Geraldton and Greenough. It was a strong conservative electorate but it was not secure for either of the coalition parties. Margaret McAleer was re-elected in the Upper West Province by large margins in 1980 and 1986, although in the intervening elections the other province seat was won by Hon Tom McNeil for the National Party. She never failed to gain a majority of the vote in Geraldton, even though the Liberal Party failed to win the seat at each of these three elections. As the first woman parliamentarian to represent a broadacre farming electorate, Margaret McAleer exploded the myth that women candidates were unlikely to succeed in rural seats. She was a most effective representative of both men and women in her electorate and of the rural community in general.

Within this House, Margaret McAleer became Government Whip in 1980, and continued in the role of Opposition Whip until her retirement in 1993. She also assisted as shadow Minister for Women's Interests between 1990 and 1992. Her contributions to this House include membership of the Joint Standing Committee on Delegated Legislation from 1987. It was fitting recognition that she headed the Liberal Party ticket for the Agricultural Region in the 1989 election when the Legislative Council was reconstituted. She topped the poll with 41 per cent of the vote in a three-way contest over a large region that includes much of the State's farming areas. Margaret McAleer's 19 years of service in this House is the second longest record of service for any woman parliamentarian in the Western Australian Parliament.

In retirement she continued to contribute to the Western Australian community in her usual quiet and unselfish manner, notably as a member of the Medical Board and of the Centenary of Women's Suffrage Committee. I repeat only one tribute to Margaret McAleer: One former federal colleague said that she was a very kind person - never patronising, just kind. It is a fitting accolade.

Having been elected to this Chamber in 1977, I knew Margaret McAleer for many years and served with her for a long period in this House. I remember many things well about Margaret. She was always prepared to provide advice and assistance and to compliment members if she thought they had done something well. Most members of this House do something well at some time, and Margaret was always prepared to let them know they had done something worthwhile. On the other hand, she was never critical of anybody, even though on occasions we all deserve to be criticised. She was a very generous person in that sense and I very much appreciated the advice she was able to provide to me personally on many issues. She was well educated and intelligent, and the contribution she made to many debates was as a result of her deep understanding of many issues and her excellent education. Margaret McAleer was able to comment in a sensible way on

many issues of the day and on occasions took views which were small "I" Liberal, compared with those of many members on this side of the House. On some social issues she was quite progressive in her views and was never frightened to express them. Interestingly, she took a position on a number of issues that generally conservative country people may not have agreed with, but it had no effect on the election results she achieved and the affection in which people held her.

When I think about Margaret McAleer, I think of a person who made a significant contribution to the Parliament of Western Australia through her quite superior intellect, who represented her electorate with great determination and dedication, and who was prepared to travel many miles to attend meetings and to represent very vigorously the issues of the people in her electorate.

At the memorial service in Three Springs the view that came through from those present was that Margaret McAleer always put her electorate first and the requirements of her political organisation second. It can be seen from the tributes paid to her by members on the other side of the House that she was able to impress upon members from both sides that her position on issues was one of genuine commitment and conviction. She came to Parliament with a view to improving the Parliament and the circumstances in which Western Australians live, but particularly the circumstances of the people living in her electorate. She was of course initially the member for Upper West Province and, as I indicated earlier, she was re-elected easily on every occasion. She then became the member for the very large Agricultural Region, in which she was able to win the confidence and support of the electors.

I am very saddened by the passing of Margaret and was also saddened to know that the funeral was to be a private affair. I say to Tony and the Shire of Three Springs how much we appreciated the opportunity to travel there to express our sympathy to them and the community at the loss of Margaret. I express our deep regret and sympathy to Tony, other members of Margaret's family and the many friends who will miss her so much.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.41 pm]: I rise to be associated with the condolence motion moved by the Leader of the Government to mark the life and the recent passing of Hon Margaret McAleer.

As the Leader of the Government indicated, the recent memorial service held at Three Springs on 14 April was attended by many members of Parliament, both past and present, including you, Mr President, the Leader of the Government and many of his colleagues. By courtesy of the offer extended to me by you, Mr President, I had the good fortune to accompany government members on their aircraft charter to Three Springs to represent the Opposition and all members on this side of the House to pay our respects to the memory of Hon Margaret McAleer and to offer our condolences to her family, especially Tony her brother, and her extended family in the community of Three Springs.

The service was a very dignified and respectful commemorative event celebrating the contribution to public life that Hon Margaret McAleer made, especially to the people of her Agricultural Region. We in this Chamber, in which Margaret served, now have the opportunity to pay tribute to not only her contributions to her electorate but also to the wider interests of the people of Western Australia. We have effectively that sad task of placing on record our expressions of sympathy and our respect for her contribution.

The Leader of the Government referred to her intensely private nature. She was the sort of person who no doubt would be miffed about too much fuss - especially this level of fuss - being made on her account. However, we have an obligation to put on the public record our expressions of condolence to her family and friends. It is also an opportunity to place on record the high regard and affection in which she was held by all her colleagues, especially her government colleagues and those of us who served with her on the opposite benches. On behalf of the Labor Opposition, the Greens (WA) and the Australian Democrats I record our respect and wish to be formally associated with this condolence motion.

Miss McAleer was the daughter of Dr McAleer, who worked in Geraldton and lived in Cathedral Avenue of that city of which he was the mayor from 1946 to 1961. One of her school friends described Margaret's Geraldton home as being totally filled with books. It was blessed with a large study piled high with literature of the world. She developed her passion for books and literature from a young age. It was in part as a result of that love that Margaret sought privacy, happy in the pursuit of her own company, attributable to the pleasure she took from reading.

After attending school in Stella Maris in Geraldton, she attended Loreto Convent in Claremont and became head girl in 1946. One of her school friends, Anne Cullity - the daughter of former Perth Lord Mayor, Sir Thomas Meagher - described Margaret McAleer to me recently from her school-time memories. She referred to a characteristically solitary Margaret who lives in her memory as having lovely, long, dark, curly hair, a distinctive walk and a reserved, private, mysterious nature that consequently made her all the more alluring to her school friends and teachers. She had the allure and substance of an interesting character. Everyone who knew her - nuns and school friends alike - were fascinated by her and felt privileged to be blessed by her company and her friendship and, most significantly, something with which we were all familiar, her smile. It was available to disarm and to put at ease people in conflict and tension. She had the capacity to flash a beautiful smile to us all. Testimony again from Anne Cullity, interestingly for me, referred to Margaret being a great horse rider as a young girl and of how casually she would gallop off on a gigantic, frisky grey mare, displaying a devil-may-care attitude. Anne Cullity's description was that she rode like one would never believe.

As the Leader of the Government stated, she went on from St Mary's Loreto College to attend Melbourne University. From there she went on to study in Switzerland before returning to Western Australia. From her studies she maintained a lifelong interest in history, literature and logic. She displayed those interests through her contributions in this Chamber. In addition, her interest in and commitment to farming and agriculture clearly formed a substantial basis for a long parliamentary life. She was not, as we who served with her all know, a member who would rise in this Chamber to speak for speaking's sake.

Her contributions to this Chamber were occasional, considered and focused. She targeted the issues and debates in which she had an interest or responsibility. Hon Margaret McAleer never made any attempt to seek attention or to grandstand. Nor, in my experience of her inside or outside this Chamber, can I recall any display of political partisanship. She was more a parliamentarian than a politician. She was a representative and a legislator and in that way she became a colleague to us all.

One of our former colleagues, Hon Fred McKenzie, rang me last week to tell me of the special role that Margaret had played in his parliamentary life and sought to be associated with my comments in the Chamber. Fred and Margaret served opposite each other in this House for 13 years as Whips of their respective parties. Fred was our Whip for 10 years in government and three years in opposition, and Margaret for 10 years in opposition and three years in government. Over those years they developed an association, a friendship, a rapport which was very important not only to them but also to the rest of us in this Chamber. Fred had been able to build on earlier associations with the McAleer family that he had developed through his work with the privately-owned Midland Railway Company, which served the farming district of Three Springs. Margaret's brother Tony still has a fascination for the Midland Railway Company; I think he may have written something on it. They were able to ensure that in the period in which they were Whips, there was an extraordinary level of cooperation between the Government and Opposition, and a trust and confidence in each other that was never misplaced. They were able to ensure that no matter how high the temperature of the debate or how high the temperature of the politics at the time, their word remained their bond, no matter how much pressure was put on them by their respective leaders. There was a respect for the arrangements that were put in place. Leaders were left simply to learn from their Whips. The contingencies or the arrangements which were in place would stand. It was an extraordinary testimony to the character of both those Whips, but especially to Margaret. On this occasion we can salute the skill, the honesty and the integrity of the role that she played as Whip for her party. She served out this entire period with the highest of regard from her counterpart, Hon Fred McKenzie, who communicated that regard to the rest of us and we were as a result able to share in that regard with him and to learn additional reasons that she should be held in such high regard.

Over recent days I have heard the same message from other former colleagues, Hon Des Dans, Hon Joe Berinson and Hon Lyla Elliott, all of whom associate themselves with this condolence motion. They each speak of the absence of venom, of the speeches she delivered in the Chamber crammed with weighty material, ponderous in the good sense, with no sense of a pejorative connotation of Margaret's contributions. I am reminded of her contribution during the controversial social issues when we were in office. I recall demonstrations in the streets on one occasion when Margaret's name was held high on a placard in disdain by some, but clearly in support of a majority view about a matter that went through this Parliament at the time. I am reminded as well of the regular occasions I used to see Margaret being lobbied by various interests groups from throughout Western Australian. I used to see her in the most extraordinary company, among people who would more typically sympathise with those on this side of the House but who were working on Margaret in an attempt to persuade her to various causes and views. She clearly demonstrated to them at all times an openness and willingness to listen to their arguments and was respected warmly for that. On occasions that clearly led her to display in this place the independence available to her as a member of the Liberal Party.

My own memories of Margaret McAleer are accompanied by the memory of my olfactory sense that will long live in my memory bank - the perfume, and the aroma of the most pungent smelling cigarettes that I have ever smelt in my life. I am told they were Craven A cork-tipped cigarettes. I found them extraordinary because those chairs on which we now read the newspapers in the evening had ash trays and Margaret would regularly make the short trip from her seat to the corner and light up a cigarette. From my seat, I would instantly start to have an allergic response to the smoke. My recollection, faulty though it may be, was that on one occasion I was shown something by her that I had never seen before in my life; it was called a cigarillo or a Sobrani which she was smoking on one occasion. I do not know whether it had Russian tobacco in it, but it was out of step with her normal smoking pattern of these Craven As; it was a horrific experience as she smoked those. They had gold tipped filters. They were awful things which she smoked to her great satisfaction in the Chamber. I eventually lost my ability to handle the smoke and raised it with Margaret and in turn with the President. In her great lady-like way, she absented herself from the Chamber thereon after and moved to establish that "outside club", the newly established but hopefully diminishing club of smokers who light up outside this place, which left this Chamber smoke-free thereon in. I will always remember with affection the kind way that she showed regard for the problems that were caused to others, and the other memories that live on for us of Hon Margaret McAleer.

She married late in life and lived on to nurse her husband in his last days. She is survived by her brother Tony, whom I had the opportunity of recently meeting again in Three Springs, his wife Nan Broad, and other members of her extended and distinguished family, including her first cousin and dear school friend Miss Rose McAleer.

To all of these family members on behalf of the Australian Labor Party and the other non-government members of this House, the members of the Greens (WA) and the Australian Democrats, as Leader of the Opposition I join with the Leader of the Government to record our respect, offer our condolences and pay tribute to a distinguished Western Australian parliamentarian as we bid Margaret McAleer farewell and express the wish, requiescat in pace.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [3.58 pm]: I too join in this condolence motion on behalf of the National Party as a mark of respect to Hon Margaret McAleer, which she well and truly deserves. I knew Margaret for many years and I was very surprised when overseas to learn of her passing. I am very thankful for the recognition that she was given by her brother and the shire at her memorial service in Three Springs. She will be remembered very fondly. My extended family comes from the Arrino area. They were neighbours and very close friends.

Over many years they have stated that she was a very well-respected lady in that area. As a lobbyist I met with her regularly. I well remember her as the representative of the Upper West Province from 1974 to 1989 and for the Agricultural Region

from 1989 to 1993, when she left Parliament. In fact, I took over from her along with my colleagues Hon Bruce Donaldson and Hon Murray Nixon. She always gave us a very good hearing.

Margaret always fronted up to meetings regardless of where and when they were held. She would sit quietly listening and at an opportune moment would make a deliberate and well thought out contribution.

I was the president of the Binu school's Parents and Citizens Association - probably for too long - and I well remember the times when, along with Tom McNeil, Margaret came to visit the school. Together with Tom she worked very diligently to have a water supply provided at the school. As many members know, we had a school bus run in our area only after three years of lobbying by Margaret and Tom.

I do not know how as the Whip Margaret dealt with Tom, because he probably would have been a very difficult man to handle at times. However, they got on well, our region was very well represented and we got the things we required at an opportune time, and we are grateful for that.

Margaret was well known in the Arrino area, in which she farmed from the 1960s. Members would know the Wopenatty Pastoral Company of which she was a director from the late 1950s. She was also a member of the Pastoralists and Graziers Association, the Farmers Union, the Country Women's Association and other organisations in which country people involve themselves. She also served on the shire council from 1967 to 1994. Her brother Tony has carried on in that role for some time and I have come to know him very well.

Hon Margaret McAleer was the first woman Liberal member elected to this place, and we are now blessed with others. It seems to be a tradition that we have a female Whip, and that tradition is continued with Hon Muriel Patterson currently holding the position. Margaret's performance as the Whip is well reported and respected in this place. She also did a great job for her region. The fact that she did the job so effectively and quietly and earned the respect of her constituents suggests that any attempt to unseat her would have been unsuccessful. That was the result of her being in her electorate and available to see her constituents regularly. She always lobbied to get the best she could for that region.

Most of Hon Margaret McAleer's achievements have been mentioned by the Leader of the House and the Leader of the Opposition. They are well known to people and she was held in very high regard. I pass on to her family the respect in which the National Party held her. We respect the way she carried out her duties and extend to her family our sympathies on her passing.

HON B.M. SCOTT (South Metropolitan) [4.05 pm]: I speak to this motion with great respect for Hon Margaret McAleer, whom I had the privilege to know over some years, but not long enough. Having been born and bred in the country, I know that one's reputation spreads far and wide. Margaret's reputation as an outstanding person filtered from her region to the region in which I grew up.

When I became a member of the Liberal Party, I was privileged to work with her on a couple of committees. From 1990 to 1992, when she was the shadow minister for women's interests, I was a member of the women's policy committee, the family and children's policy committee and the women's health committee. Margaret led those committees and conducted investigations in those areas, in particular relating to women's health and women's interests. I felt very privileged that someone with her extensive knowledge and experience who was so highly regarded by her own community and the Parliament was chairing discussion groups for us leading up to an election.

Hon Margaret McAleer impressed me and I have been thinking about the words other members have used to describe her. The words I would use are "progressive", "courageous" and "humble". Previous speakers have reflected those sentiments in their speeches today. Margaret, as the first woman Liberal member of this Chamber, was a model for me as a young member. When she made the decision to stand aside I told her that I was very disappointed because I had worked very closely with her and saw her as a mentor. In her usual humble way, she passed it off as not being the compliment I meant it to be.

Hon Margaret McAleer represented a large country region, and other members have indicated how well she performed in that role. Ministers, shadow ministers and others have said to me that they would be on a plane with Margaret arriving in a small town in her electorate and she would remind them of the people they were about to meet. She knew the people in every town and district they were visiting, which reflected her intimate knowledge of her electorate.

Her equestrian achievements were well known across the State. She had not only a fine academic mind, which led her to study at the University of Melbourne and later in Switzerland, but she was also a very well-rounded person. I remember her as very down to earth. Someone said this morning that had we considered appointing a minister for commonsense, Margaret McAleer would have been an appropriate choice.

I am very disappointed that I was not in the State last week to attend her memorial service. I take this opportunity to pass to her family my deepest sympathy. She will be remembered for her contribution in Parliament as an outstanding woman with progressive ideas who had the courage to stand up for whatever she believed in and who was always humble in her endeavours.

HON M.D. NIXON (Agricultural) [4.09 pm]: I join other members in speaking to this condolence motion. It is an opportunity to express sympathy to the friends and relatives of the late Hon Margaret McAleer and to pay tribute to a great lady, a great friend and a great contributor to the community. I knew Margaret for many years. She was possibly the last of an old generation and the first of a new generation in some ways. Hon Margaret McAleer was obviously a product of her upbringing. She grew up in Geraldton when it was a small country town. She came from a successful professional family

whose members were also successful landowners - successful landowners are harder to find these days. The life she enjoyed came from that background. Margaret's father was the Mayor of Geraldton and she was brought up with the example he set in public service. It is probably not surprising that, having obtained a good education, Margaret went on to serve the community. It is not that long ago when female members of shire councils were very much a rarity. I would not say she was the first - I do not know the statistics - but Margaret was certainly a female member of a shire council when that was rare. Today women may make up the majority of some shire councils. Margaret led a change in that area.

It is also not surprising that with her background and the commitment her father made to the Liberal Party, Margaret McAleer became involved in the Liberal Party's operations. I was in a division south of Margaret and I had the pleasure of working alongside her. When she became a member of Parliament, she represented the area in which I lived and I again had the opportunity to observe the tremendous contribution she made. Given that roads and cars were not as good as they are today, it was quite an effort to represent a large country electorate then. Three Springs is a long way from Perth, but Margaret made that trip whenever possible. Geraldton was her home town and it always received special treatment. Margaret would visit Geraldton at every opportunity. At the end of the day, she must have done an enormous mileage.

Margaret was a successful member of Parliament, and I had the privilege of campaigning with her for the Agricultural Region seat in 1989 following the change of boundaries from the province system. I thoroughly enjoyed that campaign. All five members of the team travelled together. We worked pretty hard during the day, and in the evening I was pleased to have a whiskey with Margaret. It is often difficult to find somebody who enjoys a whiskey but Margaret was a person who thoroughly enjoyed her whiskey. After a whiskey with Margaret, I would have a red wine with Hon David Wordsworth and therefore got the best of both worlds.

I became even closer to Margaret in that period and I realised what a complex character she was. One of the few advantages of dying young is that people one worked with are still alive to remember one in a moment like this. I was fascinated to hear the comments of the Leader of the House, the Leader of the Opposition, Hon Murray Criddle and Hon Barbara Scott - people who knew Margaret. Quite often condolence motions in this House are for people whom very few current members remember. The record spells out that the person was chairman of this and member of that but does not really reflect what the sort of person he or she was. Hon Margaret McAleer was a strange, complex character in that she was very private; as has been said, many people did not even know that she married. I remember the days when she was nursing an elderly husband and an elderly mother. She looked after them both in what must have been an enormously difficult period. However, Margaret pressed on and did what needed to be done in her own quiet way. I am grateful that in her last term Margaret took on an electorate officer named Kath Wyatt whose services I was elected when I took over in the Agricultural Region. Kath and Margaret were great friends from the time Kath joined her until the last. Margaret would regularly drop in to see us and we bought a special ashtray to cope with her Craven A cigarettes. I bought the ashtray in Brisbane and was told that it was designed to cope with the fans in the tropical climates. It had a top and all the ash dropped into it. It was a regular feature in the office. Smoking is not allowed in workplaces anymore, but we made special provision for Margaret.

Margaret would not have been Margaret if she did not have the dogs. She was a country person and that was borne out in the type of life she lived. She lived the life of a typical country person and enjoyed every moment of it. She was an enthusiastic farmer and her dogs played a special part in her life. Margaret did things her own way; if Margaret thought something should be done, she did it. Hon Margaret McAleer was the last member of Parliament to have an office in what is now the Parliamentary Services area. Margaret had a troupe of dogs and as they grew older they could not be left alone on the farm; somebody had to look after them, so they were snuck into Parliament House and hidden under the desk. Fortunately Kath is a dog lady and did not mind looking after them. I heard the story that one of the older dogs had some digestive problems as it got older and sometimes there were strange smells coming from the dog. Kath could not admit that she had a dog in Parliament House and had to take the blame herself from time to time. That is a problem one encounters when dealing with down-to-earth people.

Something else which would not happen today is that Margaret, being a country lady, had a gun. Every now and again guns wear out and must be taken to the gunsmith. Margaret would bring the gun into Parliament House, place it on Kath's desk and ask her to duck out to the gunsmith and get it fixed when she had a moment. Kath was wandering down the corridors of Parliament House one day with a rifle under her arm and one of the security staff who knew exactly how it had happened just shook his head and said, "I don't believe it." It had to be fixed, so the gun was taken to the gunsmith and repaired and business not only in Parliament but also on the farm continued as it should.

The memorial service could not be called a happy occasion but it was an occasion when people paid tribute to a life well lived and to somebody they had enjoyed knowing. The comment was made that Hon Margaret McAleer was a brave person because she judged the pets at the Perenjori Show. Members may have seen a good episode of *All Creatures Great and Small* in which James Herriot was given the job of judging the local pet show. He considered the task carefully and instead of judging the parrots against the goldfish he asked the young people how they cared for their pets and the person who gave the best answer won the prize. Margaret went through the same process at every Perenjori Show. Judging the pet show at last year's Perenjori Show was one of the last official functions I saw Margaret perform. She asked the young exhibitors how they cared for the pets and what knowledge they had of them; she took it very seriously. It is a bit like judging baby competitions - there can only be one winner and it is a very hazardous job for any politician.

This was the human side of Margaret. She was a person who thoroughly enjoyed the public side of her life, she participated to the full and took every opportunity to visit any venue. She knew exactly what was going on in the electorate but also had a private side and some people did not even know she was married. She had a private funeral for relatives and close friends. It was rather an unusual combination of characteristics but if one knew Hon Margaret McAleer, one could see how well it fitted together. I pay tribute to a special lady whose company and friendship I valued. I support the motion.

HON PETER FOSS (East Metropolitan - Attorney General) [4.19 pm]: I join with other members in supporting this motion. I was particularly struck by the fact that Hon Murray Nixon mentioned Margaret McAleer was a friend, because in Parliament we seldom have friends, all we have are acquaintances. I certainly regarded Margaret as a friend, and I enjoyed her company tremendously. She was a wonderful person to be with. I admit that my friendship extended only to the Parliament, but I valued it greatly. She was a wonderful person to be with, particularly when we adjourned at 3.45 pm for that mysterious adjournment that we have. It was wonderful to sit down with Margaret and chat with her, because she could speak on almost any topic one would like to mention.

She had her idiosyncrasies, which have been mentioned. She smoked Craven A cork tip. She said with some pride that she had a special arrangement with her tobacconist to continue to supply those cigarettes, which were not otherwise available. The other thing was that every week she would turn up beautifully groomed having been to her hairdresser, which was one of her great pleasures. She always came along looking absolutely fantastic.

As everyone has said, she spoke infrequently in the Parliament. However, when she spoke we listened, because every single thing she had to say would end up being the most important speech on that topic in that debate. Margaret chose her words carefully. She would not speak unless she had something of great value to say. I do not think many of us can say that. However, Margaret could say at the end of her time in Parliament that every word she spoke in Parliament and in the party room was chosen well, had an impact and was an important contribution to the debate.

I also got to know her quite well when a group of us went to Indonesia to look at Western Australian investments. I remember a particularly enjoyable evening when she drank beer. We sat in a mining camp in east Kalimantan, which used to be known as East Borneo, surrounded by forest full of orang-outangs and headhunters and drank beer. We were in a wild area, but it was a strange place because it looked just like a holiday resort. We had a wonderful time on that visit and Margaret was the greatest of travelling companions.

What really struck me about Margaret was her great social conscience. She was a person of amazing conscience. I understand she was a devout Roman Catholic, and that was an important part of her life. We knew that every decision was made after examining her conscience with great deliberation. Hon John Halden is probably aware of her involvement in debate on the Law Reform (Decriminalization of Sodomy) Bill. Margaret had been concerned about this area for many years. She examined her conscience and when it came to the vote in that debate, from my point of view it was a matter of considerable comfort to me that on this side of the Chamber it was not just me alongside members of the Labor Party, but there was also Margaret McAleer. Margaret McAleer had thought long and hard on that issue. Many Roman Catholic people would understand how difficult she found it to reconcile various matters so that she could come to that conclusion on the vote. I know what it meant to her and what it cost her in terms of examination of her conscience. I know that as a result of that she felt she had done something important. That is very true.

I was the person who appointed Margaret to the Medical Board. When I was Minister for Health and a vacancy came up on the Medical Board for a community representative I wanted somebody who could take on the doctors. Anyone who has dealt with doctors, particularly those on Medical Board, would know they tend to be a fairly conservative group and difficult people to deal with. They are obviously highly intelligent. I wanted to find someone who would be their match, somebody who had a tremendous social conscience, and a person who cared greatly. Instantly, Margaret McAleer came to mind. She did that job extraordinarily well. She was their match by a long mile. I did not hear what she had to say to the Medical Board. However, I know from my experience in the party room and in this Parliament that when Margaret spoke she would have spoken in a way that carried a considerable weight among the board.

Unfortunately, last week I was at the Standing Committee of Attorneys General so I was not able to attend her memorial service. I would very much like to have been there to say to Tony how much I could understand his loss. As a friend in a very limited sphere, the loss I felt was great, and I can only imagine how much a loss Tony must feel having lost his sister. I understand how deeply he must be feeling. He has my sympathy, and concern that he can go through this difficult time. I have great pleasure in joining in to support this motion. As Hon Murray Nixon has said, it is only when people die that we have the opportunity to pay such a tribute as this and it is wonderful to put on record how highly regarded a friend and what great loss Margaret McAleer is to the people of Western Australia.

HON B.K. DONALDSON (Agricultural) [4.25 pm]: I too want to be associated with the condolence motion moved by the Leader of the House and supported by other members of the House. I cannot talk about Margaret in the sense of her being a colleague in Parliament. My respect for Margaret grew through local government. During the time I was involved with local government Margaret's father was the Mayor of Geraldton. Margaret was familiar to me, and was also a real friend of local government. During a time when there were many ward conferences of the Country Shire Councils Association of WA there were a number of visitations by the local government Grants Commission with which I was involved, and invariably Margaret would attend those meetings. The Grants Commission visited town after town. We often asked Margaret to travel in the car with us, but she preferred to travel alone. I think she enjoyed her Craven A cork tips as she drove along. She covered huge distances. It did not make any difference to Margaret that her electorate changed from a province to a region in 1989. She would travel to wherever her electorate extended, and it was not at all strange to see Margaret at each town at which the Grants Commission visited. The next town might be 100 to 150 kilometres away but Margaret would be right behind us.

She was familiar with local government and was aware of the issues that people were discussing in the wider community. She made sure that not only at ward conferences but also when money was being dealt out through financial assistance grants that we were fully aware of the real issues. At the time, the Grants Commission was going through changes in the principles that it applied, in how it distributed money on a horizontal equalisation basis, and in cyclic events where some councils

would receive a rise in one year and a decrease in the next. It was quite volatile and through wise counsel she was able sometimes to impart some of her knowledge and experience to us to look at some of the issues more clearly and in a different way. I know that the family of local government regarded Margaret very highly and respected her greatly. She made a tremendous contribution to local government. That was the time that I got to know Margaret.

We were all pleased we were able to attend a memorial service in Three Springs last week because it gave us an opportunity to pay our respects. I was a little disappointed in one sense as I would love to have sent some flowers when I knew she was ill in hospital. However, due to Margaret's nature as a very private person the good advice given to me was not to, and that is what Margaret would have wanted. It was an opportunity for all of us to join with her many circle of friends in Three Springs, and with Tony and the family to pay our respects.

Margaret encouraged me to put my name forward in 1992 for Liberal Party preselection. The nominations had closed, but they were re-opened. I remember being at Mollerin for the extension of a water scheme. It was a pretty warm day, and there were flies, heat and dust. However, it was a great day for those people who were getting water from a pipeline extension that Ernie Bridge started off - full credit to him. Margaret was there and she encouraged me to put my name forward. She probably encouraged 20 others too. She said, "You do not realise the privilege and the opportunity that you may get if you put your name forward and are successful." At that stage, I had not given a lot of thought to it. However, I would not be standing here today had Margaret McAleer not encouraged me at that time to put forward my name, and I am very pleased about that.

I am still mystified about Margaret's supplier of those Craven A cork-tipped cigarettes. I asked her about that on a number of occasions, because one does not see those cigarettes around anywhere, as you well know, Mr President. I never found out from where she got those cigarettes. I have heard a number of stories, but I suppose it will remain a secret and we will never know. It was a secret that she had and with which she was comfortable. She knew that she could get her supply, and I guess it was no-one else's business. That point of view typified Margaret.

I extend my condolences to Tony and Nan and the family, and to Margaret's very personal friends, one of whom is Kath Wyatt. At the end of the day, all of us whose lives have been touched by Margaret are very privileged to have known her. I know the high regard with which Margaret is held in local government. Many compliments have also been given to Margaret at the functions to which we go, particularly in the Geraldton region, and I am sure that Hon Murray Criddle and Hon Murray Nixon, and also Hon Kim Chance if he were here today, would agree that people are still reminding us of the wonderful contribution that Margaret made as a member of the Legislative Council. I offer my deepest sympathy to her family.

HON DERRICK TOMLINSON (East Metropolitan) [4.31 pm]: I join members in this condolence motion and in conveying to the family of Margaret McAleer our great sympathy at her passing. One of the interesting things about condolence motions is that they enable us to learn more about a person than we knew of them when they were alive. I cannot pretend that I knew Margaret McAleer. I served with her as a colleague in this place for four years, and I consider that to be a great privilege.

About 35 years ago, the Kalgoorlie South division of the Liberal Party comprised some powerful intellects and some physically powerful persons. There was a garrulous vet with a very loud voice and a commanding personality; an introspective and insightful lawyer who said little but was feared for his acerbic tongue; an assertive farmer, one of the largest landowners in his district; a pastoralist who was a formidable presence; a callow youth of a school teacher who was brand new to the Liberal Party - me; and Tony and Margaret McAleer. I as a callow youth learning about the Liberal Party - I think I had been a member for about 12 months and was a branch president and a member of the Kalgoorlie South division - would sit and observe the debates rather than participate. We would travel to places such as Mingenew and Yalgoo, and these commanding presences were always there with their loud assertive voices and very assertive intellects, which I think is the best way to describe them. I would observe the debate, too timid to speak -

Several members interjected.

Hon DERRICK TOMLINSON: That was a fact! I would listen to the garrulous vet, the lawyer, the farmer and the pastoralist, and when they had all had their say, the divisional president would say, "What do you think, Margaret?"

Hon Tom Stephens described Margaret's contribution to this place in three words: Considered, occasional and focused. Thirty-five years ago, Margaret's contribution to the debates of the divisional council were considered, occasional and focused, and whenever the divisional president asked Margaret that question, her considered and focused reply always ended the debate, and the vote always went in the direction in which Margaret had pushed it. I did not know Margaret then, but I admired her. She was a complex and private person. I could not pretend that I got anywhere near her mind, because it was such a complex mind to get into; and also, as so many members have said, Margaret was a private person and allowed only very few people to approach beyond a certain distance.

A couple of members have referred to the debate in this place and to the public controversy which followed the introduction of the Criminal Code Amendment (Decriminalization of Homosexuality) Bill by Hon John Halden in 1989. That Bill was subsequently retitled the Law Reform (Decriminalization of Sodomy) Bill. Liberal Party members, and I assume also the National Party members, had what is referred to as a free vote on that Bill. Hon Peter Foss made his intentions clear in the party room and in the public debate, and hence became the focus of a great deal of pressure from all sides of that controversial topic. When the vote was taken, I think to many people's surprise, and probably also to Hon Peter Foss' surprise, Margaret McAleer made a considered and private decision about where the right direction lay and voted with the Government of the day. One of the interesting things about Margaret is that she did not talk with many people about why

she voted in whatever way she voted, but I recall her saying on that occasion, "I could not allow Peter Foss to stand by himself on that issue." It is a tribute to that lady that regardless of the contest she must have had with her conscience, and regardless of the intellectual battle she must have had between her Catholic upbringing and her assessment of what was morally right, she showed that loyalty to an individual who had come under a great deal of public and party censure for his deliberate conscience vote.

I have held Hon Margaret McAleer in high regard, not because of her vote, but because of those simple words she spoke to me: "I could not allow Peter to stand by himself." She was a complex person; she was a private person; she was a person I did not know, but she was a person I admired and respected. I join with all the members who have spoken during the condolence motion in conveying to her family my great respect of Margaret.

HON W.N. STRETCH (South West) [4.40 pm]: I want to be associated with this condolence motion and, in doing so, I express my sincere sympathy to Hon Margaret McAleer's family. We must also give thanks at this time to the family and background that enabled Margaret to devote so much of her life to the service of this Parliament, as other members have said, not only in the Parliament but also in her district and the community at large. If I were asked to describe Margaret in a few words, I would say: Scholarly, loyal, kind, witty and extremely wise. Margaret did not make a great show of her wit, but I assure members that she had a finely honed sense of humour. I sat beside Margaret - where Hon Ed Dermer now sits - for many years when she was Opposition Whip. There were rare occasions when I had to fill in as acting Whip when Margaret was not in the Chamber. Members could count those times on the fingers of one hand because she knew her place was in the Parliament representing her people.

We had some wonderful talks. She was one of the greatest intellects who ever served in the Parliament and she was head and shoulders above the people who have served during my time in this Chamber. Members have spoken about her focused and well-considered words and that is absolutely accurate. The member for Moore, Bill McNee, said that it did not matter what type of meeting was held, and no matter how small or how far away it was, Margaret would be there attending to the needs of her electorate and caring for her flock - the human one. There was a significant degree of trust between Margaret and Hon Fred McKenzie, the Labor Party Whip, as members have mentioned. There was an unspoken rule that if either Whip gave his or her word on pairs, it stood. There was a famous occasion when the leader tried to call off pairs and one of the Whips said, "If you go ahead with that, I will be voting with the other side because I told the other Whip that pairs would stand." That was the degree of trust, loyalty and professionalism of those two members, and it also extended to other members.

If members consider Margaret's job as a Whip in our Party, they will wonder at the strength of this quiet, unassuming woman to control the types of characters in this Chamber; for example, my good friends Hon Sandy Lewis and Hon Philip Lockyer and several other members were willing to follow particular paths at all times of the day and night. Margaret somehow, with her charm and tact, either managed to get them into the Chamber at the right place and at the right time or made sure they were out of the Chamber at the right time. Where their places were, we will never know. Hon Bob Thomas and Hon Muriel Patterson would identify with those problems. There was never a fuss and the right result was always achieved. They were pleasant days and made for a pleasant atmosphere in which to work. It is that sort of professionalism that Margaret would want to see returned to the Chamber. She was one of the few people I have met in my lifetime in whom there was no malice. She could get cross at times, but there was never any deep malice. I do not think the word "hatred" even occurred to her. No matter how trying things became during long debates and long nights, she always saw the other point of view and she always respected the right of that person to put forward that view.

Her early days at university led her to write a thesis which was, as members would expect, a very scholarly treatise on the early days in the development of the wheatbelt, and being a very private person, no-one would ever see it. However, after a year or so of cajoling, she brought it into the Chamber and let me read part of it. The diligent research that went into all her speeches was evident in those early days. That thesis and the speeches she gave in this Chamber are well worth browsing through if members are looking for an example of how a parliamentarian goes about his or her work and how it is presented. There were no low politics in any of Margaret's work; it was all aimed at the Parliament and, as our introductory prayer states, for the betterment and good service of the people of Western Australia.

Her love of the farm and her horses and dogs is legendary. It was always said that Sir Ross McLarty knew not only every person in the electorate of Pinjarra, but also the breeding of every sheep and cattle dog in the area. It is also rumoured that Sir Ernest Lee-Steere knew off the top of his head the breeding of every horse in Western Australia and many from around the world. In that case, Margaret was a double legend because she knew not only the people in her electorate because she visited them, but also the breeding of most of the dogs and horses. She was a wonderful person to sit with in Parliament. I learnt a great deal from her, although it probably does not show. I am very grateful for her tutelage, help and advice, which was always kind and wise. As I get older, I hope that I will exhibit some of the qualities that she exhibited in this place. I am very grateful for her example and the great service she gave to Western Australia.

So much has been said today about Margaret that I will not add much more to it except to say that she was a wonderful servant of this State and a wonderful person to be with. She set an example in this Parliament that many members should follow. She was a trailblazer for women in Parliaments; she was a trailblazer for genuine, quiet representation and I am very grateful for the opportunity to have served with her. For that reason, I am proud to be associated with this tribute.

THE PRESIDENT (Hon George Cash): Before I invite members to stand for a minute's silence in support of the motion moved by the Leader of the House, I will add a few words to the comments and speeches made today. It has been said that Margaret McAleer was an intensely private person and I agree with that statement. In my time in the House with Margaret as a colleague, I also observed her to be a lady of great dignity and grace and a very noble person. She was unquestionably

a loyal member. Although she was prepared to have her say in the party room and fight fiercely for the people she represented in her agricultural constituency, it is true to say that once a decision was made by the party, Margaret was a strong supporter of that decision.

Margaret also believed in the system of parliamentary democracy. I joined the Legislative Council in 1989, having been a member of the Legislative Assembly for many years prior to that, and she made it obvious to me that she did not agree with all of the antics that occurred from time to time in the Legislative Assembly. She was a lady who was extremely polite and well mannered. Soon after becoming a member of the Legislative Council in 1989, I was elected to the position of Leader of the Opposition. I launched into a tirade on a particular matter one evening and later Margaret quietly called me aside and made the point that things were not done that way in the Legislative Council. Although it was just a quiet comment, I took it that Margaret was chiding me; however, it is something that I learnt about her. I did not necessarily continue to carry on in the way that she might have wanted, but I recognised that she was an intensely polite and well-mannered person. There is no question that the maxim "If you cannot say something good of someone, you should not say anything" was always abided by Margaret McAleer. I never heard her say one bad thing about anyone. In politics that is a rare attribute. It has been said that Margaret was a very scholarly person. There is no question that the speeches she made in this House were very well researched. She was a deep thinker and indeed had a great intellect.

There were suggestions that of course she got her supply of cigarettes from the parliamentary bar. Recently one of our staff came to me, having heard of Margaret's untimely death, and said, "What happens if we receive some more Craven A cork-tipped cigarettes?" I said, "If that is the case, leave them on the shelf and everyone will know that they were for Margaret McAleer."

Members, I join with you all in passing on my condolences and joining with you in your expressions of sympathy. I will ensure that Tony and Nan receive a copy of the motion and the speeches made today. I invite members to stand for one minute's silence in support of this motion.

Question passed, members standing.

The PRESIDENT: Members will be aware that standing orders provide that motions of condolence are taken by courtesy of the House. Before 5.00 pm today, when questions are to be taken, some formal business is required to be taken and I am sure that can be completed by 5.00 pm.

BILLS (8) - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Friendly Societies (Taxing) Bill 1999.
2. Friendly Societies (Western Australia) Bill 1999.
3. Transfer of Land Amendment Bill 1999.
4. Soil and Land Conservation Amendment Bill 1999.
5. Port Authorities (Consequential Provisions) Bill 1999.
6. Maritime Fees and Charges (Taxing) Bill 1999.
7. Adoption Amendment Bill 1999.
8. Marketing of Meat Amendment Bill 1999.

LEIGHTON BEACH PARKLANDS

Petition

Hon J.A. Scott presented the following petition bearing the signatures of 3 168 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia are concerned about the redevelopment of the Leighton Marshalling yards. Specifically, the public weren't given the opportunity to express their needs in the planning process. Furthermore, there are grave community concerns regarding beach access and the loss of views. This area presents a once-only opportunity to create parklands which would complement the safe swimming beaches in the South Metropolitan region.

Your petitioners, therefore respectfully request that the Legislative Council will investigate the community concerns and make recommendations to the Premier and Cabinet to ensure that:

- (1) the Leighton Shores Joint Venture tender process is immediately suspended so that the Government can facilitate an open and interactive planning process to develop a sustainable vision for the Port and Leighton beach coastal zones and the Leighton marshalling yards in keeping with current best practice coastal management policies.
- (2) no land be sold off or developed until the community have developed a shared vision.

Your petitioners as in duty bound, will ever pray.

[See petition No 951.]

PANGAEA NUCLEAR WASTE REPOSITORY*Petition*

Hon Giz Watson presented the following petition bearing the signatures of 561 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia are totally opposed to the Pangea proposal to locate a high level nuclear waste dump in Western Australia.

Your petitioners, therefore, humbly pray that the Legislative Council will consider the health and welfare of the present and future residents of Western Australia and environmental impacts to be of more importance than profits from a high level nuclear waste dump that will present problems of a large magnitude for generations to come.

And your petitioners as in duty bound, will ever pray.

[See petition No 952.]

ANIMALS IN CIRCUSES*Petition*

Hon Norm Kelly presented the following petition bearing the signatures of 169 persons -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia are opposed to the use of animals in circuses.

Your petitioners request that the Legislative Council urge the cabinet to accept the recommendations of the Animal Welfare Advisory Committee, which state:

"It shall be an offence to import exotic animals into Western Australia as part of a circus troupe, whether or not for the purpose of using animals in the circus".

And your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 953.]

[Questions without notice taken.]**SELECT COMMITTEE OF PRIVILEGE***Extension of Time*

Hon B.K. Donaldson reported that the Select Committee of Privilege had resolved that the time in which it had to report be extended from 22 April to 25 May 1999, and on his motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 960.]

SELECT COMMITTEE ON IMMUNISATION AND VACCINATION RATES IN CHILDREN*Extension of Time*

Hon B.M. Scott reported that the Select Committee on Immunisation and Vaccination Rates in Children had resolved that the time in which it had to report be extended from 27 April to 26 May 1999, and on her motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 961.]

PUBLIC TRANSPORT, BUSES*Statement by Minister for Transport*

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [5.40 pm]: I recently undertook an official visit to several destinations in Europe, but most particularly Germany, where I inspected the DaimlerChrysler production facilities to experience first-hand the production of chassis for Perth's new bus fleet. I was also briefed by DaimlerChrysler executives on an exciting experimental fuel cell currently being trialled as a power source for motor vehicles and buses. DaimlerChrysler, in a joint project with the Ford Motor Company, is investing significant funds to develop fuel cell technology for commercial application.

Fuel cell technology uses hydrogen as an energy source to provide the propulsion mechanism for vehicles, and the only emission is ordinary water vapour. Hydrogen for use in cells can be produced from a variety of inputs, including methanol and natural gas. The technology utilises a variety of methods for using hydrogen, including liquid hydrogen stored on board or creation of hydrogen within the fuel cell componentry from readily available fuel sources such as methanol or natural gas.

At my visit to DaimlerChrysler's experimental facility near Stuttgart, I viewed a range of experimental vehicles, including

a bus powered by fuel cell technology which was operating on road conditions. I also inspected second and third generation motor vehicles using this technology. DaimlerChrysler has a number of fuel cell powered buses being used under normal operating conditions as part of commercial bus fleets in both Vancouver and Chicago. DaimlerChrysler is targeting 2004 for the commercial introduction of fuel cell technology into its production line operations. My visit to the Daimler-Benz research facility at Mannheim, near Stuttgart, has convinced me that Western Australia should seriously look at this new technology because it could well become the vehicle power technology of the future. Accordingly, I have extended an invitation to the DaimlerChrysler company to trial its revolutionary fuel cell buses in Perth as soon as possible. I did that verbally in Germany and I will follow up with a letter.

Perth could provide the company with an opportunity to test buses under normal operating conditions outside the northern hemisphere. A total bus fleet replacement program is under way in Perth, using low emission, low sulphur diesel-powered engines which offer the ultra-reliability needed for effective public transport. Western Australia will trial a number of Mercedes-Benz compressed natural gas buses in the first batch of replacement vehicles, and the Government is anxious to look at fuel cell technology for operation under Western Australian conditions. Mercedes-Benz is already contracted to supply Western Australia with its 848 replacement buses over the next 12 years, and the Government is committed to monitoring all forms of power sources which can offer a reliable and environmentally-responsible public transport service.

In addition to these exciting technology developments, I also inspected production facilities for locomotives and urban passenger railcars at the ADTranz facility in Berlin. I also held discussions with CGEA Transport with regard to that company's bus and rail operations in Europe and Great Britain. This was an important mission because, as you know Mr President, this Government is committed to giving the people of Western Australia a public transport system that is the best in the world.

Point of Order

Hon TOM STEPHENS: The provision of copies of ministerial statements to the House at the time they are presented is a courtesy with which members are familiar and it is very much appreciated.

WEAPONS BILL

Third Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.44 pm]: I move -

That the Bill be now read a third time.

HON NORM KELLY (East Metropolitan) [5.45 pm]: During the second reading debate on this Bill I expressed the Australian Democrats' support for the principles of the Weapons Bill and also our serious concerns about certain aspects of the Bill, primarily in relation to the reversal of the onus of proof and the increased police powers. I hoped that at the Committee stage in this House and in discussions in the Standing Committee on Legislation, of which I appreciated being a participating member, those concerns could be addressed to our satisfaction. Unfortunately, they have not been. Even the bare minimum of allowing time to review the legislation was denied by the Government and the Opposition. For those reasons, although the Australian Democrats believe there is a need for this type of legislation, unfortunately, because of the current format of the Bill, the Australian Democrats will not support it.

HON J.A. SCOTT (South Metropolitan) [5.46 pm]: In the absence of Hon Giz Watson on parliamentary business, I indicate that the Greens will not support the Bill.

Question put and a division taken with the following result -

Ayes (23)

Hon J.A. Cowdell	Hon N.D. Griffiths	Hon N.F. Moore	Hon Tom Stephens
Hon M.J. Criddle	Hon John Halden	Hon Mark Nevill	Hon W.N. Stretch
Hon Dexter Davies	Hon Ray Halligan	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon E.R.J. Dermer	Hon Tom Helm	Hon Simon O'Brien	Hon Bob Thomas
Hon Max Evans	Hon Barry House	Hon Ljiljana Ravlich	Hon B.K. Donaldson (<i>Teller</i>)
Hon Peter Foss	Hon Murray Montgomery	Hon B.M. Scott	

Noes (5)

Hon Helen Hodgson	Hon Christine Sharp	Hon Giz Watson	Hon J.A. Scott (<i>Teller</i>)
Hon Norm Kelly			

Question thus passed.

Bill read a third time and transmitted to the Assembly.

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Peter Foss (Attorney General), read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [5.50 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to implement essential elements of safety net arrangements agreed between Western Australia and the Commonwealth to ensure the continuation of appropriate taxation arrangements in respect of commonwealth places in the State. The federal Treasurer announced details of these arrangements in a press release on 6 October 1997. The need for these arrangements arose from the High Court's decision in the case of *Allders International Pty Ltd versus Commissioner of State Revenue (Vic)* (1996). In that case, the court decided that a lease of a shop at Tullamarine Airport was not subject to stamp duty imposed by Victorian stamp duty legislation because of section 52(i) of the Commonwealth Constitution. That section of the Constitution provides that the federal Parliament has executive powers to make laws for the peace, order and good government of the Commonwealth with respect to "all places acquired by the Commonwealth for public purposes". Such places are hereafter referred to as "commonwealth places". The court determined that the effect of section 52(i) is that any state law, including a taxation law, that can be characterised as a law with respect to a commonwealth place is, to that extent, inapplicable in commonwealth places in the State. The decision has important ramifications for state revenue as, in addition to stamp duty on leases of the type considered by the High Court in the *Allders* case, it is possible that other taxes imposed by States might similarly be inapplicable to the extent that the taxes affect persons, property or things done at commonwealth places. The court's decision also opens up the possibility of potential tax havens being created at commonwealth places.

At the request of the States, in April 1998 the Commonwealth enacted a package of legislation including commonwealth mirror tax legislation to apply in relation to each State, the State's taxing laws to commonwealth places in the State; and windfall tax legislation to tax refunds of state taxes paid prior to 6 October 1997 where the refund is sought after that date on the basis of the constitutional invalidity of the state taxing law.

The Commonwealth Places (Mirror Taxes) Act 1998 hereafter termed the "commonwealth Act", applies state laws concerning stamp duties, payroll tax, financial institutions duty and debits tax to commonwealth places in this State, to the extent to which the state taxing laws cannot apply because of section 52(i). The effect of the commonwealth Act is that the state taxing laws are applied and operate in commonwealth places as laws of the Commonwealth. The terms of the commonwealth mirror tax laws are identical to the terms of the corresponding state taxing laws. However, section 8 of the commonwealth Act enables modification of the commonwealth mirror tax laws to provide for any adjustments that may be required where a taxpayer has a liability under both a state taxing law and the corresponding commonwealth mirror tax law. Western Australia will obtain the benefit of the commonwealth Act only after an arrangement is entered into, as referred to in section 9 of the commonwealth Act, between the Governor General and the Governor of the State. When such an arrangement has been entered into, the commonwealth mirror tax laws are deemed, by section 6 of the commonwealth Act, to have always applied in commonwealth places in Western Australia, but not so as to require payment of any amount due for payment prior to 6 October 1997.

Following the adoption of such an arrangement, state taxing laws will continue to apply in and in relation to all commonwealth places in the State where their operation is not excluded due to section 52(i). Where the operation of the state law is excluded because of section 52(i), the corresponding commonwealth mirror tax laws will apply. It is intended that from a taxpayer's perspective, the operation of these new arrangements is to be as seamless as possible; that is, the liability of taxpayers who are associated with commonwealth places and compliance costs forced by them are not intended to differ from that which they would have incurred had they not been associated with commonwealth places and were not subject to the commonwealth mirror tax laws. It is proposed that the State Revenue Department will collect the commonwealth-imposed mirror taxes and credit the taxes collected to the Commonwealth, which will then return an equivalent amount to the State in the form of a statutory payment provided for under the commonwealth Act.

This Bill complements the provisions of the commonwealth Act and seeks to put in place the necessary legislative support for the proposed administrative arrangements to ensure that the mirror taxes imposed by the Commonwealth in respect of commonwealth places in Western Australia can be administered in the seamless manner intended.

Although I intend this speech to only broadly outline the measures proposed by this Bill, an explanatory memorandum has been prepared to accompany the Bill. The explanatory memorandum will provide members with more detail to assist them in understanding the proposed legislation. At a broad level, the Bill provides for -

- an arrangement to be entered into by the state Governor with the Governor General to provide for the administration of the commonwealth mirror tax laws by state authorities;
- empowerment of state authorities to exercise or perform all necessary powers and functions for the Commonwealth when administering the commonwealth mirror tax laws;
- the situation where a place becomes a commonwealth place or ceases to be a commonwealth place;
- other validation and saving provisions; and
- a general modification of state taxing laws to enable them to operate effectively in conjunction with the commonwealth mirror tax laws and to provide for any adjustments that may be required where a taxpayer has a liability under both a state taxing law and the corresponding commonwealth mirror tax law.

Also included is a specific power to modify state taxing laws by regulation in order to achieve these objectives.

The issues this Bill seeks to address also confront all other States. Legislation of a similar nature to this Bill has been enacted already by New South Wales and it is expected that all other States will shortly do likewise.

In closing, I acknowledge the assistance of the Commonwealth in working cooperatively with the States in finding a pragmatic solution to overcome the potential problems posed as a result of the *Allders* High Court decision.

I commend the Bill to the House and for the information of members table the associated explanatory memorandum.

[See paper No 962.]

Debate adjourned, on motion by Hon Bob Thomas.

TITLES VALIDATION AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

Sitting suspended from 5.57 to 7.30 pm

PLANNING LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 24 November 1998.

HON J.A. COWDELL (South West) [7.30 pm]: The Australian Labor Party supports the second reading of this Bill but not its unamended passage through the House. There is much that is useful in the Bill, as the minister said in his second reading speech. The first matter is the point of ensuring the second right of appeal against decisions of the Western Australian Planning Commission on a subdivision application. The minister referred to that in the following terms in his speech -

The existing right of appeal arises following the refusal of a subdivision application or the imposition of conditions on a subdivision approval. The new right of appeal will be at the stage of seeking endorsement of a diagram or plan of survey.

The minister pointed out that it had long been believed that the second right of appeal existed. However, in the case of *Accommodation International v State Planning Commission*, the Town Planning Appeal Tribunal concluded that in fact there was no second right of appeal; thus the need for legislative action. As the minister also stated -

This second right of appeal will overcome the problem where, in the case of a conditional subdivision approval, the complexities associated with satisfying conditions may not be known within the 60 day period which is allowed for the lodgment of an appeal following receipt of a decision.

The minister further pointed out, and we concur, that this amending legislation will ensure that the Town Planning Development Act is amended to provide a head of power for local government fees and charges for planning services and consistency between councils. Once again, the minister put a reasonable case for this reform in these terms -

On the advice of the Crown Solicitor, it is necessary to put beyond doubt that regulations can be made with regard to fees and charges for the range of planning services provided by local government. Regulations are necessary to ensure that fees and charges are reasonable and related to the service provided.

The point was also made that there is no uniformity in the system of fees and charges and wide disparity in the fees charged by local governments for similar planning services. As the minister stated, it is proposed to introduce a standard system establishing maximum limits to fees and charges which local governments levy for planning services in regulations made under the Town Planning and Development Act 1928. The Opposition concurs with those two initiatives.

The third major initiative announced by the minister provides the Western Australian Planning Commission with the same planning tools for country region schemes as it now has for the metropolitan region scheme. This specifically relates to clause 16 of the Bill which addresses the coverage of regional planning schemes. Part IIA provides for interim development control of a local government planning commission. That is a worthwhile provision.

Part IIB provides for land acquisition and payment of compensation. The minister stated that prior to any written planning schemes being finalised, the commission must have the same ability to purchase land and compensate owners affected by such planning permissions. The ALP supports that and hopes that the provision is utilised. There are probably many instances that are brought to the attention of members - particularly in the south west region by the Peel Action Group. We hope that the compensation will be prompt and adequate. We hope that the compensation is significant and available to landowners to whom an indication has been given under the scheme that their land will be acquired. It will create significant problems if land is reserved and no funds are available for purchase for 10 or 20 years.

Part IIC provides for planning control areas to be declared and is similar to the current provision for the metropolitan area.

Part IID, as the minister stated, proposes a section 37G for the Western Australian Planning Commission Act, which is equivalent to section 37(3) of the Metropolitan Region Town Planning Scheme Act, and allows the commission to acquire land by agreement with the owner where the land is proposed to be reserved under a region planning scheme. Once again, there have been incidents where owners were only too keen to sell up but the authority has not had the resources to purchase.

Once again, the minister has alluded to the provision of powers for the enforcement of development control decisions - that is beyond the interim development control period - and the need for the provision of powers for the enforcement of environmental conditions. As I said, the Labor Party sees merit in these initiatives provided for in the Bill.

One less useful section alluded to by the minister in the second reading speech is the right of appeal to the Town Planning

Appeal Tribunal against a decision of a local government body not to initiate an amendment to its town planning scheme. Most members will be aware of the particular case in this regard submitted by the Western Australian Municipal Association and its constituent local government bodies, probably not as persuasively as might have been put by the previous administration but nevertheless persuasively enough. My own local government, the City of Mandurah, wrote to me and stated -

Minister Lewis changed the Act so that once a Council had agreed to the advertising of amendment it was in the Minister's power to decide whether or not the amendment would proceed to finalisation, whether or not the Council wished to proceed after considering public submissions.

It has now come to Council's attention that Minister Kierath proposes to amend the Town Planning and Development Act so that a landowner will be able to appeal against a Council's decision not to initiate a rezoning to its Scheme. Council does not dispute the State Government's role in setting Statewide and regional planning laws and schemes in place. However, Council cannot accept that there is a role for the Minister to intervene at this very basic level, that is, forcing zone amendments upon local communities.

The CEO of the City of Mandurah made further comment -

I know that you are as well aware as anybody about how contentious some planning issues are in the City of Mandurah. Even where the community strongly opposes rezoning proposals, there will be no genuine opportunity to control the City's future if this amendment proceeds. It will be the final step in centralising the planning process in this State.

The letter ends -

I am writing to you so that you know that the City of Mandurah is strongly of the view that this amendment by the State Government should not be progressed. . . .

The author of the letter then asks for my assistance. We know of the fight over the Creery wetlands within the municipality of Mandurah where a significant dispute has been occurring about the plans that the City of Mandurah had envisaged for that area and the support given to the developer by the minister. The Western Australian Municipal Association also wrote to members in a letter dated 19 June last year. It also expressed concern about the option of not proclaiming this section.

Hon Peter Foss interjected.

Hon J.A. COWDELL: I will get to that in due course.

The letter states -

While Local Government understands that a decision to strike down Government Legislation, even in part, is not taken lightly, in this case such a course is justified. The Minister's announcement that upon passage of the provision he will not proclaim it, just adds weight to the view that such an amendment is not warranted.

It is in this clause of the Bill that the Opposition feels that amendment is not warranted. I looked in the minister's second reading speech for some compelling reasons for this amendment, but I did not find any. I was appraised of the views of the Urban Development Institute of Australia last year when it called upon me and provided me with a paper. It put the contrary view -

It has been the cause of enormous frustration to the land development and planning industries, as well as to state government whose regional imperatives have been ignored by what in many cases are narrow local interests. . . . Many UDIA members and other proponents are small land owners wishing to pursue legitimate development proposals in the face of narrow sectional interests in the council of their local government.

The UDIA presented an extensive case. It referred to the peer review panel that was then suggested by local government as an alternative to the appeal right and indicated that it had not been used by landowners and the development industry, partially because it had not been widely advertised. It did not see that as a suitable alternative. It provided two examples of when an intervention by the central authority could improve things over the current situation with respect to local government, but they were not compelling examples.

I notice in the minister's speech that he was at pains to point out that limitations were imposed on the Government's original proposals. He said that amendments to this appeal right were made in the Legislative Assembly and that they restrict the appeal right to landowners in matters affecting their land and confined the area of appeal to rezonings rather than other matters relating to a town planning scheme - this was the first limitation. Then the minister indicated that WAMA had actively opposed the introduction of a right of appeal against local government decisions on proposals to rezone land. He should be noted that the right of appeal will only be to the Town Planning Appeal Tribunal and not to the Minister for Planning. Of course in many instances local government sees this as worse than an appeal to the minister on the basis that the town planning tribunal is a faceless entity whose decisions are not always well known or publicised, whereas if it is an appeal and a determination by the minister, it is very much more in the public arena and subject to public pressures. The minister indicated that this clause had been restricted yet again and then he acknowledged that an alternative had been suggested.

WAMA has established a planning review panel to work with and advise local governments on planning matters of concern to the State Government, particularly inappropriate demands made of landowners in exchange for initiating zoning amendments to town planning schemes. It has been suggested by the UDIA that this was not a workable alternative, but I

notice that WAMA has provided most members with a paper indicating that the planning peer review panel has worked in a number of instances and has given examples of its successful operation, particularly with respect to the modification of activity in the Busselton municipality and also its impact on Joondalup and Wanneroo. However, the minister further stated that the Minister for Planning has promised local government the opportunity to try to self-regulate and it would therefore be appropriate for proclamation of those provisions to be deferred so as not to cut short that opportunity. This reform is limited in two ways to make it appeal and a further concession is made by the minister that the Government may not even utilise this provision - it will wait and see. I agree that we should wait and see whether this provision is needed. However, that will not be at the discretion of the minister but by re-submitting something substantive to this House for future legislative change.

I conclude by pointing out that the minister has significant powers with regard to this right of appeal under existing section 18 of the Town Planning and Development Act - that is colloquially known as the standover power - and that a wide scope exists there for review of unsatisfactory process. This should be adequate. It has been indicated that this section could be utilised as an alternative to what is proposed in the Bill.

As a consequence of these reservations and the case put to us by individual municipalities in opposition to this further centralisation of planning powers, and in recognition of the efforts made by the Western Australian Municipal Association and its planning peer review panel, we do not believe that this part of the Bill should be progressed. However, the remainder of the Bill contains much that commends it to the House. As a consequence, the Australian Labor Party will oppose clauses 5, 6, 11 and 12 during the committee stage. However, we are sure that the remainder of the Bill and the reforms envisaged in it are worthwhile and will be progressed.

HON J.A. SCOTT (South Metropolitan) [7.52 pm]: The approach of the Greens (WA) to this Bill is similar to that of the Australian Labor Party. Although we agree with many parts of the Bill, we oppose clauses 5 and 6 particularly because we fundamentally disagree with what the Government is trying to achieve with them; that is, to take even more power away from local government, despite the restricted power that it now has compared with the past.

Apart from the diminution of those powers and the imbalance that now exists between local and state government planning processes, the next problem is that the proposed appeal process is outside the Local Government Act. We do not see in other legislation that comes to this House that the appeal rights contained therein are given to another area of government. That is a fairly rare occurrence. We firmly believe that any appeal process should be kept within the jurisdiction of local government. A peer review panel is already in place. Many of the powers that the minister is seeking to take away from local government, or the appeal right that he is seeking to establish, whichever way one looks at it, already exist.

The minister has a number of mechanisms by which he can override local government, and he has made it clear that he is prepared to use them. The message that we were given was that if this Bill were not passed, he would be prepared to use his powers more often. That sends a message that the relationship between the State Government and local government is all about the State Government holding a big stick over local government to make it behave, without considering whether a reason to do so exists. The record shows that the Government can put forward few examples in which that sort of approach is necessary. It is not an approach which leads to good planning processes.

When an individual wants an amendment to the local scheme and that proposal is not agreed to by local government, it goes through a lengthy consultative process at local level, which must take local and regional planning views into account. The Government is proposing that that whole planning process be overridden to help somebody with a vested interest, usually to make a buck. This is against all good, orderly planning principles, and it leaves planning to the whims of individuals with vested interests. It will restrict the ability of local government to plan properly for its community, and community concerns will be overridden.

We have seen examples of the minister using his power to override local government. For instance, in the Creery wetlands in Mandurah, with which Hon John Cowdell is familiar, the overwhelming result of a referendum in that shire was that the people did not want a particular development to take place. The State Government was determined to assist the developers, and the Federal Government also may have been fairly determined to help them at that time.

Hon J.A. Cowdell: After the change of government.

Hon J.A. SCOTT: No, before the change of Government, because the Labor Government was helping out in that change of -

Hon Peter Foss: That Labor Government had no principles.

Hon J.A. SCOTT: Nor did the people it dealt with in that instance. The community had a clear view about what it wanted for its city. The minister made a bad decision to override that view and forced the Mandurah council to amend its local scheme. That was an appalling decision. Democratic process was completely lacking; in fact, it was a reversal of it.

Hon Peter Foss: Does the member think that the right of appeal to a tribunal is the reverse of the democratic process?

Hon J.A. SCOTT: The whole farce here is that the Government is putting in place a Bill which is designed to disband the town planning tribunal. We are undertaking a farcical exercise. The Government is saying that it will take an appeal right, give it to a town planning tribunal, get rid of the town planning tribunal and, lo and behold, the power will again go to the minister. This is not about a good appeals process; this is putting more power in the hands of the minister.

Hon Peter Foss: Is a court a good appeals process?

Hon J.A. SCOTT: A good appeals process would reside in the local government area. That is the area in which it should have been tackled. I am not sure whether the peer review panel is the most suitable.

Hon Peter Foss: Do you think that is an appeals process?

Hon J.A. SCOTT: It is not done in the same way as with a town planning tribunal. We are going through a period of review and a lot of changes are proposed. The minister has jumped the gun to get these extra powers by taking them away from local government. Local government and local communities have enormous concern about this proposal, not without some reason. Local communities and local government have been overridden in their desire to achieve their goals.

Hon Peter Foss: There is a legal right of appeal to an independent tribunal.

Hon J.A. SCOTT: The tribunal is independent but outside the local government area; it is in the Ministry for Planning. The Minister for Justice has appeal rights throughout the Ministry of Justice, but the appeal tribunals are not in the Ministry for Planning. Any portfolio area of government has its own internal processes. Only when people get outside those processes do they go to a court of law. That is a very expensive process which people try to avoid. The Government is saying that if an individual wants to make a fast buck out of a new proposal in a townsite, and his plans do not fit within the local town plan or the wishes of the broad community, the local community can be overridden by a tribunal that is not elected or answerable to anybody. I have a letter here which puts it fairly well.

Hon Peter Foss interjected.

The PRESIDENT: Order!

Hon J.A. SCOTT: I like to put other people's views in this Parliament because I represent other people. That is what we do here, in case the Attorney General had not noticed.

Hon Peter Foss: I thought we represented principles as well.

Hon J.A. SCOTT: I have told the Attorney General of my principles. People are saying that the State Government is getting an imbalance of power compared with local government because it is taking more and more power and is becoming a bullyboy. I understand that the Attorney General might not like this because his dictatorial attitude has recently been revealed all over the Press and he might feel fairly sensitive about it.

Several members interjected.

The PRESIDENT: Order! This is a second reading debate. I am trying to listen to Hon Jim Scott. Hon Jim Scott will address the Chair; in that way we will not have to worry about the interjections.

Hon J.A. SCOTT: I will quote from a letter from a person from Bakers Hill who wrote seeking confirmation of the Greens (WA) stance on the Planning Legislation Amendment Bill. He wrote -

At present in Bakers Hill there is a proposal for a class IV waste disposal facility. After the public dissatisfaction with the development was made clear to Toodyay Shire they passed a number of motions against developments of this sort and refused to amend their town planning scheme to allow this particular proposal to progress.

Hon Mark Nevill: Is this at Red Hill?

Hon J.A. SCOTT: No, it is another one. It continues -

At this stage there is no avenue for appealing this decision by the proponents and the EPA has suspended the assessment of the proposal.

My understanding of this amendment is that it will allow an appeal of a local authority's refusal to amend its town planning scheme to the Town Planning Appeal Tribunal and the Planning Minister will not be involved. In the broad sense this makes me very uneasy as it heads us down a path away from democracy (a system where elected representatives have ultimate responsibility) to a system where we are governed by decisions of a bureaucracy which is not answerable to the electorate. Ultimately it will have the effect of lessening the input of the community and increasing the feeling of loss of control being felt across the electorate, especially in country areas.

That is the expression of one person in the country area who is quite rightly concerned about a Government which is prepared to override local concerns. The Western Australian Municipal Association also has a great deal of concern about these clauses. It writes -

Local Government's role in the scheme amendment process is already extremely limited:

once a decision is made by a Local Government to initiate a scheme amendment (a decision Local Government is required to take without consultation with its community) the Minister for Planning now has the power to continue to progress an amendment, even if the local community is strongly opposed to the amendment.

As I have said, that has happened already - for example, with the Creery wetlands - as members will be well aware. Also, the City of Fremantle had a recent heritage battle with the Minister for Planning because the City of Fremantle has been trying to maintain its register of old and important historical buildings in its area. Even though the Minister for Planning also has the role of looking after heritage buildings, he intended to go with the developer and allow the demolition of the buildings. Luckily the City of Fremantle was able to take that matter to the courts and was successful.

Hon Peter Foss: Elected courts or local government courts?

Hon J.A. SCOTT: That was the City of Fremantle's last resort. Local government does not like having finally to go to a court because it does not have the same amount of taxpayers' money to play with as the State Government. The City of Fremantle was very cautious. In a number of instances when local councils should go to court, they do not.

Hon Peter Foss: It is good that the court intervened, is it not?

Hon J.A. SCOTT: Yes, but in this case I do not think it is quite the same as a tribunal. I have seen an example of a tribunal's work with which I was not very happy. At Margaret River a developer wanted to get an increase in the development density of land alongside the river. The council said that it did not fit within the town planning scheme. The developer said that if he did some really good things for the community, like providing a bicycle path all the way along the river to the beachfront, could he be allowed to have the extra density. The council agreed to that, whereupon he appealed to the minister, saying how terrible the council was to impose such conditions on him. The town planning tribunal thought that the poor old developer was hard done by. That is a disgrace. I would rather have local government looking after the local planning rights than somebody sitting in Perth and able to override local government. The Attorney General may disagree with that, but we come from different backgrounds. That is why I am quoting from a few articles and he is disparaging of my being representative of the community.

The next point reads -

the Ministry for Planning has advised WAMA and confirmed by the Minister at a . . . meeting in February 1998, that the Town Planning & Development Act Regulations which govern the scheme preparation and amendment process is to be reviewed within the current year;

proposed changes in the Town Planning Appeals process are currently being prepared (including the disbanding of the Town Planning Appeals Tribunal) following a report commissioned last year by the Minister which reviewed the appeals process;

I have seen, although not read, a draft copy of the report - I know it exists. The minister proposes a Bill to establish the tribunal review process although the tribunal will not be in existence when the Bill is enacted. It is a deceit on the public.

The PRESIDENT: Order, members! Minister! I am trying to listen to Hon Jim Scott. If members wish to have a private conversation, they should step outside the Chamber so, firstly, I and, secondly, the Hansard reporter can hear what is being said.

Hon J.A. SCOTT: The response continues -

there is no recommendation in the report on the appeals process suggesting the need for appeals on Local Government decisions relating to scheme amendments nor were any issues identified in the report arising from the absence of appeal rights on this issue;

a Planning Peer Review Panel is already in place to facilitate the resolution of issues applicants may have with Local Governments' decision making role in the planning process.

Planning legislation in Western Australia already provides ample scope for checks on Local Governments' performance in the scheme preparation and amendment process.

It then lists a range of checks and balances which severely restricts local government and ensures it does the right thing. In fact, it overdoes the checks and balances on local government. Frankly, these provisions are not needed. Many checks and balances are in place, and the minister has the ultimate right to override local government and to propose metropolitan region scheme amendments which come to this place. Therefore, the Bill is overkill. It is clearly designed to take away powers of local government, and to give them to the tribunal. The proposal is to get rid of the tribunal with a new Bill. The whole appeal right will then end up in the hands of the minister. That is a three-card trick, which is not good enough in a democracy.

A few shires and councils have written to me with concerns on this matter; namely, Kwinana, Canning, Bayswater and Northam. Country and city shires alike have contacted me. Other people want to see the Bill pass. For example, the Housing Industry Association wants the introduction of an appeal right against local government rezoning decisions as soon as possible. That is understandable as that body has a vested interest in that area, which probably impinges on its responsibilities. The HIA is concerned that a delay in proclamation could occur. This delay is like another big stick to be held over local council: The Government will not proclaim this measure until somebody steps out of line.

Hon Peter Foss: We could take the provision out so it comes into effect immediately.

Hon J.A. SCOTT: The whole provision needs to be removed. The Bill will not be satisfactory until that is done. The HIA fairly requested the introduction of regulations setting local government fees and charges for planning services. The HIA is concerned about the difficulty in moving between different shires where different sets of charges and costs apply to new developments in different areas. It is confusing and difficult to learn. Such regulation needs to be carefully applied. Also, it is based on principles rather than direct cost. For instance, the same type of fees should not apply to heritage buildings in Fremantle, where I live, and a new housing estate. The fee structure must be flexible, yet easily understood and translatable between similar areas. I have no problem with that part of the legislation to address those concerns.

The HIA is also concerned about the third Bill in the pipeline which will look at disbanding the tribunal. That measure will

ensure that this Bill is a waste of time as it will create a new appeal process. The Greens (WA) are very much opposed to the provisions which seek to take powers away from local government. In fact, we would like to see much more power returned to local government to enable it to protect the rights of local communities from the avaricious behaviour of State Governments at different times when looking after certain vested interests in the State. This power has been taken to meet the needs of those vested interests, even though it is against the wishes of the people who live in the area.

Some major planning changes are in the pipeline, so I am very concerned about the possible enactment of such legislation. The Fremantle Rockingham Industrial Area Regional Strategy report was released recently containing a proposal that the people of Wattleup and Hope Valley be moved out of the area to enable it to be industrialised. More than ever, we need local government to have powers so it has some equality with the State Government in the planning process. I do not suggest that a regional perspective should not apply to proper regional planning. However, it should be applied on a basis which seeks to be compatible at least with local people's wishes and concerns. That will not be possible if this Bill is passed in its current form. The Greens (WA) will support the Bill overall, but will oppose clauses 5 and 6, and clause 11 which assists to implement clauses 5 and 6.

HON NORM KELLY (East Metropolitan) [8.18 pm]: The Australian Democrats also support the Planning Legislation Amendment Bill. However, as with the Australian Labor Party and the Greens (WA), that support is dependent on certain changes being made during the committee stage. Mostly, the Bill makes positive changes to the Town Planning and Development Act and the Western Australian Planning Commission Act. It reflects the evolving nature of our planning laws. Parts of the Bill are a simple and logical extension of planning processes which apply to the metropolitan area, to country and regional areas. Widespread support is evident for most of the initiatives in the Bill, with the notable exception of the appeal right outlined in clauses 5 and 6.

Conflict often arises between the interests of the community which is represented by the democratically elected local government councils and developers who are usually represented by themselves or representative organisations such as the Urban Development Institute of Australia or the Housing Industry Association. In the middle of that conflict is the state planning legislation and planning bodies such as the Western Australian Planning Commission, the Town Planning Appeal Tribunal, the Minister for Planning and the Ministry for Planning. One of the common conflicts in developing land in this State revolves around development fees. Clause 10 deals with this issue by allowing for the setting by regulation of a fee schedule for planning matters. In proposed section 33B "planning matter" means any matter arising under the Act in relation to a town planning scheme, subdivision or approval for development. It provides a strong head of power for the minister to gazette regulations. As the minister said in his second reading speech, it is proposed to introduce a standard system to establish maximum limits to fees and charges which local governments levy for planning services. Although it is not set out in the Bill, the minister has stated that the fee schedules will be set as maximum limits only. This is to allow flexibility for local government authorities to provide incentives by way of reduced charges or by waiving all charges to encourage development where necessary. Some country towns which are struggling to maintain a population base try to attract business into their area by waiving such charges. The opposite can be said of some metropolitan councils which see the prospect of development as a way to extract much-needed revenue into council coffers, and there are cases in which councils charge extravagant fees.

The Australian Democrats applaud the Government for introducing this clause, which will limit not only the fees but also the matters for which fees can be charged. A common wording for a fee charged by local government is a community infrastructure levy, which can mean anything at all. It could mean building a local sports centre because of increased population brought about by subdivision. However, we would expect to see such levies more heavily regulated, so it is clear to all concerned why councils are charging such fees, and to make councils more accountable. It is also encouraging to see that local government authorities through their representative organisation, the Western Australian Municipal Association, have expressed total support for clause 10. A letter I received from WAMA stated that it would like to see these changes progressed without delay. Unfortunately, that letter was dated April 1998 and it is disappointing that the Government did not see fit to expedite the Bill through the Parliament, or at least those parts which have multiparty support, to bring about positive changes that we all agree are necessary in the development of this State.

Towards the end of last year the Democrats told the minister that we would support a speedy passage of the Bill as long as it could be split to put aside the contentious areas for debate in 1999. Unfortunately, that offer was not taken up. Had it been, a lot of these positive changes would already be in law.

Part 3 of the Bill, which is clauses 13 to 17, deals with amendments to the Western Australian Planning Commission Act and brings country and regional planning schemes into line with the requirements that cover the metropolitan region scheme. It is good to see that there will be consistency in our planning laws and the tools for planning across the State, even though for a lot of people in country areas it is a new idea and there may be difficulty in implementing some of these schemes. To implement these schemes the Government is proposing interim development orders to protect land which may be required to be rezoned while a regional scheme is being implemented. Bearing in mind that such implementation requires lengthy and involved public consultations before it comes into force, the interim development orders are a good way to put a hold on land which may be required for other purposes in the future. Land which is identified as being possibly needed in the future for other purposes can be declared a control area. That will limit the ability of a land owner to develop the land. The purposes for which land can be declared a control area are varied and I refer members to clause 19, which inserts new schedule 2 into the Act and lists purposes such as civic and cultural amenities, recreation areas, public utilities, special uses and water catchments. They are broad-ranging uses which if used in an incorrect way could put an overly restrictive hold on land.

The Democrats support the need for advance planning of land. The Serpentine-Jarrahdale area in my region has significant

ground water reserves which are currently zoned rural and are in danger of being more heavily developed into urban areas. Without foresight that land could be lost as a water resource of the future. It is essential that we allow for advance planning.

It is also important to consider the impact that a declaration of a control area has on landowners. Like Hon John Cowdell I have received correspondence from the Peel Action Group. Unfortunately, it has only expressed its concerns to me in recent weeks. Its members seem to be typical of landowners who suddenly see a threat to the freedom they have had to do what they want with their land and also to the value of their land. The group's submission listed some of those effects as being the uncertainty of land tenure; restriction on land use; halting of forward planning - that would be on the part of the landowners because it is opposite to the forward planning on the part of the planning bodies, which is the reason for conflict in the first place; devaluation of the land; and cessation of development or subdivision. I refer to proposed section 37A of the Western Australian Planning Commission Act. At page 36 of the Bill proposed section 37A(2)(b) states that nothing in this part affects the continuation and completion of the development of any land in a regional planning control area, including the erection, construction, alteration or carrying out, as the case requires, of any building, excavation or other works on that land, which development was lawfully being carried out, immediately before the declaration of the regional planning control area. I ask the minister at what stage development is deemed to have commenced. A large area could be developed for residential housing on a stage-by-stage basis, and one stage might be under construction while later stages had not started.

Hon Peter Foss: We should debate that in committee.

Hon NORM KELLY: I will come back to that in committee when advice will be available from the ministry's officers. It is not so much a concern but rather that clarification is sought about the degree of development that must be deemed to have commenced. In a multi-stage development, latter stages might not be through the approval process but might still be integral to the developers' plans for a financial return from the development.

I do not agree with all the arguments put forward by the Peel Action Group, but serious consideration should be given to the right of landholders to a speedy resolution process for compensation for land that is rezoned or has caveats placed upon it. The processes contained in this Bill are similar to those in existing planning legislation, but there is a danger that the compensation process could be unfair and that the process could be dragged out for many years.

Hon Peter Foss: There will be no compensation unless the clause is included.

Hon NORM KELLY: If there were no provision for compensation in the Bill the minister would have extreme difficulty gaining support for it.

Hon Peter Foss: This puts it in and that is the point of the Bill. It provides a structure for regions that is similar to the structure for the metropolitan area.

Hon NORM KELLY: The provisions in this Bill reflect the provisions that exist for the metropolitan area and it is only fair that a compensation process be put in place; however, it must be scrutinised to make sure the process is fair. Even though it may reflect the provisions for compensation in the metropolitan area at the moment, we must make sure that inadequate provisions are not carried through to the country and regional areas.

Hon Peter Foss: Unless we carry it through, there will be no compensation.

Hon NORM KELLY: I am glad the minister and I are in agreement on that point. The most contentious issue in this Bill relates to clauses 5 and 6 dealing with the appeal processes. There is a conflict between powers residing with either the minister, the appeal tribunal or the local government authority. It seems there is an underlying devaluation of the role of local government by the current State Government. That has been apparent in recent times in the privatisation of some activities of the Police Service, requiring local government to provide private security patrol services, the regulations on smoking which place an extra burden on local government, the provision for local government to collect waste levies and so on. The message being received from local government is that the State Government does not support the local government arena.

Debate on this part of the Bill is relevant more to the portfolio of the Minister for Local Government than to that of the Minister for Planning. It is a devaluation of the authority of local government rather than a matter of planning matters per se. The Australian Democrats object to the fact that the Minister for Planning has stated he will not proclaim clause 5 if the Bill is passed by the Parliament, but will hold it above the heads of local government councils, like a sword of Damocles, and will use it if one gets out of line. It is improper for this power to be used in such a way. Other processes are available. Members have referred to the process established by the Western Australian Municipal Association; that is, the planning peer review panel which, in its short history, has achieved some success. It has handled only a few cases - up to 10 - but the fact that it has been able to step in and at times reconcile differences without going through a lengthy arbitration process, indicates the need for such a panel to be established and given some authority. Should the Bill be passed in its current form but clause 5 not be proclaimed, that would diminish the value of the planning peer review panel because any powers it has would be subverted by the overriding power of the minister hanging above its head like a sword of Damocles. The planning peer review panel is composed of state and local government representatives, private planning consultants and local government planning officers. Panel members can be drawn from those with expertise that is relevant to the nature of any particular inquiry. In its short history it has achieved some good results, and the provisions in clause 5 would impair its potential because they would undermine the role of the panel.

It must be remembered that the appeal process is about amendments to town planning schemes which have already been through the public consultation process. By law, they must adhere to the metropolitan region scheme, and in future that will

also apply to country region schemes. The matters involved will have already been through the consultation process to determine the zoning required. If a developer wishes to change zoning, there must be good reason to do so. On most occasions local authorities will allow proposed amendments to be advertised so that the community has a say in whether the zoning proceeds. It is an open process and matters are dealt with at local authority meetings - whether they be full council meetings or committee meetings. Because the minister has taken away the powers of local government at later stages of the amendment process, local government is adamant in wanting to retain the last remaining vestige of control over what happens in the local government area. It is a fact that once it agrees to advertise such an amendment it loses control over the amending process. That cannot be overridden by the minister. If the provision is not passed the minister will not be left without powers. Section 18 of the Town Planning and Development Act gives the minister strong power in respect of changes to a town planning scheme. Section 18(1) states -

If the Minister is satisfied on any representation that a local government . . .

- (b) has failed to adopt any scheme proposed by owners of any land, in a case where a town planning scheme ought to be adopted; or
- (c) has refused to consent to any modifications or conditions imposed by the Minister, -

the Minister may, as the case requires, order the local government to prepare and submit for the approval of the Minister a town planning scheme, or to adopt a scheme, or to consent to the modification or conditions so inserted . . .

Hon Peter Foss: That is not a right of an individual.

Hon NORM KELLY: There is nothing to stop somebody appealing to the minister.

Hon Peter Foss: It is not a right of appeal.

Hon NORM KELLY: No, it is not a right of appeal, but as the minister as clearly stated to me, he will be keen to promote that provision of the Town Planning and Development Act. The minister is willing to use his existing power under section 18 to get around the lack of an appeal process in the Bill. Section 18(1)(a) of the Town Planning and Development Act gives the minister immense power to assume the powers of local government. They are strong powers which are rarely if ever used, which is reassuring, but I am not assured that that will continue to be the case. However, it would be a greater travesty to allow the Bill to go through in its current form to diminish even further the role of local government in the planning process. Several mayors and shire presidents have stated to me that if they lose the last remaining power in their planning process they would rather see the State Government take on all planning for local matters, because it is saying, "We don't trust you to look after matters in your own area." We are aware that the appeal processes are also under review and we await the outcome with interest.

We must remember also that town planning schemes which developers may seek to amend are in place for five years, after which they are required to undergo a review. There is an appeal power. A developer can appeal to the minister that such a review has not been undertaken. We are looking at a time span of about five years when a developer may not be happy with the current zoning of an area. As I have said, the zoning must comply with the regional scheme. Within three months of the regional scheme zoning coming into being, the local government must comply with it by amending its own town planning scheme. There is consistency of zoning.

Local councils also fear the court process, and I can understand why. In the Gosnells city area Woolworths proposed a large development in its shopping area, but it was turned down by the council because the development did not fit in with what the city was trying to do for the area, which was massive, ground-breaking planning of an area which, unfortunately, has been degraded over the past decade or so. However, there was the threat of having to go through the court process and pay a legal bill of about \$70 000 to fight Woolworths. The council had to decide whether the expenditure of \$70 000 was a good use of ratepayers' money. It bailed out at that stage, which was unfortunate. If we give away any remaining powers of local council we will seriously need to consider the role of local government in the planning process. Until the State Government is willing to consider more thoroughly the relationship between local and state planning bodies it would be irresponsible to allow such a change.

Those are the Australian Democrats' concerns and thoughts on the Bill. As I have said, the majority of the changes are positive and needed and they will strengthen our planning legislation. There is, of course, one major exception. If that provision is defeated the Bill will remain strong, if not stronger, by that deletion. The planning legislation, along with other government legislation, has been delayed and deferred - it always takes longer than originally suggested. We hope that the planning legislation consolidation, review and appeal processes will bring about a more cohesive appeal process in future.

HON PETER FOSS (East Metropolitan - Attorney General) [8.47 pm]: I thank members opposite for their useful contributions. In particular, I am grateful for their support of a major part of the Bill. Believe it or not, I am grateful also for their remarks about that part of the Bill which they cannot support. I must say that as a general rule I would have great sympathy with some of their remarks. In fact I was somewhat surprised that those remarks came from that side of the House instead of our side of the House. It is usually Governments which resist the institution of administrative appeals and Oppositions which normally insist upon them. I probably am one of those people who, generally speaking, would agree with some of the sentiments that have been expressed, particularly by Hon Jim Scott, who said that he believed that decisions were best made by elected representatives and not by an unelected group of people. That is an excellent sentiment. I agree also with the remarks of other members. I am consistent in this matter because I believe that there should be administrative appeals when there has plainly been shown to be an abuse and where plainly it can be seen that administrative appeals should be introduced, but there are other members of Parliament who, as a matter of principle, believe in administrative appeals.

I interjected on Hon John Cowdell. I thought that the Australian Labor Party actually had a policy in favour of administrative appeals. I was somewhat surprised to hear him speak in such terms, because I have always found him to be a person who consistently followed party policy on matters such as administrative appeals. I have not had the opportunity to check what Hon John Cowdell has had to say, for instance, with regard to the recommendations of the Commission on Government. I understood Hon John Cowdell to say that he will inform me on his policy later. No doubt that will be in committee. I had hoped it would be later in his speech.

While Hon John Cowdell is thinking about how he will inform the House on the Labor Government's attitude to administrative appeals, he may also refresh the memory of the House about the attitude that he took to chapters 5, 6 and 7 of the Commission on Government's report No 4, which deal with administrative review. A tremendous amount of the evidence that was cited by the commission was given by the Australian Society of Labor Lawyers. I would be interested to see whether Hon John Cowdell agrees with that evidence. One of the things that was suggested by the Society of Labor Lawyers is a method of administrative review across government. I would expect that, as a matter of principle, the Labor Party would support administrative review. I happen to know that the Greens, as a matter of principle, support not only administrative review but also third-party rights of review. The Greens are not content to say merely that every administrative decision should be subject to review. They go so far as to say that everyone should have the right to invoke that review process. I raise that matter not because I happen to agree with it, but because what Hon Jim Scott is saying appears to be totally inconsistent with the principles that are espoused by his party. I can understand that perhaps in this political system he sees an electoral advantage in gaining the support of the Western Australian Municipal Association, but I thought that the Greens would at least give some form of justification for why on this occasion, as a point of principle, they have departed from their general view about how local government and state government should operate.

Some of Hon Jim Scott's statements were quite interesting. He lost from time to time the meaning of the concept of administrative appeal. An administrative appeal does not take away a power. It gives a power of review. An administrative appeal, as his party has always put forward, allows a person against whom a decision has been made by some organ of government to have that decision reviewed not according to whim but according to law. If we, as is suggested in this Bill, provide an administrative review, we are not saying that local government does not have the power. We are not saying that in 99 cases out of 100 that will be the end of it. We are saying that a person who is aggrieved and feels wrongly done by will have the right to go to some body other than the government which has made the decision. I thought that that was a basic tenet of the Greens. I would love to hear during committee why Hon Jim Scott is prepared to throw away that basic tenet of the Greens without justification.

Hon J.A. Scott: I am not throwing it away at all. I am happy to tell you.

Hon PETER FOSS: Excellent. An administrative appeal is a decision according to law. Many people think that an expert tribunal is a sensible alternative to the courts. The point has been made that the courts are expensive. I have never heard the Greens give that as a reason that we should, for instance at the federal level, get rid of the Administrative Decisions (Judicial Review) Act, or that we should get rid of the Administrative Appeals Tribunal, which tries to provide a speedier, less formal and cheaper process.

Hon Jim Scott also suggested that it was wrong to take the tribunal out of the local government sphere and give it to the planning department. He suggested that if there were to be such a tribunal, it should be in the local government department. Most of the tribunals under the various Acts have been handed by the ministers involved to the Ministry of Justice - to me, the Attorney General - because those ministers take the view that the administrative part of the Act should be in the hands of the relevant minister, but the tribunal and the semi-judicial parts of the Act should be in the hands of the Attorney General. That move was initiated by Hon Cheryl Edwardes. I support that. I am not suggesting that all ministers should hand over their tribunals, but whenever ministers have indicated their willingness to do that, I have been quite happy to take on those tribunals, because I can see the logic of those tribunals being within the Ministry of Justice.

Hon Jim Scott suggested also that a tribunal should not make those decisions because it was not elected. I have a lot of sympathy for that point of view. I believe that it is generally a good idea for decisions to be made by elected persons. I am not sure whether Hon Jim Scott was going further and suggesting that the tribunal should be elected, which would make it a more democratically acceptable method of doing things, or merely suggesting that there should not be a tribunal. Again, it does not appear to be consistent with the Greens' point of view. I thought I would hear from Hon Jim Scott that he believed, as I have always understood the Greens to believe, that there should be a right of review of all government decisions, and that should be to a body that was independent of the government department that had made the decision. I do not really expect or want a justification from Hon Jim Scott. I intend to mark that part of *Hansard* where Hon John Cowdell, followed by Hon Jim Scott and Hon Norm Kelly, denied the fundamental principles which I have heard them espouse time and time again, even in this Chamber, with regard to the right of review. I do not wish Hon Jim Scott necessarily to resile from or justify his comments, but it is very helpful to have on the record a speech from those members that is totally inconsistent with their party principles and with what they have espoused in the past. We probably should not waste a lot of time on rationalisation, because I know what the vote will be - members will all vote against it - and we probably should hurry up and get the vote out of the way and get that provision out of the way.

Hon J.A. Cowdell: Your leader agrees!

Hon PETER FOSS: We all agree. I am pleased to have Hon John Cowdell's comments on the record, and I am particularly pleased to have Hon Jim Scott's comments on the record. Hon Jim Scott has obviously been reading some of the things that I have been saying in the press recently, because what he said is almost an exact copy of some of the things I have been saying.

Hon Norm Kelly's comments were even more fascinating, because I have always understood that the Democrats' ideal is to "keep the bastards honest". It is obviously to keep some of the bastards honest some of the time in this instance, because what he is suggesting is again a somewhat selective process of review. What party has been saying in this House continually that there should be some review and some way in which things should be looked at? What are we doing here? The idea was that it should be referred to a tribunal. Which party is saying today that it is against that idea?

Hon Norm Kelly: Not one appointed by the Government.

Hon PETER FOSS: That is an interesting concept. An elected one, perhaps, not one appointed by the Government. I do not know of any tribunals that are not appointed by the Government. I do not even know of any courts that are not appointed by the Government. They may exist, but I am not aware of them. I am not sure what process Hon Norm Kelly is suggesting. The only process I can envisage is one where tribunals are elected, and that would be interesting.

Hon Barry House: I thought Governments were elected.

Hon PETER FOSS: That is true. Governments are elected, and perhaps when they select a tribunal, that is the will of the people in operation. I am open to suggestion. I have shown myself to have an open mind on the question of elected bodies making decisions of a judicial nature. I can see arguments both for and against. I have worked in the United States of America, where the Supreme Court of the State of New York was elected. The firm with which I was working in New York was the campaign headquarters for the chief justice. That is unusual in our experience, but nonetheless it was carried out in a dignified and proper way, and there was never any suggestion that the Supreme Court of New York was in any way lesser than any court that had been appointed by any other process. The Supreme Court of New York is highly respected, and the chief justice of New York was also highly respected. I have an open mind on that matter. I am not advocating it, but I am interested that Hon Norm Kelly should be qualifying his views as to what sort of tribunal it should be.

Hon Norm Kelly said also that it is a devaluation of the role of local government to have a tribunal. I will record that comment, because every time there is any suggestion that there should be a right of review, it will be interesting to note that he believes it is a devaluation of the role of that decision making authority.

Frankly, I would have thought it was an affirmation under some circumstances because it is assumed that if one appeals one will succeed. Of course, Hon Jim Scott knew that the only reason people wanted to appeal was so that they could absolutely devastate the countryside by covering it in houses. It never occurred to him that perhaps the right of appeal might have another effect. When the Greens (WA) appeal, it is always for the benefit of the countryside; if anyone else appeals it is always to the detriment of the countryside. Hon Jim Scott must be consistent. He must either believe or not believe in a right.

Hon J.A. Scott interjected.

Hon PETER FOSS: He cannot adjust his point of view depending on who he thinks will appeal. It is clear that Hon Jim Scott is against this right of appeal because of who he thinks will use it. If he thought that the Greens would use it or if there was a third party right of appeal, we might find a different state of affairs altogether. If we were to insert a third party right of appeal for everybody, when Hon Jim Scott did not like the appeal, suddenly we would find him in there batting for it. However, there was nothing in his speech that showed any logic for that. The arguments he submitted for his opposition to it would apply equally even when there is a third party right of appeal. The problem is he has departed from his principle; he has not even bothered to acknowledge that he has that principle; and he is now hoist with his own petard because he has said something contrary to the Greens' point of view. I note by his interjections that he would support a third party right of appeal.

Where is his consistency? Why is it suddenly not taking away a power of local government? Why is it suddenly not the State Government taking over local government when it is a third party right of appeal against an allowed subdivision? Suddenly, it becomes acceptable. Hon Jim Scott is showing slight inconsistency here - he likes it when it gives him a right of appeal; he does not like it when it gives somebody else a right of appeal.

The other interesting thing is the statement by Hon Norm Kelly that section 18 could be used. I interjected on him to ensure that he was not referring to a legal right and he conceded that it is not. Section 18 is a power in the minister. It is funny to hear that in the light of all the other arguments suggesting that the State Government is taking over from local government. Suddenly we are told the saviour is section 18 which does give the minister power.

Hon Norm Kelly: I did not say that it is the saviour. I said that the Minister for Planning said he would promote the use of section 18 so that developers can find a loophole around the existing legislation. The Minister for Planning will promote it as a substitute.

Hon PETER FOSS: But it is not a substitute for a legal right. I am not asking Hon Norm Kelly to justify himself because he cannot do so. I am happy to hear him so inconsistently on the record suggesting that section 18 is a substitute for a legal right. It is something granted by grace of the minister.

Hon Norm Kelly: Your own minister is suggesting it as a substitute.

Hon PETER FOSS: No, he is not.

Hon Norm Kelly: Yes, he is.

Hon PETER FOSS: He is saying how he intends to use it. It is not a substitute for a legal right; Hon Norm Kelly knows that. The next time he suggests that we should have a legal right to do this or that, I will ask why we should not instead have

a right in the minister to initiate it by ministerial fiat. Hon Norm Kelly was the one who said it and I will make sure he remembers it because what he proposes is not a substitute for a legal right. He said that one has to wait only five years at the most. What a wonderful suggestion that is. For example, let us assume that in an application for rezoning, he had a successful appeal because proper administrative law stated that the appropriate decision was in his favour. That is all a tribunal does. A tribunal is not something whimsical; it looks at whether in law one should have been entitled to that alternative decision according to principles of law. Hon Norm Kelly is saying, notwithstanding that at law it is right and proper according to principle and arbitrary to be denied it, one has to wait only five years for it to be fixed up. I can tell members about that as I know a little about this matter. Admittedly, the law has changed for the better since this happened. However, I will give a few examples which Hon Richard Lewis gave to the Commission on Government. These are examples of which I have personal knowledge. As we all know, the metropolitan region scheme dictates the method by which a local government scheme should be implemented. In other words, it should conform to the metropolitan region scheme. It does not mean that it dictates every single part of it; it just cannot be inconsistent with it.

I acted for someone who had a development within the City of Wanneroo and that person wished to develop his land. The land under the metropolitan region scheme had been zoned urban for about 12 or 15 years. It was zoned rural under the town planning scheme of the City of Wanneroo. While it was zoned rural, obviously, that person could not subdivide. One might ask how that can be. In the relationship between town planning schemes and metropolitan region schemes the fact is that although the town planning scheme exists, it overrides the metropolitan scheme. It is only when the next one is brought down that it must be in conformance with it. However, the one that counts while it exists is the town planning scheme.

Hon Norm Kelly: You are talking about the old one. That is not the current one.

Hon PETER FOSS: No, it is still current law. It has to be amended to be brought in line. Then the new town planning scheme will conform with the metropolitan region scheme and even though it overrides the metropolitan region scheme, it is consistent with it. The provision to deal with that has been tightened up over a period of time for obvious reasons. The problem was that the Wanneroo City Council used to say, "We will rezone it for you; however, it will cost you plenty." Because it had not been brought into line, it used its powers to extort - and I use that word advisedly - significant amounts of money out of developers; and it made no secret of it. It was disgraceful and it was done advisedly. Even though the Act said it had to review its town planning scheme every five years, the fact is that Wanneroo council did not do so.

Hon Norm Kelly: That is why we have clause 10 for setting fees so that it cannot do that any more.

Hon PETER FOSS: That is only for setting fees. That case was some time ago. The interesting thing about it is there are some recent examples. In 1995 the Augusta-Margaret River Shire Council required a \$1 200 per lot levy for community facilities within the Georgette Park for rezoning. That was an extortion.

Hon Norm Kelly: That is what clause 10 does.

Hon PETER FOSS: Clause 10 does not do that.

The PRESIDENT: Order! Members can discuss clause 10 during the committee stage. This is the second reading debate.

Hon PETER FOSS: In 1996, the same council accepted five lots of land from the Gnarabup Beach estate development to allow the developer to create seven additional lots. The lots to be given to council had previously been earmarked for public open space.

In 1995 the Busselton council "negotiated" betterment contracts with two of three owners who were to sell land to the council for the Busselton airport. Once the airport was built, the owners stood to gain from increased development potential so council would place a levy on any subdivision in the area.

In 1995, the Albany Shire Council had conditions and amendments to rezone land that are either not acceptable or, more appropriately, considered as conditions of subdivision; that is, provision of firefighting equipment, community facilities and road upgrading. The council's chief executive officer publicly stated that it would establish commercial agreements with developers to bypass the minister's scrutiny at the time of considering final approval of rezonings. These cases were all in 1995 and 1996, and they are contained in a submission by Hon Richard Lewis to the Commission on Government in that year.

It is interesting that Shire of Serpentine-Jarrahdale was one of those involved. In 1995, it was an example of why subdivisional conditions could not be applied at the time of rezoning. Council sought a standard contribution of \$2 000 per lot on all subdivisions, for road upgrades. The WA Planning Commission would not impose an arbitrary figure and advised that council must demonstrate a need for upgrading and the relevant cost. Furthermore, if such a condition was imposed at the subdivisional stage, a right of appeal existed to test reasonableness.

The important thing about this is that it was stated in a Serpentine-Jarrahdale case many years ago that councils were not allowed to extort that sort of toll on subdivisions, and the Supreme Court struck that down. A provision had to be put in the Town Planning and Development Act to allow a certain number of conditions for public open space and so forth as a result of that case. It is interesting to see that is still happening in this day and age. The fact is that a number of councils see this not as a decision to be made according to the merits, on principle and according to law, but as an opportunity to extort something. The example given by Hon Norm Kelly happens to be one of those because, in that instance, the council had no objection to what the developer would do; it just wanted to have something else given to it as a condition of it. That is not the reason for the provision of the power. The power is given for occasions when it is thought to be correct. It is not an opportunity to extort something.

Hon Norm Kelly interjected.

Hon PETER FOSS: No, the member has given a clear example of the sort of extortion that takes place.

Hon Norm Kelly: That is why I said another part of the Bill expressly stipulates it cannot be done.

Hon PETER FOSS: It deals with the fees that can be charged. It does not deal with the bribes and extortion that can take place as part of the process. One of the things that Hon Norm Kelly does not seem to be agreeing with is the need in this case for a right of appeal. I have considerable sympathy with the member's point of view. I believe that in most cases the decision should be made by the body of elected representatives. I do not have any problem with it. I believe it is something to be decided by it, as opposed to the bureaucrats. I have no quarrel with Hon John Cowdell, Hon Jim Scott and Hon Norm Kelly in their general statements. I find it extraordinary that they seem to be espousing things which I believe are contrary to that which I have always heard them and their parties espouse in terms of legal rights, as opposed to some form of informal right through a minister.

It was suggested by Hon Jim Scott that the minister intended to abolish the tribunal. Hon Jim Scott knows well that the minister cannot abolish the tribunal; only the Parliament can abolish the tribunal, but the minister is putting forward something to the contrary. He is proposing a system whereby the easy use of the minister as a place for appeal is replaced by a regular tribunal type body; something which is independent of the minister. Somebody was applauding the idea of more appeals to the minister. I think that appeals to the minister are a very good idea, but that appears to be contrary to the principles usually espoused by the parties opposite that there should be an administrative ministerial decision on appeal from a local government body as opposed to an appeal before a tribunal. I find it extraordinary that members opposite should be espousing that as opposed to espousing a tribunal. I assure Hon Jim Scott that there is a proposal for the legislation, but rather than abolishing appeals through an independent body and referring them to a minister instead, it is to remove the right to go to a minister except on matters of state interest, so the principal body will be a tribunal rather than the minister.

Hon J.A. Scott: Isn't there a Bill to get rid of the tribunal?

Hon PETER FOSS: It is to set up an appeals authority and leave the minister out of appeals. The minister will not be the person who makes the decisions on the appeals.

Hon J.A. Scott: Instead of a tribunal.

Hon PETER FOSS: Instead of the minister too.

Hon Norm Kelly: An authority rather than a tribunal.

Hon PETER FOSS: Yes. The other extraordinary statement made by Hon Jim Scott was that local government matters should not be appealed to another level of government. We already have numerous appeals to another level of government - appeals to the Minister for Planning and to the tribunal on every other aspect - yet for some reason he seems to think that on this occasion that is not appropriate.

I accept that this provision is doomed to defeat. It is clear that in pushing aside all principle, pushing aside all past history, pushing aside all the matters we have heard from members opposite in the past, letting it fall on the floor and instead cater to the concerns of local government, a right to have a decision reviewed according to the law in principle will not be approved. I find that sad despite my general sympathy for some of the sentiments. However, I am pleased to have on the record this wonderful example of total inconsistency on the part of every one of the parties opposite, thrusting aside all the views they have had in the past, and doing this bit of legislation in because it happens to suit them in this case. I bow to the inevitable, but I criticise them for it. I commend the Bill in its entirety to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Mark Nevill) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon J.A. COWDELL: Some concern had been expressed about this clause in terms of the potential sword of Damocles hanging over the head of local government. I believe the defeat of clauses 5 and 6 will solve the problem.

Hon NORM KELLY: Given that the matters in clauses 5 and 6 which the minister has said will be left unproclaimed will be debated later, I suggest that we defer consideration of clause 2 until the end of the Bill at which time we would have debated clauses 5 and 6.

Hon PETER FOSS: That is a very sensible suggestion. I would not want to presume that the Committee will defeat or otherwise deal with those clauses. I probably should have said in my reply that I accept the criticism of the Opposition with regard to leaving clauses unproclaimed. It may be that if the Committee were minded to keep those clauses in, they would like to disagree with the minister indefinitely deferring the proclamation of those clauses and put into clause 2 a requirement that it be proclaimed within a period. I admit that that would be a fair amendment and one I would have to accept. In light

of the fact that the Committee may accept clauses 5 and 6 provided this change to clause 2 is made, the suggestion of Hon Norm Kelly is sensible. Were he minded to move an amendment to clause 2 to provide that those clauses come into effect after a fixed period, I would accept that. However, in the meantime I propose that this clause be postponed until the end of the Bill.

Further consideration of the clause postponed until after consideration of clause 19, on motion by Hon Peter Foss (Attorney General).

Clauses 3 and 4 put and passed.

Clause 5: Section 7 amended -

Hon J.A. COWDELL: This is the one of the two clauses that gives effect to the Government's stated intention in the minister's second reading speech. That is a right of appeal to the Town Planning Appeal Tribunal against a decision of a local government to not initiate an amendment to its town planning scheme or against any conditions or requirements a local government seeks to impose upon such a decision. The Australian Labor Party opposes this appeal right on the basis that it becomes a procedure for overriding local sentiment. In order to do this, it would have to be proven that local option is in fact local abuse and I do not think that situation has been established. The Government is tentative in terms of this clause, saying that it may or may not use it depending on the situation. It is open to persuasion to use it or not to use it. I say to the Government that if it is in a situation to be able to come back and prove local abuse without redress, the Opposition would most certainly act.

The Government has not established that situation at the moment, and therefore we should not pass this clause which effectively overrides local option. Therefore, the Australian Labor Party will oppose clause 5.

Hon J.A. SCOTT: As I have already stated, the Greens (WA) also oppose clause 5. Our doing so is not inconsistent with our principles. The minister challenged me to point out how it was in accordance with them. It is easy to do that because the Greens have a basic precept which involves participatory democracy. This ensures that the people who are affected by decisions have a say in them. This clause takes away the rights of communities which will be affected by developments to have any say at all. Because the minister cannot see a way to address that issue and still provide some type of administrative review, it does not mean that the Greens cannot. The problem from my point of view is that that local content is taken away. The minister is not prepared to put in place a board or a tribunal which comprises people from a local precinct committee, for instance, to oversee matters to ensure that the representation of that community group is upheld. He is interested only in having somebody from outside that area who has no understanding whatsoever of local conditions. There are many ways in which an administrative review process could be set up under local government, just as it has been set up under the Minister for Planning. That is not discordant with our principles and philosophies. I do not want these powers to go to the Minister for Planning because on many occasions bad decisions which affect local communities have been made at the higher level. Sometimes those decisions are based on regional needs, but more often they are based on looking after vested interests, as occurred with the Creery wetlands, which decision was totally against the view not only of the local community but also of the wider community of Western Australia.

Further, if these powers are to be with the Minister for Planning, I can only accept his word that he will take himself out of the process. I am pleased about that, because I understood that the tribunal would be disbanded - which the minister has confirmed - and replaced by an authority. The make-up of that authority would be important. Surely a Bill containing a provision to that effect should have been introduced into this place first. If individuals or landholders are to go to the authority, surely it should be in existence. Does it mean that another Bill giving effect to that change will need to be introduced at a later stage? The Government has taken the wrong approach. If members had known the make-up of that authority, we might have had some sympathy with the minister's point of view. However, the way in which this is being done seems extremely suspicious. I do not want the Minister for Planning to have appeal rights, because corruption is more likely to occur at state government level than at local government level. I ask the minister to examine the party donations to ascertain how many are pouring into the Government from developers and people like that who might use this clause in the future should it be put in place. Our opposition is not discordant with our principles. The minister has simply not been able to see that there are other ways in which an administrative review could be set up. I am still firmly opposed to this Bill and I am convinced that disputes could be handled by a body set up under the Local Government Act which provided a true administrative review process.

Hon PETER FOSS: The member seems to have failed to understand that this does not take the decision away totally. The Act says that the application goes to the tribunal. There is no suggestion that we will do something to Hon Jim Scott to force him to agree to change it to something else. I am sure that if there were some suggestion to send it to some other body, he would make his views clear at that time, as would the Labor Party and other elements in this Parliament. It says that it goes to the tribunal. The tribunal is independent. It decides whether the application has merit so that it should go to advertising. Once it is advertised, the community has the right to have its say. The extraordinary idea of having a precinct committee to do it is interesting. The member would accept that local government should be under some form of review. However, he is suggesting that an appeal should be made to something else called a precinct committee. I am not sure whether the precinct committee would be elected and whether it would be elected in the same way and at the same time as local government. It ends up in a rather peculiar situation.

Hon J.A. Scott: I said the community should be represented.

Hon PETER FOSS: I look forward to seeing, when the Minister for Planning introduces some town planning legislation for some formal appeal, how the member suggests that should be amended to provide on an independent tribunal the sort

of community representation which the member thinks should be there and how such representatives are appointed. The member is being totally inconsistent in that, instead of providing a legal right to have administrative decisions reviewed so that matters are subject to principle and law, he is prepared to allow them to be totally decided by elected representatives. I note his attitude. In some way I applaud it. I hope to see it continue in a consistent manner with other legislation before this Chamber. If the member adopts that attitude consistently, we may find ourselves agreeing more than we are currently. If he looks at the legislation, he will find that it does not take the decision away but merely allows the principle and the merits to be reviewed. It then goes through that public process where participatory democracy can apply and local people can be heard on that proposal for rezoning.

Hon NORM KELLY: I agree with Hon Jim Scott's comments that when it comes to administrative review, it is more a matter for the Minister for Local Government than for the Minister for Planning or a planning tribunal. The examples to which the Attorney General referred are examples of extortion. If a local government authority were to operate in that manner, it is extremely likely that it would do so in that manner not only on planning matters but also in other areas of local government. If there were an appeal process against what the Attorney General mentioned as an extortion matter, an appeal might go to an appeals tribunal with expertise in planning. An appeals tribunal might determine quite rightly that the council had been wrong and would correct it, but the underlying theme of corruption in that council would not be directly addressed. That would be more directly addressed if it were to go through local government administration avenues. It is quite definitely a case where we should be looking at the administration of local government authorities and the administrative review of their decisions, whether in planning or whatever. That reinforces the fact that this is the wrong place in which to put this.

Earlier the Attorney General referred to cases where councils can extort money from a developer's application. Clause 5 amends section 7 of the Town Planning and Development Act by inserting various sections, and proposed section (1f)(c) states -

require an undertaking or impose any other requirement in connection with the preparation of the amendment or the taking of a requisite step,

I imagine that is what the Attorney General was referring to when referring to those cases of extortion. However, as I tried to say through interjection, clause 10 of the Bill relates to local government. I will refer briefly to clause 10 because it is related to this issue. Proposed section 33B(3) states -

A local government shall not . . .

(b) require payment for costs and expenses incurred by the local government in providing a service in relation to a planning matter,

I feel that that also covers what the Attorney General was stating before. I am happy for him in response to state why it is not the case. In a sense the Government is barking up the wrong tree in trying to attack problems that occur from time to time in some local government bodies. Some may argue that even though they may be democratically elected bodies, they are democratically elected by an extremely small percentage of constituents in their areas. That has now been corrected to some extent with the increased participation in local government elections. However, the Government is going about this the wrong way. It is not trying to look at local government administration in a holistic way. It is stamping down on one particularly pertinent area where big dollars are involved. One has only to look at the number of developers and real estate agents on local councils to understand the importance of having other representatives on local councils when it comes to planning matters. I quite accept that. In some councils the process has not been used in a correct way. I do not believe that the inclusion of this clause in planning legislation is the best way to go about protecting people from cases of maladministration in local government.

Hon PETER FOSS: The clause suggested as addressing the problem to which I referred does not do anything of the sort. It deals with payments for services; for example, if someone had a report or a survey carried out, that would be covered by this clause. It does not deal with straight-out payments for demands for infrastructure or otherwise. I do not think it will be all that easy to legislate for that.

The member's other argument was somewhat unusual. He said that if this were happening in this area, it would be happening in other areas. The areas in which it is not happening are those areas which are subject to appeal. The reason it is not happening in those areas is that it is subject to appeal and the reason it is happening in this area is that it is not subject to appeal. Unfortunately, the examples I gave the member were: That people have an absolute right to give or not give a valuable right; that they are not obliged to justify it in any manner; that they can withhold it or not; and that they can ask for a favour for the council - obviously it would be different if people asked for a favour for themselves as individuals - as a price for doing it. The difficulty is that the effect is somewhat insidious. I know of many people who would rather not get the council on the wrong side. Unless people can be certain of some form of redress, because they are so dependent on the council, they cannot make complaints. The fact that we currently have so many complaints is indicative of the reach of the practice. If one assumes - I think fairly - that only a few people afflicted are free enough to come forward and complain about it, the problem is probably considerably larger than the number of examples I gave. The number of examples I gave is enough to justify the principle. I am not wedded to administrative appeals. Hon John Cowdell said that he would support them if an abuse were proven. We have provided documentation to Hon John Cowdell's party. His colleague Dr Edwards has a copy of the letter, which is stamped confidential, so the member's party has a copy of the letter. If the member wishes to take some more expert advice on it, he may wish to take advice of the legal experts in his party. I am sure they would be able to give him a quite independent view of those happenings. Quite apart from that, I am happy to suggest that he take the advice of Hon Nick Griffiths as to whether he thinks it is of concern and whether he believes that there might be an

administrative appeal. I do not know whether Hon Nick Griffiths is a member of the Australian Society of Labor Lawyers. I know its views on administrative appeals. However, quite apart from that membership - if he has it - he may have his own quite independent views on these matters.

Hon Norm Kelly's solution is a little simplistic: He claims that if it happens here, it should happen elsewhere. It does not happen if a right of appeal exists because of that right of appeal. One can make the extortion only when one knows one has an absolute right to refuse. The very existence of that absolute right gives rise to the abuse. I am a little concerned. I know what will happen and perhaps we should move on. I do not accept the arguments proposed. If we give an absolute power, the abuse of which I have given examples will be allowed. We should act to prevent such abuse.

Hon J.A. SCOTT: I am interested in the minister's proposal and a number of the examples he gave. Unfortunately, he read them a little quickly for me to properly hear them. My concern is that it is fairly hard to discern in the examples I heard whether a developer offered, or a council asked for, a sweetener. Certainly, in the example to which I referred earlier, a developer proposed a sweetener to a council in order to obtain a better density ratio. He then complained to the minister after the council had accepted his sweetener; that was the risible part. Therefore, the council was blamed by the minister for the process. It is more likely that someone who will make money out of this process will be offering sweeteners, bribes or whatever members would like to call them. I am sure an inducement may be reasonable if it is in the community's interests. If a developer is required to do something for the community before he is provided with a more dense rating for his property, the surrounding community will be affected in many ways.

A downside will be involved. For instance, a more dense rating will lead to more traffic passing in and out of an area. More than likely, it will be more costly for the council to look after those areas. I am not enamoured of some of the minister's examples. I have not read them and would like to look at them in detail to see what was involved. I bet that some of those inducements came equally from the other side of the equation.

Hon PETER FOSS: I am happy to provide copies of those examples on a confidential basis to Hon Jim Scott and Hon Norm Kelly. I assumed that Hon John Cowdell already had a copy from his colleague, but perhaps I should provide him with a copy if it was not passed on to him. In each of those examples, the requirement was imposed on a developer against his will. The important aspect is that it is far too easy with an unequal position to pose something as a sweetener; in other words, suggesting that it was offered by the developer.

Lloyd v Robinson, the 1962 High Court case, indicated such matters: No conditions which are extraneous to the planning principles involved should be included in such arrangements. It is important to keep such matters out of the process. Whether it is offered by the developer or demanded by the council, such inducements should not be included. It would all be too easy to say, "We will not do anything until you offer it." That would be an easy way around corrupt practices if members made a distinction between offering and demanding. In each case to which I referred, the complaint was made because the demand was insisted upon by the council, and the developer was not to get what was wanted unless he was prepared to grant that item.

The member's distinction is wrong. It is not consistent with High Court authority and would too easily be open to abuse by councils saying that nothing would be done unless the inducement was offered. Let us move on. Our positions are clear. Members opposite oppose the clause. They are wrong, but the situation is on the record.

Hon NORM KELLY: I have cited some of the minister's examples previously in my dealings with the ministry. Without going into detail on them, they highlight the need for local government to be able to levy fees relating to developments where a flow-on cost in infrastructure provision is borne by the council. For example, if a residential area increases in size, related infrastructure is needed. Local government should be in a position to dictate the facilities it can provide to the local community. Councils should have the power to determine what accompanies any changes in the local community resulting from a development. If an area is under serviced by facilities, the usual complaint is that local councils take the opportunity to top up on facilities by way of a developer when the council has neglected to provide the facilities in the first place. Arguments then arise about whether the facilities were not provided as a result of a lack of state or local government funding. I appreciate the minister's providing the details, but I am not convinced that they provide a sufficiently strong argument to support the passage of this clause.

Hon PETER FOSS: The principle Hon Norm Kelly enunciated has been accepted in the Lloyd v Robinson 1962 High Court case. If a demand is created on a subdivision, it is appropriate to require from the developer something which meets that demand. That is dealt with, and can be picked up when the subdivision occurs. The High Court said one cannot go beyond the demand created by the subdivision, and it is illegal to do otherwise. The member's point is met by subdivisions made in the area. Having had the brake put on their operations by that court case, councils went upstream and made extortions at the right to rezone level. Councils are evading that limitation of reasonableness and proportionality which is imposed on them in cases of subdivision by trying to get such requirements out of the developer at the rezoning stage. The principle outlined is accepted, acceptable and applied. That is what the High Court said. I hope the member agrees that it must be proportional, must be related to the extra burden on the council, and must not go beyond it and bring in matters that are unrelated to the particular proposition. The Government has said that there are examples in which councils without any proportionality or any real right are making demands in order to exercise a power they have. That is why I believe that all of the member's arguments can be adequately dealt with at the stage of subdivision, where there will be appropriate recompense to councils and there should not be an arbitrary deprivation of rights in order to exercise a power properly. I do not see how anybody could object to our asking a council to exercise a power according to the law and according to the principle. That is all this clause does; it provides that an independent body - the Town Planning Appeal Tribunal - makes the decision as to law and principle and it does that in accordance with the law.

Hon J.A. SCOTT: Having read the first two examples, I was not sure that they were not linked to a planning issue that I am familiar with, in which my local council was proposing to approve a particular subdivision so the proponent could build a hotel. However, that subdivision would take up a popular beach area where young surfers gathered. The young people marched into the council with placards and demanded that the council stick up for the community's rights. The council then tried to take on the minister but its powers did not match the minister's. That being the case, I hardly see that as totally the fault of the council when it was trying to achieve what the local community wanted, and very much popularly so.

Hon PETER FOSS: If that is correct, that is an extraordinary proposition. Hon Jim Scott appears to be saying that young surfers who insisted on the right to use private land - from which they obviously could have been excluded had the owner wished - should be compensated for no longer being able to use private land and the council would be justified in taking money off the landowner and using that to acquire other land for surfers' purposes.

Hon J.A. Scott: It was not an appropriate place for a hotel.

Hon PETER FOSS: Hon Jim Scott said it was used by the surfers and therefore he would take away the rights of that owner simply because the surfers had been using that land unlawfully, and it is appropriate in order to get rezoning approval that there should be some form of exaction to make up for the fact they could no longer unlawfully use that land. That proposition is unacceptable.

Clause put and a division taken with the following result -

Ayes (13)

Hon M.J. Criddle
Hon Dexter Davies
Hon Max Evans
Hon Peter Foss

Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery

Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien

Hon B.M. Scott
Hon Greg Smith
Hon B.K. Donaldson (*Teller*)

Noes (14)

Hon J.A. Cowdell
Hon E.R.J. Dermer
Hon N.D. Griffiths
Hon John Halden

Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill

Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Clause thus negated.

Progress reported and leave granted to sit again, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.56 pm]: I move -

That the House do now adjourn.

Perth International Airport - Adjournment Debate

HON SIMON O'BRIEN (South Metropolitan) [9.57 pm]: I inform the House of a development which is causing a great deal of concern among many people in the City of Canning.

As a local parliamentary member, I was approached to take up the issue by the Mayor of the City of Canning, Dr Mick Lekias, and also by a councillor of the City of Canning, a former mayor, Councillor Stuart Clark. Because of their level of concern, they want as many parliamentary members as possible to be aware of the problems and the conflict which is occurring between this local government municipality and a federal government department and a corporation which operates at a federal level.

Currently, a draft master plan and environmental strategy for the Perth International Airport is awaiting approval at the office of the federal Minister for Transport and Regional Development, Hon John Anderson. There are a few aspects to this issue, so I will summarise it and distill it to its key points of concern. Westralia Airports Corporation is the operator of the Perth International Airport and it submitted a draft master plan to the then federal Minister for Transport and Regional Development, Hon Mark Vaile, in 1998. I understand that the draft master plan was rejected by Minister Vaile on the ground that the noise evaluation system referred to in the accompanying report showed concept noise levels, as opposed to the forecast noise levels which are endorsed by Airservices Australia, the federal agency responsible for evaluating such matters. The draft master plan was resubmitted to the current minister, Mr Anderson, in February 1999 and it incorporated a revised noise forecast which showed a dramatic increase in the forecast noise levels and in the areas that would be affected. The minister has indicated that he will make a decision on the draft master plan by 18 May 1999.

The City of Canning has a number of concerns that I will not go into now, but its key concerns are, firstly, that the draft master plan does not incorporate any noise management strategy, provision for noise amelioration or compensation for those homes affected by hazardous levels of aircraft noise. Secondly, Westralia Airports Corporation has told the council that it does not consider it necessary for a noise management committee, which would include council representation, to be set up before the draft master plan is approved. Therefore, it would be trying to address the problems after the plan had been set in place. The Canning City Council has written to the federal Minister for Transport seeking a delay in the approval of the draft master plan - I am relying on information provided by Mayor Lekias - so that consultation can take place and a noise management strategy can be established before the draft master plan is approved. That seems eminently reasonable.

Another factor of concern is that two state government agencies might be adversely affected by the whole process. Firstly, the Water Corporation has spent \$27m on its infill sewerage project in the City of Canning, and about \$9m of that has been spent in areas most likely to be affected by these noise levels which exceed level 25 Australian noise exposure forecast contours. If those areas prove to be partly or largely uninhabitable because of aircraft noise levels, that raises important questions about the investment by the Water Corporation. Secondly, Homeswest also is likely to be seriously affected if the problem is not addressed. I understand it is ready to call for tenders for the project management of a high quality housing redevelopment in Queens Park, one of the areas worst affected by aircraft noise under the proposal. This housing redevelopment is designated the Queens Park New Living project and I am advised, through the City of Canning, that it has received written notice from Mr Greg Joyce, Executive Director of Homeswest, that not only is Homeswest ready to call for tenders, but also that the issue of aircraft noise is of real concern to that organisation.

I am advised by Mayor Lekias that Mr Joyce wrote to the council stating: My understanding of the noise footprint is that development is not permissible within the 25 ANEF and above and hence the proposal, in its current form, effectively thwarts the impending development. That would be a disaster for the area. Mr Joyce also wrote: Homeswest appreciates the opportunity to participate in the debate on this issue, and will be participating in the process against Westralia Airports Corporation and Airservices Australia. It must be particularly serious if a person such as Greg Joyce is publicly aligning Homeswest with the City of Canning against these federal and national bodies. It is a serious problem and it boils down to obstinacy and a failure in matters of common courtesy and commonsense by the instrumentalities involved.

I wrote to Minister Anderson, on behalf of the City of Canning, on 26 March and pointed out that the City of Canning is a significant stakeholder in the Perth International Airport's draft master plan and environmental strategy and that it had communicated with his office on several occasions and had received no acknowledgment. I stated that I shared the city's concerns that its submissions, objections and requests for active consultation had not been acknowledged, much less acted upon. I also wrote that greater concern was the apparent unwillingness of Westralia Airports Corporation or the federal Department of Transport and Regional Services to enter into any meaningful consultation with the city council. I indicated that the situation reflected poorly on a process which was intended to produce such an important document as an international airport master plan and environmental strategy, and that in my view the process would be improved and the final product would possess more credibility if WAC and the department were required to consult more actively and sincerely with the City of Canning.

I repeat those comments to the House because I think members should be well and truly aware of the situation. It is not good enough. I call on Hon John Anderson, as the minister responsible, to heed the call of the people of Canning, which will be expressed at another public meeting on Thursday, 22 April. I hope he will come to understand that this issue is very important to the council and the people of the City of Canning. Tens of thousands of people are affected, and their concerns should not be taken lightly. I hope my colleagues will join me in expressing the firm view that the concerns of our citizens should not be taken lightly on such an important matter which will affect their future.

Prison Cells - Adjournment Debate

HON JOHN HALDEN (South Metropolitan) [10.08 pm]: I know I will send fear and trepidation across the House because I must raise a matter with the Minister for Justice. I know I can expect a lecture from him of enormous proportions which will last at least 10 minutes, but I am reassured by the time limit. I do not know whether the minister can answer this query now and I do not expect him to provide one.

Hon Ken Travers: It will not stop him.

Hon JOHN HALDEN: No, we have come to that view. Today in question time I asked a question about the construction costs of the sea containers to be used for cells at the Canning Vale Prison. The minister's response was that there had been a blow-out in costs and they had increased from the original estimate of \$4.4m to \$5.1m, an increase of approximately 20 per cent. I acknowledge that I knew the answer before I asked the question, so I understood that that would be the answer. However, I was surprised to learn that the original cost was \$4.4m. I referred to a number of press stories in *The West Australian* - I do not want a lecture from the minister at this point about inaccurate reports in *The West Australian* - and they all stated that the minister originally said this project would cost \$3.5m. Therefore, if the minister's original comments were reported correctly, the blow-out in costs is in the vicinity of 50 per cent, rather than the 20 per cent reflected in the answer given today.

I do not suggest, by the way, that the minister in any way deliberately misled the House. I am asking the minister - not at this moment because I do not know whether that would be fair - to clarify the matter. It is of some interest to me that the cost of that sea-container cell block is almost at the point at which it would have been cheaper to build cells out of bricks, tiles and mortar rather than -

Hon Ken Travers interjected.

Hon JOHN HALDEN: Let us not go on with that, for everyone's sake. There seems to be an inaccuracy somewhere. I commented to *The West Australian* on the basis of what I read as the minister's comments earlier this year, but I am happy, if the minister wants me to do so in future, to correct the record to support or not support him. However, in fairness to the minister, bearing in mind what is likely to appear in tomorrow's edition of *The West Australian*, I thought that I should advise him and, if there is an incorrect comment, give him the opportunity to correct the record at the earliest opportunity.

HON PETER FOSS (East Metropolitan - Attorney General) [10.10 pm]: The interesting thing is that shortly after question time began I received another set of answers which indicated that there had been no blow-out in costs, which is rather curious. My understanding - I will check it - is that the earlier figure was the estimated figure of the cost, whereas the \$4.4m,

as I understand it, is the contract cost. Of course, there is a difference between what is estimated and what is contracted for. I was not prepared to give an answer that there had been no over-run after I had received an answer that there had been an over-run. I thought that it was safer to say that there had been and I could always come back if there had not been and tell Hon John Halden the good news, whereas I did not want to come back and tell him the bad news.

Hon Ken Travers: You will tell us next week that you are saving the money.

Hon PETER FOSS: No. The point is important. I understand that what has happened has been a change in the scope of work, but I will find out precisely because I have had several different accounts as to what the situation is. Certainly, the point that Hon John Halden raises is the difference between the in-house estimate and the actual contract cost. His point about the difference in cost is quite right. The difference between temporary cells and a permanent building is the retrieval cost if we wish to move them. So there is not a major saving in the cost of construction, but in the cost of construction, if we wish to move them, it is likely that we could recoup at least \$2m of that cost. Of course, if we make a permanent addition a temporary addition, the problem is that we cannot shift a permanent building. Hon John Halden is quite right. I do not believe that there is a saving in cost in the actual construction cost. The saving comes if we decide at a later date that we do not want them there but we want them somewhere else, then all that we must pay for is the relocation of the other plug-in parts.

Hon Ken Travers interjected.

Hon PETER FOSS: Despite what Hon Ken Travers says, I have had virtually nothing to do with the contract negotiation for the obvious reason that it is always handled through the appropriate part of the -

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers will get his opportunity in a moment.

Hon PETER FOSS: The important point is that it is an interesting decision to be made as to whether we should put up something permanent or put up something relocatable. The question we must ask is whether it will be relocated. The experience in education is that relocation is seldom. For some of the other accommodation which was being looked at on a relocatable basis, we have now gone to permanent accommodation.

We actually believe that it will become the premium space for Canning Vale Prison, because as it has turned out they appear to be the best cells at Canning Vale. When they are finally constructed I will let Hon John Halden look at them. They are larger cells, they are very airy and they look fantastic. The common area for prisoners is extremely nice. The biggest problem that I will have is criticism from the public that it is too good for prisoners, rather than the other way around. For those who reacted to it instantly when we announced that we would use sea-containers -

Hon John Halden interjected.

Hon PETER FOSS: I know that Hon John Halden did not say that. He was not one of those who criticised it. I agree. There were some whose instant reaction without knowing anything about it whatsoever was to criticise. When they finally see it they will say that it is very satisfactory, and then I will face criticism from another quarter which will say that it is wrong for the Government to spend that money on prisoners because they will be far too comfortable and that we do not send them to prison to be comfortable.

I thank Hon John Halden for raising the point. I was concerned about it when I heard an answer that there was no cost increase. I thought it was much easier to say that there was a cost increase because that was certainly the first advice I received. If it subsequently turns out that there was not a cost increase, I will let Hon John Halden know.

Hon Max Evans: You will embarrass Hon John Halden; he did not mean to help you.

Hon PETER FOSS: I am glad that he raised the issue. When the second answer came in, I sent it back and said, "Please tell me."

Hon John Halden: I know that the second answer is not right.

Hon PETER FOSS: I made inquiries. I wanted my staff to check it and they came back and said, "Yes, that answer is correct," so I gave that answer, then I received the second one saying that there has been no increase. I did not know whether I would give that one; I thought that I would investigate it before I went any further. The first point is that the difference is accounted for by the difference between the internal estimate and the contract price. The second point - Hon John Halden is quite right - is that the difference in cost between permanent and temporary accommodation and the difference in quality between permanent and temporary accommodation are neither here nor there. The reason we do it is to allow relocation if necessary, and if that were to occur we believe that we could recover in excess of \$2m of that expenditure by being able to shift the containers somewhere else, build the rest of the infrastructure around them and use them elsewhere. That is worthwhile doing and that is why we do it.

Hon John Halden is quite right on some of his other points. I wonder whether I should rush to *The West Australian* and give it some information that corrects that impression - maybe it is listening now.

Question put and passed.

House adjourned at 10.16 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

RALLY AUSTRALIA - REVENUE

593. Hon KEN TRAVERS to the Minister for Tourism:

In reference to the Minister's media statement of March 13, 1998 -

- (1) Can the Minister provide a breakdown of the \$18.9m which he said was generated by last year's API Rally Australia?
- (2) How was this figure arrived at?
- (3) Can the Minister also provide details of how the figure of 134 000 visitor nights for the rally was arrived at?
- (4) Can he table any documents relating to the preparation of these figures?

Hon N.F. MOORE replied:

- (1) Yes. I will table this breakdown for the member. [See paper No 954.]
- (2) The David Hides Consulting Group Pty Ltd conducted independent research into the economic and tourist impact of the 1997 API Rally Australia. A copy of this report was provided to Hon Clive Brown after it was received by Rally Australia in 1998.
- (3) The David Hides Consulting Group who conducted the independent research noted this figure in their final report on the 1997 event. However, I note that David Hides Consulting Group, on 10 February 1999, advised EventsCorp that this was in fact an error and the final figure is 44,287 visitor room nights. David Hides Consulting Group also advised that this error did not affect the economic impact which remained at \$18.9 million for the 1997 Event.
- (4) Yes.

MT CHARLOTTE MINE

902. Hon TOM HELM to the Minister for Mines:

I refer to a letter dated October 28, 1998 from Hon Norman Moore MLC, Minister for Mines, to Mr T Meyer-Frost -

- (1) Does the Minister stand by the statement "...the investigation into your complaints about KCGMs activities around its Mt Charlotte Shaft in moving a pipeline and filling in old workings was not comprehensive enough."?
- (2) Does the Minister stand by the statement "... each and every complaint raised by you was investigated thoroughly..."?
- (3) Does the Minister stand by the statement "... Mr R Hopkins, General Manager Mining Operations of the Department of Minerals and Energy wrote to you on August 4, 1998, explaining that breaches of procedures in notification, etc are not regarded by the Crown Solicitor's Office as capable of sustaining a prosecution in a court of law."?

Hon N.F. MOORE replied:

- (1) No. It appears that the Hon Member has deliberately misquoted me by deleting the first seven words from my actual statement in the letter, the effect of which is to significantly change the meaning of what I did say. I do, however, stand by my complete statement, which was:-

"I am sorry that you feel that the investigation into your complaints about KCGM's activities around its Mt Charlotte Shaft in moving a pipeline and filling in old workings was not comprehensive enough."
- (2) Yes. My complete statement was:-

"I am, however, satisfied that, as the inspector's report provided to you illustrates, each and every complaint raised by you was investigated thoroughly with the aid of taking of statements from all parties concerned. The Department does not require Notices of Intent or other documents from a mining company for ongoing daily operations."
- (3) Yes. The rest of the paragraph went on to say:-

In this case the party concerned, KCGM, had already apologised and taken what would be regarded as reasonable steps to minimise future inconvenience to people such as yourself, living close to the shaft. To this end, I understand action has been taken to set up a residents/company liaison committee and venue and to maintain active and open communication channels with you and other residents of Williamstown.

FISHERIES, NORTHERN DEMERSAL FISHERY

925. Hon KIM CHANCE to the Minister for Transport representing the Minister for Fisheries:

- (1) Is the Minister for Fisheries aware that the Auditor General's 12th Report has identified deficiencies in the Fisheries Department's handling of the Northern Demersal Fishery and in particular that -
- (a) illegal fishing is indicated in the CAESS data but no action has been taken to investigate the circumstances;
 - (b) catch returns which are used as the basis for determination of entry criteria are unchecked and unverified;
 - (c) fishermen are not provided with statements of the data that is held on the CAESS to allow them to confirm accuracy;
 - (d) Fisheries often adjust catch returns using rules and conversion factors that are known only to Fisheries;
 - (e) in one case Fisheries allocated most of a fisherman's 1992 catch to trap, for which he had no legal endorsement, or to long line, which cannot be used in the establishment of catch history in the entry criteria;
 - (f) checks have not been made to ensure that appropriate authorisations were held for the fishing methods reported;
 - (g) there has been an eight month delay in hearing objections;
 - (h) rules set for the fishery were so conservative that less than 200 tonnes of a sustainable catch of 800 tonnes were caught in the first six months of the operation of the management plan; and
 - (i) Fisheries have since increased the permitted number of fishing days for trap boats to 120 but line boats have been increased to 151?
- (2) If so, does the Minister intend to overhaul the manner in which fisheries management plans are constructed and implemented in order that the fishing industry can plan and operate in a more businesslike manner?

Hon M.J. CRIDDLE replied:

- (1) (a) The office of the Auditor General's report does not provide any specific details of illegal fishing activities. There was evidence of possible illegal activity which occurred during the period when the take of northern demersal fish was controlled by both Western Australian and Commonwealth legislation. During this time Fisheries WA undertook preliminary investigations of the fishing activity of vessels operating illegal fishing methods within these waters.
- The intelligence gathered by Fisheries WA regarding illegal fishing methods in a Commonwealth fishery was communicated to the Australian Fisheries Management Authority in their capacity as the legislative authority controlling these fishing methods. The subsequent advice from the Australian Fisheries Management authority was that no prosecution action would be undertaken.
- (b)-(i) The office of the Auditor General's report into the Northern Demersal Scalefish Fishery raised a number of matters for the attention of Fisheries WA including:
- Schedules for setting up new fisheries;
 - access criteria;
 - statutory fishing returns;
 - objections; and
 - extenuating circumstances.
- Fisheries WA has written to the office of the Auditor General undertaking to take these matters into account in the future management of this and other fisheries.
- In April 1998 I appointed a Ministerial Advisory Committee to provide advice on this fishery. The Committee is working closely with Fisheries WA and licensees in the fishery and is currently preparing agreed principles for the transition of the fishery from an interim managed fishery to a managed fishery.
- (2) See answer to (1)(b)-(i).

ELECTRONIC COMMERCE, REGULATIONS

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

I refer to the report of *The West Australian* of November 19, 1998 that the Auditor General has warned the State Government that it may need to overhaul many of its regulations to take full advantage of the move to electronic commerce and he further warned that new laws and regulations often lagged behind technological changes and that some public service agencies needed to consider this risk when using new forms of electronic commerce -

- (1) Does the Minister for Commerce and Trade accept these reported warnings?
- (2) If yes, what action does the Minister propose to address the warnings?

- (3) When will the Minister take such action?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The Office of Information and Communications (OIC) in the Department of Commerce and Trade is actively working with multiple stakeholders including relevant Government agencies to address issues such as the Auditor General's advice on implementing electronic commerce into Government agencies.
- (3) Work has already commenced on issues identified in the Auditor General's report. A Chief Executive Officers' Online Services Consultative Group was established in August 1998 and is responsible for oversight and implementing Online Services, including electronic commerce in the Public Sector. To facilitate across Government savings, a guide has been developed in consultation with the Treasury and Contract and Management Services (CAMS) to assist agencies determine the benefit of online purchasing. This guide is being advanced through the Chief Executive Officers' Online Services Consultative Group in March 1999. OIC has identified key barriers to online purchasing and obtaining information and services online. A preliminary report has been produced and recommendations for enabling online contractual relationships and secure online trading are some of the issues that will be addressed. These recommendations will be presented to the Chief Executive Officers' Online Services Consultative Group by the end of May 1999. These actions demonstrate Government is committed to advancing the recommendations of the Auditor General's report.

INFECTIOUS SYPHILIS

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

- (1) What was the rate of infectious syphilis in Western Australian Aboriginal males in each reporting year since 1985?
- (2) What was the rate of infectious syphilis in Western Australian Aboriginal females in each reporting year since 1985?
- (3) What has been the trend in -
- the Kimberley;
 - the Pilbara;
 - the Midwest-Gascoyne; and
 - Goldfields Regions,
- during this period?
- (4) How many babies were born with congenital syphilis in each reporting year since 1985?
- (5) How many stillbirths resulted from congenital syphilis in each reporting year since 1985?
- (6) How many of the births with disabilities were a result of congenital syphilis in each reporting year since 1985?

Hon MAX EVANS replied:

- (1)-(2) Number and crude rate (per 100,000) of notifications of infectious (primary and secondary) syphilis for the period 1992 to 1998 in male and female Aboriginal Western Australians. The Communicable Disease Notifications Database for the period 1985-1990 does not contain data on Aboriginality and is substantially incomplete for the year 1991, and ethnicity data was available for only 84% of these notifications in 1992. Hence, syphilis notification data by Aboriginality can only reliably be produced for the period 1993 onwards, although 1992 figures are also included.

Year	Number	Male Rate	Number	Female Rate	Number	Total* Rate
1992	89	395.9	108	471.5	203	447.3
1993	40	173.4	33	140.9	74	159.2
1994	26	110.8	20	83.8	46	97.1
1995	39	162.1	41	166.2	81	166.3
1996	10	40.6	8	31.7	18	36.1
1997	5	19.9	8	31.0	13	25.5
1998	3	N/A	9	N/A	12	N/A

* sex data missing for some cases

N/A population data not yet available from ABS for 1998

- (3) Trends in number and crude rate (per 100,000) of notifications of infectious (primary and secondary) syphilis for the period 1992 to 1998 in Aboriginal Western Australians by nominated regions.

Kimberley Year	No.	Rate	Pilbara No.	Rate	Midwest-Gascoyne No.	Rate	Goldfields No.	Rate
1992	48	409.6	68	1320.1	28	433.2	30	888.4
1993	10	83.6	23	435.8	7	106.2	24	690.1
1994	21	172.8	11	205.8	1	14.9	11	310.2
1995	44	352.8	14	250.4	3	44.1	17	465.8

1996	8	62.8	4	70.4	1	14.4	5	133.7
1997	2	15.3	1	17.3	0	0.0	7	183.9
1998	3	N/A	4	N/A	0	N/A	3	N/A

N/A population data not yet available from ABS for 1998

The Communicable Disease Control Unit of the Public Health Division advise that decline is thought to be real, and reflects improved contact tracing, education and treatment. A lot more effort has gone into STDs in Aboriginal communities in the northern part of the State in recent years. I am further advised that the data sets for 1997 and 1998 are completed and that we therefore would not anticipate significant change in the current numbers or crude rates for those years.

- (4) Total number of babies born with congenital syphilis since 1985 and reported to the communicable disease notification database

Year	Number
1985	0
1986	1
1987	2
1988	0
1989	0
1990	4
1991	1
1992	3
1993	0
1994	0
1995	0
1996	0
1997	0
1998	0

- (5) Three stillbirths with a diagnosis of congenital syphilis were recorded in the WA Birth Defects Registry since 1985. Note that data in the Registry on congenital syphilis may be incomplete. Also, notifications take time to come in, so ascertainment in the more recent years of birth may not be complete.
- (6) The Birth Defects Registry advises that between 1000 and 1500 births each year have a birth defect. Congenital syphilis represents a very small percentage of all recorded birth defects.

MINING, SONS OF GWALIA LTD

985. Hon TOM HELM to the Minister for Mines:

How many exemption notices have been granted to Sons of Gwalia Ltd or their subsidiary companies since 1995?

Hon N.F. MOORE replied:

The information provided in my response to Question No.986 includes the information requested by the Hon Member relating to Sons of Gwalia Ltd, and other companies which include the name Gwalia. The Department of Minerals and Energy does not hold authoritative information concerning subsidiary companies.

MINING, EXEMPTIONS FROM EXPENDITURE CONDITIONS

986. Hon TOM HELM to the Minister for Mines:

- (1) How many applications for exemption from expenditure conditions have been made by -

- (a) Sons of Gwalia;
- (b) Gwalia Ltd;
- (c) Burmine Operations Pty Ltd; and
- (d) Golden Valley Mines NL,

and have been granted by the Department of Minerals and Energy and the Minister for Mines since 1991?

- (2) Will the Minister state -

- (a) all the mining tenement numbers;
- (b) the total area of each of the tenements; and
- (c) the specific years and amounts of expenditure claimed as an exemption each year?

Hon N.F. MOORE replied:

- (1)-(2) The information sought by the Hon member is contained in the attached report extracted from the "Trax" electronic database of the Department of Minerals and Energy.

Attachment "A" (35 pages) is a report of all exemptions applied for by Burmine Operations Pty Ltd, Golden Valley Mines NL, Gwalia International Ltd, Gwalia Minerals NL, Gwalia Tantalum Pty Ltd, Sons of Gwalia (Murchison) NL and Sons of Gwalia Ltd, from 1 January 1991 in respect of mining tenements under the Mining Act 1978. [See paper No 955.]

The number of exemptions referred to in these reports is actually the number of individual mining tenements exempted. I

would point out for the information of the Hon Member that the amounts of expenditure exempted can be misleading in the case of exemption sought on tenements forming part of a project.

The Mining Act provides that the holder of a number of mining tenements that form a project can be granted exemption for some of the tenements in the project, provided the expenditure on one or more tenements in the project equals or exceeds the aggregate expenditure commitment for all the tenements in the project. For example, if five exploration licences with a commitment of \$60 000 each form part of a project, and \$300 000 is spent between two of the licences, then exemption totalling \$180 000 can be granted on the other three licences. Despite this exemption, the total \$300 000 commitment on all the licences has been met through project expenditure.

CONTRACTS, COMPLETION

990. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) How many Contract and Management Services (CAMS) contracts, which have been awarded since January 1, 1997, have not been completed by the original contractor?
- (2) For each of these contracts -
 - (a) what project was the contract awarded for;
 - (b) who was the original contractor;
 - (c) who completed the contract;
 - (d) what was the original contract cost;
 - (e) what was the actual final cost of the contract;
 - (f) on what date was the contract awarded;
 - (g) what was the original completion date; and
 - (h) what was the actual completion date?

Hon MAX EVANS replied:

I am advised that -

- (1) One contract has not been completed by the original contractor.
- (2)
 - (a) Briefs and Compliance Monitoring for the Mineral Core Libraries (Kalgoorlie and Carlise).
 - (b) KTA Partnership.
 - (c) Parry and Whyte Architects.
 - (d) \$26 680.
 - (e) The contract is not yet complete.
 - (f) The contract was awarded to KTA Partnership on 18 August 1997, and to Parry and Whyte Architects on 3 April 1998.
 - (g) The original completion date for Briefs was 27 October 1997, the compliance monitoring part of the contract is to continue until practical completion of the project due mid-2002.
 - (h) The briefs were actually completed on 17 March 1998, and the compliance monitoring component of the contract is to continue until practical completion.

SINGAPORE FLYING COLLEGE, LOCATION

997. Hon BOB THOMAS to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Was the Member for Mitchell correct when he told a public meeting at College Grove, Bunbury on February 27, 1999 that the Government's preferred position for the proposed Singapore Flying College was Busselton and not Bunbury?
- (2) If the Member was incorrect does the Government have a preferred site in the South West for the Singapore Flying College?

Hon N.F. MOORE replied:

- (1) No.
- (2) The Singapore Flying College was advised that Government would support either a Busselton or Bunbury decision for its pilot screening activities but that aviation infrastructure already at Busselton would not be duplicated at Bunbury.

KEVIN CONLAN, CONSULTANCY

1013. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Commerce and Trade:

In relation to the Department of Commerce and Trade's consultancy with Kevin Conlan -

- (1) What was the total value of this consultancy?

- (2) When was it awarded and when did it cease?
- (3) Were tenders called for this consultancy?
- (4) If yes, how many firms or individuals tendered?
- (5) If not, why not?
- (6) How much was paid to Kevin Conlan as part of this consultancy?

Hon N.F. MOORE replied:

- (1) \$66 000 per annum for an initial period of two years with an option to extend for one additional year.
- (2) 20 November 1998. The consultancy has not yet ceased.
- (3) Yes, through the Department of Contract and Management Services.
- (4) Five.
- (5) Not applicable.
- (6) See (1) and (2).

FISHERIES, NORTHERN DEMERSAL FISHERY

1030. Hon KIM CHANCE to the Minister for Transport representing the Minister for Fisheries:

- (1) Is the Minister for Fisheries aware that the Auditor General's 12th Report has identified deficiencies in the Fisheries Department's handling of the Northern Demersal Fishery and in particular that -
 - (a) illegal fishing is indicated in the CAESS data but no action has been taken to investigate the circumstances;
 - (b) catch returns which are used as the basis for determination of entry criteria are unchecked and unverified;
 - (c) fishermen are not provided with statements of the data that is held on the CAESS to allow them to confirm accuracy;
 - (d) Fisheries often adjust catch returns using rules and conversion factors that are known only to Fisheries;
 - (e) in one case Fisheries allocated most of a fisherman's 1992 catch to trap, for which he had no legal endorsement, or to long line, which cannot be used in the establishment of catch history in the entry criteria;
 - (f) checks have not been made to ensure that appropriate authorisations were held for the fishing methods reported;
 - (g) there has been an eight month delay in hearing objections;
 - (h) rules set for the fishery were so conservative that less than 200 tonnes of a sustainable catch of 800 tonnes were caught in the first six months of the operation of the management plan;
 - (i) Fisheries have since increased the permitted number of fishing days for trap boats to 120 but line boats have been increased to 151?
- (2) If so, does the Minister intend to overhaul the manner in which fisheries management plans are constructed and implemented in order that the fishing industry can plan and operate in a more businesslike manner?

Hon M.J. CRIDDLE replied:

I refer the Hon Member to the answer provided for Question On Notice - 925 - of 23 December 1998.

MINING, ILLEGAL ACTIVITY AT SCUBBY HILL

1035. Hon TOM STEPHENS to the Minister for Mines:

- (1) Is the Minister aware of a complaint of illegal mining activity at a rock quarry site north west of Carnarvon near a location known locally as Scubby Hill (at a site between the Gascoyne River and the Blowholes Road, between the 10 mile bridge and the turn off, west of the Great northern highway) in an area associated with mining lease number 09/89?
- (2) Does the complaint indicate that there is prima facie evidence of illegal mining for rock for the fascine project in Carnarvon?
- (3) Was this illegal mining activity authorised by the State Government or any of its officers?
- (4) What steps if any have been taken to stop this mining activity?
- (5) Is the mining activity still taking place?
- (6) Will legal action be taken against anyone involved in illegal mining activities in this area?

(7) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes, but the area is only subject to an application for a mining lease. No lease has yet been granted.
- (2) Yes, however the allegation is disputed and the matter is being investigated.
- (3) No, mining has not been authorised under the Mining Act.
- (4) The alleged offender has been advised of the possible breach of the Mining Act. The matter is being investigated.
- (5) The Department of Minerals and Energy has been informed by the alleged offender that mining activities have been suspended.
- (6) Yes, if there is sufficient evidence to support prosecution.
- (7) Not applicable.

WATER CHARGES, DENHAM

1041. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

- (1) Are current high water charges within the township of Denham constraining the development of the town?
- (2) What steps is the Minister for Water Resources taking to ensure local community access to a reasonably priced, good quality water supply is achieved?
- (3) Is the Minister aware that last year the Shark Bay/Denham Heritage Resort used 6707 kl of water at a cost of \$28 103.50, whereas two similar sized resort/motels in Carnarvon used 8 932kl and 13 240kl respectively during the same period and which cost them \$13 042.20 and \$19 426.70 respectively?
- (4) On what basis does the Minister justify maintaining a pricing structure for water users in Denham which is more than twice the cost of the water supplied to the nearby residents of Carnarvon?
- (5) Will the Minister undertake to rectify this situation and bring some relief to the residents and businesses of Denham/Shark Bay?

Hon MAX EVANS replied:

- (1) I am unaware of any project that has failed to proceed due to the cost of water. I recognise that the high cost of water places restrictions on the types of landscaping that can occur at Denham and have sought ways of making the best use of water resources available at a reasonable price.
- (2) A dual saline/desalinated water supply was installed at Denham to overcome the poor quality of the available ground water. The scheme has the added cost of the desalination plant and duplicated pipes and meters.

Each customer has a desalinated water quota, which was set at a level to cover water used for internal domestic purposes. This water is made available at a highly subsidised price of 39.4c/kL. Other water requirements are met from the saline scheme and this water is charged at the normal by-laws prices paid by other Class 2 towns throughout the State.
- (3) Yes.
- (4) The Denham pricing structure reflects the dual water supply provided. The higher price for over quota consumption is required to ensure that customers make the best use of the saline water supply and minimise their draw on the very expensive desalinated water.
- (5) I am currently having discussions with the Shire of Shark Bay on options to make the existing spare capacity in the saline scheme and the Shire bore available at a lower cost.

WATER CHARGES, DENHAM

1042. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

- (1) What are the costs that are included by the Water Corporation in its calculation of water charges for the Denham/Shark Bay community?
- (2) What proportion of those costs is attributable to the cost of electricity used by the Water Corporation in Shark Bay/Denham?
- (3) How many full time Water Corporation employees are located in Shark Bay/Denham?
- (4) What percentage of the cost of water supplies in Shark Bay/Denham is attributable to labour costs?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following response:

- (1) The Water Corporation's standard by-law charges do not directly relate to the cost of providing the saline water

service at Denham. They are the same charges paid by other Class 2 country water customers. The up to quota charge for desalinated water is highly subsidised to make this water available at a reasonable charge. Again this does not relate to the costs. The charge over quota desalinated water was calculated to recover the additional cost of the desalinated scheme at the time the scheme was installed, and has been increased each year in line with the general increase in water prices.

- (2) Electricity accounts for 6.9% of the desalinated scheme costs and 6.1% of the saline scheme costs.
- (3) One.
- (4) Labour accounts for 8.6% of the desalinated scheme costs and 6.8% of the saline scheme costs.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, DENHAM

1044. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Is the Minister for Housing aware that there are at least two additional teacher staff houses required in Denham/Shark Bay?
- (2) When will the Government Employee Housing Authority ("GEHA") be allocating additional accommodation for teachers in Denham/Shark Bay?

Hon MAX EVANS replied:

- (1) The Government Employees' Housing Authority, after discussion with the Education Department on 10 March 1999, confirms that there is currently no demand for extra housing in Denham/Shark Bay.
- (2) Not applicable.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, MAINTENANCE DURING VACANCIES

1045. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) What steps are being taken to ensure the maintenance of Government Employee Housing Authority ("GEHA") accommodation, lawns and gardens during vacancies between tenancies?
- (2) Is it an unacceptable feature of current policy that many Government employees are required to move into Government employee accommodation that has been left over the long summer period without gardens being watered or maintained?
- (3) What funds are available for GEHA tenants to re-establish gardens and lawn that have been left to die during long summer vacancies?

Hon MAX EVANS replied:

- (1) If the house remains allocated to a client Department, maintenance of lawns and gardens remain the responsibility of the Department. If the house is reverted for allocation, the Government Employees' Housing Authority ensures lawns and gardens are maintained through the GEHA or Homeswest Regional Managers.
- (2) Current policy is that accommodation, lawns and gardens are maintained either by the responsible Department or by GEHA.
- (3) Not applicable.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, UPGRADING AND MAINTENANCE PROGRAM

1046. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Does the Minister for Housing recognise there have been unacceptable delays in the upgrading and maintenance of many Government Employee Housing Authority (GEHA) houses across regional Western Australia over the last 12 months?
- (2) What steps is the Minister taking to improve the standard of Government employee accommodation and to ensure that items needing repair, maintenance or replacement can be attended to more speedily than is currently the case in most regional areas of the State?

Hon MAX EVANS replied:

- (1) The Government Employees' Housing Authority is unaware of any circumstance where avoidable delays in responding to tenant requests for upgrade and/or maintenance have occurred. Further investigation will be undertaken if required for specific instances.
- (2) In June 1998 a comprehensive tenant survey was conducted to identify:
 - (a) tenant satisfaction, needs and preferences; and
 - (b) property maintenance and upgrade requirements.

The results of the survey have been analysed and feedback has been provided to all GEHA tenants by way of newsletter. Client Departments have been informed of the results by way of the Perth and Regional presentations.

In addition, the results of the survey will form the basis of the GEHA maintenance and upgrade program for the next financial year.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, MAINTENANCE IN NINGALOO AREA

1047. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

(1) What has been the budget allocated for the maintenance of Government Employee Housing Authority ("GEHA") houses in each of the following Ningaloo population centres -

- (a) Meekatharra;
- (b) Cue;
- (c) Mt Magnet;
- (d) Sandstone;
- (e) Yalgoo;
- (f) Mt James/Burringurrah;
- (g) Onslow;
- (h) Exmouth;
- (i) Carnarvon;
- (j) Shark Bay/Denham;
- (k) Gascoyne Junction;
- (l) Useless Loop;
- (m) Newman; and
- (n) any other Murchison, Gascoyne or Ningaloo population centres,

over the budgetary years -

- (i) 1993/94;
- (ii) 1994/95;
- (iii) 1995/96;
- (iv) 1996/97;
- (v) 1997/98; and
- (vi) 1998/99?

(2) What has been the budget actually spent for the maintenance of Government Employee Housing Authority ("GEHA") houses in the above Ningaloo population centres for the above budgetary years?

Hon MAX EVANS replied:

(1)-(2) The Government Employees' Housing Authority does not budget to individual town or area level but on a whole of State basis. Below are the budgeted and actual expenditure on maintenance, and a projection of actual expenditure for the current financial year. GEHA has not finalised its budget for the 1999/2000 financial period.

	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00
Budget	6,565,000	7,115,000	7,481,000	5,000,000	6,600,000	6,500,000	Not finalised
Actual	6,674,000	6,901,000	6,078,000	7,267,000	8,320,000	6,970,000 (projected)	

ABORTIONS, KING EDWARD MEMORIAL HOSPITAL

1061. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

- (1) How many abortions were carried out at King Edward Memorial Hospital in each month from, and including, August 1998?
- (2) Of the total abortions carried out at King Edward Memorial Hospital since May 25, 1998 how many were carried out for the reason of severe medical condition with respect to the mother and how many were carried out with respect to a severe medical condition to do with the unborn child?
- (3) What are the severe medical conditions used to justify the procedure?

Hon MAX EVANS replied:

From King Edward Memorial and Princess Margaret Hospitals

(1) The total number from August 1998 to February 1999 inclusive is 138.

Breakdown is as follows:

August	17
September	15
October	24
November	20
December	24
January	22
February	16

(2) This statistic is not collected, and is not required to be collected by the legislation.

(3) The Act provides a number of conditions for the termination of a pregnancy:

The woman concerned has given informed consent;
or the woman concerned will suffer serious personal, family or social consequences if the abortion is not performed;
or serious danger to the physical or mental health of the woman concerned will result if the abortion is not performed;
or the pregnancy of the woman concerned is causing serious danger to her physical or mental health.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, THE KIMBERLEY

1077. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

(1) In relation to the following Kimberley population centres -

- (a) Kununurra;
- (b) Wyndham;
- (c) Oombulgurri;
- (d) Kalumburu;
- (e) Doon Doon;
- (f) Glen Hill/Mandangala;
- (g) Mt Barnett;
- (h) Derby;
- (i) Halls Creek;
- (j) Christmas Creek;
- (k) Camballin/Looma;
- (l) Fitzroy Crossing;
- (m) Broome;
- (n) La Grange/Bidyadanga;
- (o) One Arm Point;
- (p) Bayulu; and
- (q) any other Kimberley population centres with Government Employee Housing Authority (GEHA) housing,

what number of Government employee houses are currently located in each centre?

- (2) What number of Government employee houses have been provided in each of the last six State budgets in each of the above centres?
- (3) How many additional GEHA houses are being provided in each of these centres during the current financial year?
- (4) How many additional GEHA houses are to be provided in each of these centres during the 1999/2000 financial year?

Hon MAX EVANS replied:

(1) The following list includes all centres listed in (a) to (p) and includes other centres within the Kimberley population centre as requested at (q):

Bayulu	1
Broome	227
Camballin	12
Christmas Creek	0
Derby	100
Doon Doon/Woolah	0
Fitzroy Crossing	37
Glenhill	1
Halls Creek	42
Kalumburu	5
Kununurra	191
La Grange	8
Mt Barnett	0
Muludja	1
One Arm Point	6
Oombulgurri	3
Wyndham	39

(2) The following list includes all centres listed in (a) to (p) and includes other centres within the Kimberley population centres as requested in (q).

Town	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99
Bayulu	1	1	1	1	1	1
Broome	162	167	172	190	199	227
Camballin	7	8	7	8	9	12
Christmas Creek	0	0	0	0	0	0

Derby	108	103	103	98	96	100
Doon Doon/Woolah	0	0	0	0	0	0
Fitzroy Crossing	27	29	32	32	35	37
Glenhill	1	1	1	1	1	1
Halls Creek	32	36	35	38	40	42
Kalumburu	3	3	4	5	5	5
Kununurra	173	171	174	183	183	191
La Grange	7	7	7	8	8	8
Mt Barnett	0	0	0	0	0	0
Muludja	0	0	0	0	0	1
One Arm Point	5	5	6	6	6	6
Oombulgurri	3	3	3	3	3	3
Wyndham	59	55	38	42	40	39

(3) 1998/99 Financial Year:

Bayulu	0
Broome	28
Camballin	3
Christmas Creek	0
Derby	4
Doon Doon/Woolah	0
Fitzroy Crossing	2
Glenhill	0
Halls Creek	2
Kalumburu	0
Kununurra	8
La Grange	0
Mt Barnett	0
Muludja	1
One Arm Point	0
Oombulgurri	0
Wyndham	0

(4) Departments have not yet advised the GEHA of their additional requirements for the 1999/2000 financial year.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY, MAINTENANCE BUDGET IN THE KIMBERLEY

1088. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

(1) What has been the budget allocated for the maintenance of Government Employee Housing Authority ("GEHA") houses in each of the following Kimberley population centres -

- (a) Kununurra;
- (b) Wyndham;
- (c) Oombulgurri;
- (d) Kalumburu;
- (e) Doon Doon;
- (f) Glen Hill/Mandangala;
- (g) Mt Barnett;
- (h) Derby;
- (i) Halls Creek;
- (j) Christmas Creek;
- (k) Camballin/Looma;
- (l) Fitzroy Crossing;
- (m) Broome;
- (n) La Grange/Bidyadanga;
- (o) One Arm Point;
- (p) Bayulu; and
- (q) any other Kimberley population centres

over the budgetary years -

- (i) 1993/94;
- (ii) 1994/95;

- (iii) 1995/96;
- (iv) 1996/97;
- (v) 1997/98; and
- (vi) 1998/99?

- (2) What has been the budget actually spent for the maintenance of Government Employee Housing Authority ("GEHA") houses in the above Kimberley population centres for the above budgetary years?

Hon MAX EVANS replied:

- (1)-(2) The Government Employees' Housing Authority does not budget to individual town or area level but on a whole of State basis. Below are the budgeted and actual expenditure on maintenance, and a projection of actual expenditure for the current financial year. GEHA has not finalised its budget for the 1999/2000 financial period.

	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00
Budget	6,565,000	7,115,000	7,481,000	5,000,000	6,600,000	6,500,000	Not finalised
Actual	6,674,000	6,901,000	6,078,000	7,267,000	8,320,000	6,970,000 (projected)	

GOVERNMENT CONTRACTS, MARKET RESEARCH SERVICES

1134. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

Further to the answer given to question on notice 796 in relation to the Water Corporation's contract with the firm Market Equity for provision of market research services, can the Minister for Water Resources advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following response:

- (1) No. The document referred to was not published until September 1998 and in any case is a Contract and Management Services document. The Water Corporation develops its own contracting guidelines consistent with State Supply Policy.
- (2)-(3) Not applicable.
- (4)-(7) This is an ongoing contract. Monitoring and evaluation will be undertaken through the application of accepted contract and project management guidelines.

GOVERNMENT CONTRACTS, STERILE FLUIDS

1143. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with the firm Baxter Healthcare worth approximately \$422 500 000 for provision of large volume sterile fluids, can the Minister for Health advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

The contract is between Baxter Healthcare and Government Health Supply Council.

- (1) No. The contract predates the introduction of Contract and Management Services' risk management policy.
- (2)-(5) Not applicable.
- (6) The Contract is managed, including evaluation, on an ongoing basis by Health Supply Services and the Pharmaceutical Advisory Committee, which meets regularly.
- (7) Meeting minutes and associated documents are available for review, subject to commercial-in-confidence considerations.

GOVERNMENT CONTRACTS, PHARMACEUTICAL SUPPLIERS

1144. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with 46 individual pharmaceutical suppliers worth approximately \$48 400 000 for provision of drugs, disinfectants, antiseptics etc, can the Minister for Health advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

The contracts are between the Government Health Supply Council and the individual contractors.

- (1) No. The contracts predate the introduction of Contract and Management Services' risk management policy.
- (2)-(5) Not applicable.
- (6) The Contracts are managed, including evaluation, on an ongoing basis by Health Supply Services and the Pharmaceutical Advisory Committee, which meets regularly.
- (7) Meeting minutes and associated documents are available for review, subject to commercial-in-confidence considerations.

GOVERNMENT CONTRACTS, ROYAL PERTH HOSPITAL, FOOD SERVICES

1145. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with the firm Gardner Merchant worth approximately \$35 000 000 for food services at Royal Perth Hospital, can the Minister for Health advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

The contract is between Royal Perth Hospital and Gardner Merchant.

- (1) No. The contract predates the introduction of Contract and Management Services' risk management policy.
- (2)-(5) Not applicable.
- (6) The performance of this contract is continually evaluated. The evaluation includes audits of patient meal services including nutritional standards through to regular microbiological testing of food samples.

- (7) Access to this information can be provided if required.

GOVERNMENT CONTRACTS, JOONDALUP HEALTH CAMPUS

1146. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with the firm Mayne Nickless Pty Ltd worth approximately \$15 400 000 (1996/97) and \$29 500 000 (1997/98) for Joondalup Health Campus, can the Minister for Health advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

- (1) Yes. A risk management plan was developed which utilised a model developed in conjunction with CAMS and Treasury Department and which applied the Australian/New Zealand Standard (AS/NZ 4360:1595) Risk Management. This risk management plan exceeded the requirements of the standard CAMS risk management policy.
- (2) A single risk rating is not calculated as is the case in the standard CAMS risk management policy. The Australian/New Zealand Risk Management Standard (AS/NZ 4360:1595) assigns individual risk ratings to each identified risk.
- (3) No. The Risk Management Plan includes commercially sensitive information both about the Operator and the Health Department's risk management strategies in relation to the Operator.
- (4) Yes. Continuous risk monitoring is part of the ongoing management of the contract. The Risk Management Plan is reviewed each year.
- (5) The performance of the contract is reported annually through the Health Department's Annual Report and the Operator's Annual Report.
- (6) Yes. Contract performance is evaluated annually by an independent auditor in accordance with the recommendations of the Office of the Auditor General.
- (7) The outcomes of the evaluation were tabled in the HDWA Annual Report for 1997/98.

GOVERNMENT CONTRACTS, JOONDALUP HEALTH CAMPUS

1155. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 1001 in relation to the Health Department's contract worth approximately \$15.4 m (1996/97), \$29 500 000 (1997/98) for Joondalup Health Campus for period of five years or more, can the Minister for Health advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

- (1) Yes. A risk management plan was developed which utilised a model developed in conjunction with CAMS and Treasury Department and which applied the Australian/New Zealand Standard (AS/NZ 4360:1595) Risk Management. This risk management plan exceeded the requirements of the standard CAMS risk management policy.

- (2) A single risk rating is not calculated as is the case in the standard CAMS risk management policy. The Australian/New Zealand Risk Management Standard (AS/NZ 4360:1595) assigns individual risk ratings to each identified risk.
- (3) No. The Risk Management Plan includes commercially sensitive information both about the Operator and the Health Department's risk management strategies in relation to the Operator.
- (4) Yes. Continuous risk monitoring is part of the ongoing management of the contract. The Risk Management Plan is reviewed each year.
- (5) The performance of the contract is reported annually through the Health Department's Annual Report and the Operator's Annual Report.
- (6) Yes. Contract performance is evaluated annually by an independent auditor in accordance with the recommendations of the Office of the Auditor General.
- (7) The outcomes of the evaluation were tabled in the HDWA Annual Report for 1997/98.

GOVERNMENT CONTRACTS, INFILL SEWERAGE

1159. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

Further to the answer given to question on notice 801 in relation to the three Water Corporation contracts worth approximately \$3.991m for infill sewerage, can the Minister for Water Resources advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following response:

- (1) No. The document referred to was not published until September 1998 and in any case is a Contract and Management Services document. The Water Corporation develops its own contracting guidelines consistent with State Supply Policy.
- (2)-(3) Not applicable.
- (4)-(7) This is an ongoing contract. Monitoring and evaluation will be undertaken through the application of accepted contract and project management guidelines.

ROYAL COMMISSION INTO THE CITY OF WANNEROO, IMPLEMENTATION OF RECOMMENDATIONS

1181. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

In reference to Chapter 36 of the "Final Report of the Royal Commission into the City of Wanneroo" -

- (1) Can the Minister for Local Government state how many of recommendations (a) to (l) have been implemented?
- (2) Which recommendations have been implemented?
- (3) Which recommendations have not been implemented, and why not?

Hon M.J. CRIDDLE replied:

- (1) Implemented in full - 9
Implemented in part - 6
Not implemented - 4
Not applicable - 2

It should be noted that many of the recommendations of the Royal Commissioner were broken into discrete parts. Each discrete part is dealt with separately above and in the answers below.

- (2)-(3) Recommendations implemented in full include:

c(i)
c(ii)
c(iv)
d(i)

d(ii)
d(iv)
f(i)
f(ii)
g

Recommendations implemented in part include:

- a(i) The retention of documents is a specialised field. It is most appropriate to control document retention and disposal through specific library legislation. New legislation in this area is being finalised.
- a(ii) Rather than introducing a legal requirement, the Department of Local Government has assessed and reported on the standard of each council's minutes. Further, the Department is acting on a conclusion of the Royal Commission and is regulating to require reasons for decisions when decisions vary from the advice given.
- d(iii) It is considered more appropriate to regulate non-financial and other conflicts of interest through each local government's code of conduct. Regulations are being prepared to require codes to cover such matters.
- e The suggestions that gifts be regulated through codes of conduct is supported. Regulations are being prepared in relation to codes which will prohibit councillors from receiving anything more than token gifts. An absolute prohibition on the acceptance of gifts is not supported.
- h The Department has published a document stressing the importance of decisions being made in the council chamber. This is also stressed in councillor training seminars. It is not considered appropriate to legislate against councillor only meetings for practical and operational reasons (for instance, a broad legislative provision would prevent councils conducting strategic planning sessions).
- i The Department has developed and distributed an easy to use proforma file note sheet to all local governments. Further, the importance of file notes has been stressed in a Departmental publication. It is not considered appropriate to keep notes on all dealings with members of the public as many will be trivial. Local governments have been asked to encourage officers to make file notes on issues of substance.

Recommendations not implemented include:

- b, c(iii) and f(iii)
Each of those recommendations relate to the recording of votes. The *Local Government Act 1995* enables any councillor to ask for his or her vote to be recorded or for all votes to be recorded on any resolution.

Members of the public may also attend council meetings and identify the voting patterns of councillors. These provisions are considered appropriate for scrutinising voting patterns. To record all names and votes for any decision which is not unanimous would slow meeting procedure for little benefit.
- j The idea of mandatory training is not supported. While it may be possible to force people to attend a training course to be eligible to sit as a councillor, if a person is compelled to attend against his or her will, he or she is unlikely to learn effectively.

A new councillor weekend has been operating for a number of years with good participation rates. Well over 50% of newly elected councillors have attended following an ordinary election. By continuing to promote and emphasise the new councillor weekend, attendance levels should remain high.

Recommendations which are not applicable include:
- k & l These recommendations relate to amendments to the *Royal Commissions Act 1968*. Questions about the implementation of these recommendations should be directed to the Premier as the Minister responsible for this Act.

JERVOISE BAY DEVELOPMENT, ADVERTISEMENT

1186. Hon J.A. SCOTT to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the State Government's advertisement in *The West Australian* business pages on January 13, 1999 in relation to the proposed Jervoise Bay Harbour -

- (1) Has the State Government placed this advertisement, or ones similar to it, in any other newspapers or magazines -
 - (a) in Australia; and
 - (b) in any other country?
- (2) If yes -
 - (a) in which newspapers or magazines and what is their country of publication;
 - (b) how many separate advertisements were placed in each newspaper or magazine; and
 - (c) what amount was spent for each advertisement in each newspaper or magazine?

Hon N.F. MOORE replied:

- (1) (a)-(b) Yes.
 (2) (a)-(c)

<i>Publication</i>	<i>Country</i>	<i>No.</i>	<i>Cost of advertisement</i>
The West Australian	Australia	1	\$3 840.00
The Financial Review	Australia	1	\$5 278.00
Oil & Gas Gazette	Australia	1	\$1 360.00
Prospect Magazine	Australia	1	\$1 855.00
The Asian Wall Street Journal	Asia	1	\$15 681.50
The Financial Times	United Kingdom	1	\$30 697.69
Upstream	Norway	1	\$8 148.25
Resources Development Services Directory 1999	Australia	2	\$1 400.00
TOTAL			\$68 260.44

DENTIST, CARNARVON

1194. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) Is the Minister for Health aware that Carnarvon no longer has the services of a full time dentist?
 (2) What steps is the Minister taking to ensure that a replacement dentist is relocated to Carnarvon?
 (3) When does the Minister expect this to occur?

Hon MAX EVANS replied:

- (1) Yes.
 (2)-(3) I am advised that another private practitioner has agreed to take over the practice commencing mid April 1999.

MURRAY DISTRICT HOSPITAL, BOARD

1216. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Health:

- (1) Will the Minister for Health be appointing an independent hospital board to run the Murray District Hospital?
 (2) If yes, when will this board be appointed?
 (3) If no, why not?

Hon MAX EVANS replied:

- (1) No.
 (2) Not applicable.
 (3) With the opening of the Peel Health Campus and the subsequent reconfiguration of the Murray Districts Hospital there is insufficient critical mass to warrant an independent Board. A decision was made in 1998 to incorporate this entity with Rockingham Kwinana Health Service, under jurisdiction of the Metropolitan Health Services Board. An integrated management structure has been in place since 1 February, 1999. The combined health service is known as the Peel and Rockingham Kwinana Health Service.

GOVERNMENT CONTRACTS, FACILITIES MANAGEMENT

1218. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) Can the Minister for Works confirm that contracts have been awarded to CJP Pty Ltd, Chiefton Management Pty Ltd, Serco Australia Pty Ltd, Transfield Maintenance WA and P&O Facilities Management for Facilities Management?
 (2) Can the Minister provide the following details about these contracts -
 (a) award and expiry dates;
 (b) contract number;
 (c) where and when the contracts were advertised;
 (d) approximate annual value of the contracts; and
 (e) how many companies tendered for the contracts?

Hon MAX EVANS replied:

I am advised that:

- (1)-(2) Yes.

- | | | | |
|-----|--|--|--------------|
| (a) | P&O Facilities Management | Start: 1 November 1995
Expiry: 30 June 1999 <i>plus</i> 2 x 2 year option | |
| | CJJP | Start: 1 November 1995
Expiry: 30 June 1999 <i>plus</i> 2 x 2 year option | |
| | Chiefton Management | Start: 29 January 1996
Expiry: 30 June 1999 <i>plus</i> 2 x 2 year option | |
| | Serco Australia | Start: 29 January 1996
Expiry: 30 June 1999 <i>plus</i> 2 x 2 year option | |
| | Transfield Maintenance | Start: 29 January 1996
Expiry: 30 June 1999 <i>plus</i> 2 x 2 year option | |
| | Serco Australia
(Offender Management) | Start: 1 July 1998
Expiry: 30 June 2001 <i>plus</i> 2 x 2 year option | |
| (b) | P&O Facilities Management | - 2263 | |
| | CJJP | - 2264 | |
| | Chiefton Management | - 2344 | |
| | Serco Australia | - 2345 | |
| | Transfield Maintenance | - 2346 | |
| | Serco Australia
(Offender Management) | - 3425 | |
| (c) | 2263 and 2264 | - <i>The West Australian</i> | 4 March 1995 |
| | 2344, 2345 and 2346 | - <i>The West Australian</i> | 6 May 1995 |
| | 3425 | - <i>The West Australian</i> | 7 June 1997 |
| (d) | 2263 | - \$5 500 000 | |
| | 2264 | - \$5 500 000 | |
| | 2344 | - \$8 000 000 | |
| | 2345 | - \$16 500 000 | |
| | 2346 | - \$14 000 000 | |
| | 3425 | - \$3 000 000 | |
| (e) | 2263 and 2264 | - Expression of Interest | = 36 |
| | | - Request for Tender | = 5 |
| | 2344, 2345 and 2346 | - Expression of Interest | = 41 |
| | | - Request for Tender | = 9 |
| | 3425 | - Expression of Interest | = 9 |
| | | - Request for Tender | = 5 |

METROPOLITAN HEALTH SERVICES BOARD, REPORTS POLICY

1223. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Health:

- (1) What is the policy of the Metropolitan Health Services Board on providing copies of public reports such as annual reports?
- (2) Does this board require the names of individuals requesting reports as well as the reason for requesting a public report?
- (3) If so, why?

Hon MAX EVANS replied:

- (1) The Metropolitan Health Service Board (MHSB) will provide publicly available information about its operations, on request. The first annual report of the MHSB was tabled in Parliament and distributed to all members of Parliament for their information.
- (2)-(3) The MHSB will supply copies on request. Names and addresses are required for mailing purposes only.

MINISTRY OF JUSTICE, RECORDS OF ACCUSED PERSONS NOT REPRESENTED

1232. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) Does the Ministry of Justice record cases where accused persons are not represented?
- (2) If not, why not?
- (3) If not, will that position be changed?
- (4) If so, when?
- (5) If so, from what date and with respect to what particulars?

Hon PETER FOSS replied:

- (1) Yes.

(2)-(5) Not applicable

BUNBURY REGIONAL HOSPITAL SITE

1237. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

With regard to the Bunbury Regional Hospital site -

- (1) Has the Government or Health Department made a decision on the future use of the soon to be vacated Bunbury Regional Hospital site?
- (2) If not, what are the options being considered for the Bunbury Regional Hospital site?
- (3) When it is expected a decision will be made?

Hon MAX EVANS replied:

- (1) No.
- (2) Options are still being developed.
- (3) It is expected that a decision will be made by June 1999.

WAGERUP COMMUNITY HEALTH AWARENESS GROUP (INC), MEETING WITH HEALTH DEPARTMENT

1248. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Health:

- (1) Did members of the Health Department meet with members of the Wagerup Community Health Awareness Group (Inc) in February 1999?
- (2) If yes, who were the departmental staff who met with the community group?
- (3) Did those staff members indicate to the Wagerup Community Health Awareness Group that further action would be taken to further investigate their concerns over pollution?
- (4) If yes, what further action was indicated and what further action has been taken?
- (5) Has the Minister for Health received a report regarding this visit and will the Minister table that report?
- (6) Has the Minister received a letter from the Wagerup Community Health Awareness Group?
- (7) If yes, has the Minister responded to that letter?
- (8) If not why not?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The Executive Director of Public Health, Dr Paul Psaila-Savona and Dr Martin Matisons, Senior Toxicologist, Environmental Health Service represented the Health Department of Western Australia in a meeting with the Wagerup Community Health Awareness Group (WCHAG) on 19 February 1999.
- (3) Yes.
- (4) The Health Department is working with the Department of Environmental Protection in developing action plans to investigate the concerns the Community Group has raised. The development of this action plan is in progress. When finalised this action plan will be discussed with the Community Group and Alcoa. With regards to the health issues within the Refinery, this is a matter for the Department of Minerals & Energy and WorkSafe.
- (5) No. I have only received advice in the form of the attached briefing note. [See paper No 957.]
- (6) Yes. A letter dated 9 February 1999 was received from the WCHAG Chairperson, Ms Cheryl Borserio, and the WCHAG Secretary, Ms Anne Snow.
- (7) Yes. Letter sent to Chairperson of Wagerup Community Health Awareness Group (Inc.) on 22 March 1999.
- (8) Not applicable.

GOVERNMENT CONTRACTS, DETAILS

1260. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With regard to page 24 of the 1997/98 Contract and Management Services (CAMS) annual report, for each contract awarded by CAMS on behalf of the Government agencies listed as "major clients", can the Minister for Works state -

- (a) the contract number;
- (b) the date the contract was awarded and the expiry date;
- (c) the successful contractor/s;
- (d) the unsuccessful contractors;
- (e) the services provided under the contract; and
- (f) the estimated value of the contract?

Hon MAX EVANS replied:

I am advised that:

- (a)-(f) CAMS now publishes the contract award details for contracts in excess of \$5,000 on the Government Contracting Information Board website at: www.contracting.wa.gov.au.

If the Member has a specific issue regarding the performance or evaluation of a contract, this will be investigated.

PRISON OFFICERS, REDEPLOYMENT

1285. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) Under what circumstances are Prison Officers entitled to redeployment services in the public service?
- (2) Can the Minister table the guidelines governing the redeployment of Prison Officers?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1) The redeployment of Prison Officers is undertaken in accordance with
 - (a) Part 6 of the Public Sector Management Act – Redeployment and Redundancy of Employees, and
 - (b) Public Sector Management (Redeployment and Redundancy) Regulations, and
 - (c) Clause 32(3)
 - (d) Gaol Officers Award

- (2) The guidelines contained in Clause 32 (3)(d) of Gaol Officers Award read as follows:

Officers who have been identified as being subject to redeployment will be given the opportunity to nominate one or more prisons where they wish to gain a permanent position. At the first opportunity the officer will be placed at the preferred prison in a substantive position. Should a substantive position not be available the officer may be placed at the preferred prison or another prison (as agreed) pending the availability of a substantive position. Redeployed officers who have been placed through this means will not be subject to the two year rule.

- (3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1297. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Have all Government departments and agencies under the Minister for Commerce and Trade's control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon N.F. MOORE replied:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies – surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1303. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

- (1) Have all Government departments and agencies under the Minister for Housing's control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?

- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon MAX EVANS replied:

I am advised that:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1308. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) Have all Government departments and agencies under the Minister for Health's control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon MAX EVANS replied:

I am advised that:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1309. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Disability Services:

- (1) Have all Government departments and agencies under the Minister for Disability Services' control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon MAX EVANS replied:

I am advised that:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.

- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1310. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Local Government:

- (1) Have all Government departments and agencies under the Minister for Local Government's control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon M.J. CRIDDLE replied:

I am advised that:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

JERVOISE BAY DEVELOPMENT, GOVERNMENT'S ADVERTISEMENT

1318. Hon J.A. SCOTT to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the State Government's advertisement in the *West Australian* business pages on January 13, 1999 in relation to the proposed Jervoise Bay Harbour -

- (1) Has the State Government placed this advertisement, or ones similar to it, in any other newspapers or magazines,
 - (a) in Australia; and
 - (b) in any other country?
- (2) If yes -
 - (a) in which newspapers or magazines and what is their country of publication;
 - (b) how many separate advertisements were placed in each newspaper or magazine; and
 - (c) what amount was spent for each advertisement in each newspaper or magazine?

Hon N.F. MOORE replied:

This information was provided in answer to question 1186.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1326. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:

For all Government departments and agencies under the Minister for Primary Industry's control -

- (1) How many contracts have reimbursed unsuccessful contractors in -
 - (a) 1995/96;
 - (b) 1996/97;
 - (c) 1997/98; and
 - (d) since July 1, 1998?
- (2) For each contract which reimbursed unsuccessful contractors, can the Minister state -

- (a) the contract number;
- (b) the date the contract was awarded;
- (c) the project the contract was awarded for;
- (d) the successful tenderer;
- (e) the unsuccessful tenderer/s;
- (f) the original cost of the contract;
- (g) the actual final cost of the contract;
- (h) the amounts paid to unsuccessful tenderer/s; and
- (i) the names of the unsuccessful tenderer/s?

Hon M.J. CRIDDLE replied:

Fisheries Western Australia

(1)(a-d) Nil.

(2)(a-i) Not applicable.

Agriculture Western Australia

(1)(a-d) Nil.

(2)(a-i) Not applicable.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1332. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

For all Government departments and agencies under the Minister for Housing's control -

(1) How many contracts have reimbursed unsuccessful contractors in -

- (a) 1995/96;
- (b) 1996/97;
- (c) 1997/98; and
- (d) since July 1, 1998?

(2) For each contract which reimbursed unsuccessful contractors, can the Minister state -

- (a) the contract number;
- (b) the date the contract was awarded;
- (c) the project the contract was awarded for;
- (d) the successful tenderer;
- (e) the unsuccessful tenderer/s;
- (f) the original cost of the contract;
- (g) the actual final cost of the contract;
- (h) the amounts paid to unsuccessful tenderer/s; and
- (i) the names of the unsuccessful tenderer/s?

Hon MAX EVANS replied:

The Minister for Housing has provided the following response:

(1) Nil.

(2) Not applicable.

GOVERNMENT CONTRACTS, REIMBURSEMENT OF UNSUCCESSFUL CONTRACTORS

1333. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

For all Government departments and agencies under the Minister for Health's control -

(1) How many contracts have reimbursed unsuccessful contractors in -

- (a) 1995/96;
- (b) 1996/97;
- (c) 1997/98; and
- (d) since July 1, 1998?

(2) For each contract which reimbursed unsuccessful contractors, can the Minister state -

- (a) the contract number;
- (b) the date the contract was awarded;
- (c) the project the contract was awarded for;
- (d) the successful tenderer;
- (e) the unsuccessful tenderer/s;
- (f) the original cost of the contract;
- (g) the actual final cost of the contract;
- (h) the amounts paid to unsuccessful tenderer/s; and
- (i) the names of the unsuccessful tenderer/s?

Hon MAX EVANS replied:

Office of Health Review

(1)(a)-(d) Nil.

(2)(a)-(i) Not applicable.

Healthway

(1)(a)-(d) Nil.

(2)(a)-(i) Not applicable.

Health Department

(1)(a)-(d) Nil.

(2)(a)-(i) Not applicable.

CONSULTANTS' REPORTS, TABLING

1367. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister table the "Mid West Information Management Plan, Year 2000 Management Plan and the Information Management Strategic Plan" prepared by Ernst & Young during the period August 1997 to June 1998?
- (2) If not, why not?
- (3) Will the Minister table the "Review Office of Aboriginal Health Tender Process; Aboriginal Coordinated Care Trial" prepared by KPMG Management Consultancy during the period November 1997 to February 1998?
- (4) If not, why not?

Hon MAX EVANS replied:

(1) Yes.

(2) Not Applicable.

(3) Yes. [See paper No 958.]

(4) Not Applicable.

CONSULTANTS' REPORTS, TABLING

1370. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister for Local Government table the "Cemetery Renewal Scheme" prepared by Walter Hunter during the period September 1997 to September 1998?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(2) Walter Hunter was not engaged to prepare a report on the "Cemetery Renewal Scheme". His role was to provide architectural and landscaping conceptual advice to the Board regarding the aesthetic development of the areas designed for renewal.

CONSULTANTS' REPORTS, TABLING

1371. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister for Aboriginal Affairs table the "Indigenous Tenure Consultancy Brief" prepared by AAA Advisory Land Services provided during the period of the Consultants Report?
- (2) If not, why not?
- (3) Will the Minister table the "Consultancy to the Metropolitan Aboriginal Justice Council" prepared by Leslie Gevers Community Management Services in December 1997?
- (4) If not, why not?
- (5) Will the Minister table the Legal Advice prepared by Liscia and Tavelli during the period of the Consultants Report?

- (6) If not, why not?
- (7) Will the Minister table the documents "Examine the delivery of Local Government Services in the Dampier Peninsular" prepared by Prime Focus Consulting between June 1997 to June 1998?
- (8) If not, why not?
- (9) Will the Minister table the "Indigenous Tenure Consultancy Brief" prepared by R K Morland between June 1997 and June 1998?
- (10) If not, why not?
- (11) Will the Minister table the "Aboriginal Lands Trust Review" prepared by M & RJ Chapman between June 1997 and June 1998?
- (12) If not, why not?

Hon M.J. CRIDDLE replied:

The Minister for Aboriginal Affairs has provided the following response:

- (1) Yes. [See paper No 956.]
- (2) Not applicable.
- (3)-(4) The consultancy provided to the Metropolitan Aboriginal Justice Council by Lesley Gevers Community Management Services in the 1997-98 financial year was a contract for the secretariat and executive support services provided to the Council. It was not a report or review.
- (5) No.
- (6) The legal advice was provided in respect of ongoing Supreme Court action between the Aboriginal Lands Trust and North Kalgurli Mines Ltd and others and is the subject of legal professional privilege.
- (7) Yes. The document prepared by Prime Focus Consulting between June 1997 and June 1998 is titled "Improving Local Access for Aboriginal Communities in the Dampier Peninsula". [See paper No 956.]
- (8) Not applicable.
- (9) Contained in (1).
- (10) Not applicable.
- (11) Yes. [See paper No 956.]
- (12) Not applicable.

CONSULTANTS' REPORTS, TABLING

1374. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister for Water Resources table the "Study on Ocean Disposal of Treated Wastewater - Broome" prepared by D A Lord & Associates Pty Ltd during the period of the Consultants Report?
- (2) If not, why not?
- (3) Will the Minister table the legal advice re The Transfer of Ord Irrigation prepared by Durack & Zilko during the period of the Consultants Report?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) It is not intended that this report be made available for review until the planning for Broome's wastewater management is complete.
- (3) No.
- (4) The Water Corporation has agreed to fund reasonable legal expenses of the Ord Irrigation Co-operative Ltd (OIC) during negotiations for the transfer of irrigation assets. The advice from Durack and Zilko is provided to OIC (not the Water Corporation) and is therefore the legal professional privilege of the Co-operative.

NURSES, EMPLOYMENT PROVISIONS

1379. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) How many registered nursing staff have been employed permanent full-time as at -
 - (a) July 1, 1997; and
 - (b) July 1, 1998?

- (2) How many registered nursing staff have been employed on three month contracts as at -
 (a) July 1, 1997; and
 (b) July 1, 1998?
- (3) How many registered nursing staff have been employed on six month contracts as at -
 (a) July 1, 1997; and
 (b) July 1, 1998?
- (4) How many registered nursing staff have been employed on twelve month contracts as at -
 (a) July 1, 1997; and
 (b) July 1, 1998?
- (5) How many registered nursing staff have been employed permanent part-time as at -
 (a) July 1, 1995;
 (b) July 1, 1996;
 (c) July 1, 1997; and
 (d) July 1, 1998?
- (6) How many registered nursing staff have been employed by other arrangements as at -
 (a) July 1, 1997; and
 (b) July 1, 1998?

Hon MAX EVANS replied:

- (1) (a) As at 1 July 1997, 3,666 registered nurses were employed on a full time basis.
 (b) As at 1 July 1998, 3,611 registered nurses were employed on a full time basis.
- (2)-(4) Historical data and direct information on contract duration is not stored on the Health Department of WA's Human Resource Information System. The number of registered nurses employed on a fixed term contract basis (duration unknown) was :
 As at 1 July 1997, 869 registered nurses were employed on a contract basis.
 As at 1 July 1998, 934 registered nurses were employed on a contract basis.
- (5)(a)-(b) Comparable historical records from previous payroll systems used in the WA Government Health System are unavailable for the dates as at 1 July 1995 and 1 July 1996.
- (5) (c) As at 1 July 1997, 2,869 permanent part time registered nurses were employed.
 (d) As at 1 July 1998, 2,973 permanent part time registered nurses were employed.
- (6) (a) As at 1 July 1997, 1,485 registered nurses were employed on a casual basis*.
 (b) As at 1 July 1998, 1,629 registered nurses were employed on a casual basis*.
- * Staff who are employed by Nursing Agencies which supply services to the WA Government Health System are not represented in the above figures.

WITTENOOM, MESOTHELIOMA DEATHS

1380. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

In respect of Wittenoom, in each financial year since July 1, 1989 and each calendar year since January 1, 1990 -

- (1) What was the number of mine and mill workers who died from mesothelioma?
- (2) What was the number of environmental cases who resided in the town who died from mesothelioma and were not employees of the mine or the mill?

Hon MAX EVANS replied:

The Hon Member's request is best answered in the form of a tabulation of mesothelioma-related deaths for each of the years and categories concerned, and this is set out below. Deaths from mesothelioma and related conditions, among persons with mesothelioma diagnosed while resident in Western Australia.

YEAR OF DEATH	(1) ASBESTOS MINE/MILL EMPLOYEES	(2) OTHERS WHO HAD LIVED IN WITTENOOM AT SOME TIME
FISCAL YEAR		
1989-90	9	2
1990-91	5	3
1991-92	5	2
1992-93	4	2
1993-94	14	4
1994-95	12	2

1995-96	9	1
1996-97	11	4
1997-98	8	3
Calendar Year		
1990	7	5
1991	4	1
1992	6	2
1993	12	3
1994	10	3
1995	7	2
1996	14	1
1997	10	6

FREMANTLE WATERSIDE WORKERS, DEATHS FROM ASBESTOS-RELATED DISEASES

1381. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

In respect of Fremantle waterside workers in each of the last 15 financial and calendar years -

- (1) How many have died from mesothelioma?
- (2) How many have died from other asbestos related diseases?
- (3) In what year was the peak of each asbestos related disease reached?
- (4) What are the estimates of future deaths of Fremantle waterside workers from -
 - (a) mesothelioma; and
 - (b) each other asbestos related diseases?

Hon MAX EVANS replied:

- (1) The requested information is supplied herewith in a table, based upon those persons known to have had a mesothelioma diagnosed while resident in Western Australia. Note that the Health Department's information pertaining to the fate of persons suffering from mesothelioma, diagnosed while resident in western Australia, is limited to those that die in Western Australia, or in another Australian state while still a Western Australian resident. Deaths from mesothelioma and related conditions, among persons with mesothelioma diagnosed while resident in Western Australia.

	Year of death	Persons known to have done wharf work at Fremantle
(a)	Fiscal year	Persons
	1983-84	1
	1984-85	0
	1985-86	1
	1986-87	0
	1987-88	0
	1988-89	1
	1989-90	2
	1990-91	4
	1991-92	1
	1992-93	2
	1993-94	3
	1994-95	1
	1995-96	1
	1996-97	1
	1997-98	3
(b)	Calendar year	Persons
	1983	1
	1984	0
	1985	0
	1986	1
	1987	1
	1988	0
	1989	2
	1990	3
	1991	3
	1992	0
	1993	4
	1994	1
	1995	2
	1996	0
	1997	2

- (2) The Health Department's knowledge of former wharf workers at Fremantle is related to the diagnosis of mesothelioma. The Department does not maintain a separate register of former Fremantle wharf workers, and such details of occupational history are not routinely recorded when persons are hospitalized or when they die.

Accordingly, it cannot be stated how many former wharf workers died from asbestos-related diseases other than mesothelioma. There was a total of 58 persons who died due to asbestosis in Western Australia in the period from 1983 to 1997, and some of these persons may have been former Fremantle wharf workers. It is likely, however, that the majority would be former mining industry workers.

- (3) There is no specific information available about non-mesothelioma asbestos-related disease in persons who were formerly engaged in wharf work at Fremantle.
- (4)
 - (a) The number of mesothelioma-related deaths associated with wharf work at Fremantle, as shown in the answer to (1) above is low and has varied from year to year over the last 15 years. In these circumstances, the use of statistical projection methods to estimate future deaths would not produce a reliable result. Due to the long time that may elapse between asbestos exposure and the development of mesothelioma, it is likely that cases will continue to be diagnosed in the future. A reliable estimate of future deaths would require access to detailed information relating to the size, age and tasks of the work force, and details of occupational and other asbestos exposures. Such detail would normally be available only in the course of dedicated research projects, on risk groups of a larger size.
 - (b) The number of future deaths from asbestos related disease among Fremantle waterside workers cannot be estimated due to lack of relevant information (see response to Q2 and Q3).

MINISTRY OF JUSTICE, DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES EMPLOYEES

1382. Hon JOHN HALDEN to the Minister for Justice:

- (1) Since July 1, 1997 has the Ministry of Justice employed/engaged a number of people formerly employed by the Department of Contract and Management Services?
- (2) If so, how many?
- (3) What positions in the Ministry of Justice do they hold?

Hon PETER FOSS replied:

- (1) Yes.
- (2) 10.
 Director General
 Executive Assistant
 Executive Director, Offender Management
 Project Officer, Prison Services - on secondment
 Personal Assistant, Prison Services - on secondment
 Asset Manager, Asset Management - on secondment
 Personnel Officer, Human Resources
 Project Officer, Human Resources - on secondment
 Senior Policy Officer (Legislation) - on secondment
 Senior Contracts Office

MINISTRY OF JUSTICE, MR DAVID ENDERMER

1384. Hon JOHN HALDEN to the Minister for Justice:

- (1) Has Mr David Endermer been employed/engaged by the Ministry of Justice since July 1, 1996?
- (2) Has Mr Endermer been -
 - (a) a consultant;
 - (b) an employee; or
 - (c) otherwise engaged,
 by the Ministry of Justice since July 1, 1996?
- (3) For what period of time has he been so engaged/employed?
- (4) What is the nature of the project/s or duties he carried out for the Ministry of Justice?
- (5) Have any discussions been held with Mr Endermer about any future work he may carry out for the ministry either as a consultant, employee or other?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Dr David Indermaur is an employee of the Ministry of Justice who has been on secondment initially as a Visiting Fellow at Edith Cowan University from 1 January 1989 to 31 December 1992 and then as a Research Fellow from 12 March 1993 at the Crime Research Centre, University of Western Australia. His current secondment has been extended to 11 March 2001. A contractual arrangement was made on 7 January, 1999 between the Ministry of Justice and the Crime Research Centre for Dr Indermaur to be part of the team inquiring into the incident at Casuarina Prison on 25 December 1998.

- (3) Dr Indermaur commenced as an employee of the then Department of Corrective Services on 28 October 1985. The period of his engagement on the Casuarina Prison inquiry under the contract with the Crime Research Centre was from 5 January to 15 March, 1999.
- (4) Answered by (2) and (3).
- (5) No.

MINISTRY OF JUSTICE, MR SIMON BODDIS

1385. Hon JOHN HALDEN to the Minister for Justice:

- (1) Has Mr Simon Boddie been employed/engaged by the Ministry of Justice since July 1, 1996?
- (2) Has Mr Boddie been -
 - (a) a consultant;
 - (b) an employee; or
 - (c) otherwise engaged,
 by the Ministry of Justice since July 1, 1996?
- (3) For what period of time has he been so engaged/employed?
- (4) What is the nature of the project/s or duties he has carried out for the Ministry of Justice?
- (5) Have any discussions been held with Mr Boddie about any future work he may carry out for the ministry either as a consultant, employee or other?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Between 16 November 1998 and 20 November 1998 Mr Boddie was engaged by KPMG as part of a review team to undertake a regulatory review of Casuarina Prison for the Ministry of Justice. Between 25 January 1999 and 8 March 1999 he was engaged as a consultant by the Ministry of Justice as a member of the team established to inquire into the incident at Casuarina Prison on 25 December 1998.
- (3)-(4) Answered by (2) above.
- (5) Yes.

PRISONS, CASUARINA

1390. Hon JOHN HALDEN to the Minister for Justice:

- (1) Since the last riot at Casuarina Prison, what steps has the Government taken to make the prison safe?
- (2) When will the prison return to normal operations?
- (3) Does the Government have any plans to -
 - (a) increase staff numbers;
 - (b) change the physical environment of the prison;
 - (c) improve security measures; or
 - (d) enable the prison to return to normal operations?
- (4) What changes will be made?
- (5) When will those changes be made?
- (6) What are the costs of the changes?
- (7) Does the Government intend to make the prison safe before the lock down ends?

Hon PETER FOSS replied:

- (1) All damage has been repaired, a security audit conducted, tenders have been called for security upgrades and significant training has taken place.
- (2) As soon as possible after the security upgrades have been completed.
- (3) (a) Staffing levels will be reviewed upon completion of the security upgrades.
(b)-(d) Yes.
- (4) Fencing to be installed around six of the seven living units, unit based recreational facilities are to be established and, physical security in the living units and some other areas of the prison are to be upgraded.
- (5) Tenders have been let and the work is expected to be implemented progressively over the next few months.
- (6) Approximately \$2,000,000.00.

- (7) Prisoners are not being “locked down” at Casuarina, each prisoner being out of their cells for 3-4 hours per day. Some increased out of cell hours within each wing are being considered but any significant increase in out of cell hours will not occur until after security upgrades are completed.

ATTORNEY GENERAL, DEFAMATION ACTION

1396. Hon N.D. GRIFFITHS to the Attorney General:

- (1) In relation to the action of former Law Reform Commissioner, Moira Raynor, brought against you for defamation of her, have you been granted indemnity?
- (2) On what date did you ask for a minute to Cabinet requesting indemnity?
- (3) Who quantified the amount of the indemnity and what is that amount?
- (4) How much is sought with respect to the payment of private lawyers engaged to act for you?
- (5) Have you received an interim account/s from those private lawyers?
- (6) If so, in what amount and on what date/s?
- (7) Have you received a final account?
- (8) If so, on what date and in what amount?

Hon PETER FOSS replied:

- (1) I have not heard any result of my request.
- (2) The request was verbal and I did not note the date.
- (3)-(4) I am unaware of the progress since I made the request and cannot answer any of the questions without imposing on an area which I have been careful to avoid being involved.
- (5)-(8) These are not matters for which I am responsible as Minister.

MEDICAL PRACTITIONERS, REMOVAL FROM PANEL

1397. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

With respect to the Minister for Health’s letter to Dr J A Cumming, Executive Director, King Edward Memorial Hospital/Princess Margaret Hospital dated September 17, 1998 reference 34411, how many medical practitioners requested that they be removed from the panel appointed under section 334(7)(a) of the *Health Act 1911* and what were the reasons for those request/s?

Hon MAX EVANS replied:

Two medical practitioners requested that they be removed from the panel for personal reasons. They were replaced with two others.

ABORTION, NUMBER

1398. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

- (1) How many decisions leading to an abortion have been made pursuant to section 334(8) of the *Health Act 1911*?
- (2) With respect to the medical practitioners involved in making the clinical judgement, how many cases have each of them been involved in?

Hon MAX EVANS replied:

I have been advised that this question was placed on notice incorrectly and a new question will be submitted.

SUBIACO REDEVELOPMENT, CHESTERTON INTERNATIONAL

1400. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Lands:

- (1) How many contracts have been awarded by LandCorp or the Western Australian Land Authority (WALA) to Chesterton International for projects relating to the Subiaco Redevelopment since January 1993?
- (2) For each contract can the Minister for Lands state -
 - (a) the date the contract was awarded;
 - (b) the contract number;
 - (c) the services provided under the contract;
 - (d) the cost of the contract; and
 - (e) the names of unsuccessful tenderers?

Hon MAX EVANS replied:

- (1) One.

- (2) (a) 11 May 1994.
 (b) 464C.
 (c) Property Consulting advice.
 (d) LandCorp paid \$5,497.00 under this contract.
 (e) The computer system in use at that time did not record details of unsuccessful tenderers. Retrieval of information relating to any unsuccessful tenderers would require significant research into archived files. In any event, a contract of such relatively small magnitude does not require the use of a full formal tender process, only a check on the reasonableness of the fee.

STATE SUPPLY COMMISSION, COMPLAINTS BY PRIVATE SECTOR COMPANIES

1401. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

With respect to the 15 investigations conducted during 1997/98 as a result of complaints raised by private sector companies, reported on page 23 of the 1997/98 State Supply Commission (SSC) annual report, for each complaint, can the Minister for Works state -

- (a) who made the complaint;
 (b) who was the complaint made against;
 (c) what services were provided by the agency;
 (d) the nature of the complaint; and
 (e) the result of the SSC investigation?

The answer was tabled. [See paper No 959.]

WATER CORPORATION, EXPENDITURE ON CONSULTANTS

1405. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

With regard to the \$256m worth of purchases made by the Water Corporation through the State Supply Commission (SSC) in 1996/97 (see Figure 3, SSC Annual Report 1997/98, page 29), how much of this figure was spent on consultants?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following response:

Of the total Water Corporation procurement of \$256 million in 1996/97, \$4.4 million was spent on consultants.

EDUCATION DEPARTMENT, SUPPLYWEST EXEMPTION

1412. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) Can the Minister for Works state why the Education Department has an exemption from the State Supply Commission for the use of SupplyWest?
 (2) What are the terms of the exemption?
 (3) When was this exemption granted?

Hon MAX EVANS replied:

I am advised that:

- (1) With the intention to call for proposals for the sale of Supply West, the Education Department made a request to the State Supply Commission for an exemption, for a transitional period from the need to competitively test purchases from Supply West should a sale occur. The exemption will enable the Education Department to purchase goods from Supply West without the need to call quotations, post the sale.
 (2) The terms of the exemption allow the Education Department to use the Supply West facility without the requirement to call quotations up to a line item value of \$5,000, if the purchase represents value for money. The exemption will apply for a period of 24 months following the sale and can be exercised at the discretion of the Education Department and without prejudice to the Department's ability to use other service providers. Should the Supply West facility be on-sold in the 24 month period, this exemption may be reviewed.
 (3) 18 February 1999.

MEEKATHARRA, STREET LIGHTING

1420. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Will the State Government allocate the \$10 000 sought by the Safer WA committee in Meekatharra to improve the quality of the town's street lighting?
 (2) If not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(2) The Shire of Meekatharra has applied for funding of \$10,000 for street lighting improvements under a third funding

round of the Safer WA Community Security Program. Up to \$450,000 will be available for local government community security initiatives during this round. A committee chaired by the Department of Local Government and including senior Western Australian Municipal Association and WA Police Service representatives will consider the Shire's application together with applications from other local governments after the third funding round closes at the end of this month. Applications will be assessed in accordance with evaluation criteria that were distributed to all local governments. These include criteria aimed at ensuring effective crime reduction outcomes.

TEACHERS, SHARED ACCOMMODATION

1443. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

Further to the response to question on notice 1075 on March 9, 1999, of the teachers in shared accommodation located in Kununurra, Kalumburu, Derby, Halls Creek, Camballin/Looma, LaGrange/Bidyadanga and One Arm Point -

- (1) When will additional teacher housing be provided at each of the centres listed above to accommodate the needs of the teachers seeking individual accommodation?
- (2) How many teacher houses will be built in these centres in 1998/99 for teachers currently in shared accommodation?
- (3) How many teacher houses will be built in these centres in 1999/2000 for teachers currently in shared accommodation?

Hon MAX EVANS replied:

- (1) Additional housing will be provided in 1998/99 in the following locations:

Kununurra	1 x 3 bedroom, 1 x 2 bedroom and 1 x 3 bedroom (lease)
Kalumburu	1 x 3 bedroom
Derby	1 x 3 bedroom, 2 x 1 bedroom and 3 x 4 bedroom
Halls Creek	4 x 2 bedroom
Camballin/Looma	1 x 3 bedroom and 2 x 2 bedroom
Bidyadanga/La Grange	1 x 3 bedroom and 4 x 2 bedroom
One Arm Point	2 x 2 bedroom

The Government Employees Housing Authority does not have information with respect to teachers seeking individual accommodation. This is determined by the Education Department.

- (2) The Education Department determines future requirements for teachers currently in shared accommodation.
- (3) The Education Department program for 1999/2000 has not yet been finalised.

GNANGARA WATER MOUND, AMENDMENTS TO BOUNDARIES

1448. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Water Resources:

- (1) Since 1992 what amendments have been made to the boundaries of the Priority 1 and the Priority 2 reserves for the Gnangara Water Mound?
- (2) What was the reason for each of these amendments?
- (3) What action has been taken to measure the impact of these amendments?
- (4) What was the result of each of these amendments?
- (5) What is the impact of each of these amendments on the quality of water in the Gnangara Water Mound?

Hon MAX EVANS replied:

- (1) An amendment to the Mirrabooka Underground Water Pollution Control Area was made in the Ellenbrook area in June 1995. The amendment resulted in Priority 1 and 2 areas being reclassified as either Priority 2 or 3.
- (2) The amendment was initiated as a result of a condition set by the Minister for Environment in the approval of the Ellenbrook development in October 1992. The amendment was necessary to make the priority classifications consistent with the approved land use.
- (3) The environmental approval also required preparation of a Drainage and Nutrient Management Plan. This established a detailed monitoring program for measuring the impacts of the development on water resources.
- (4) The measurement results indicate compliance with the performance objectives established in the Drainage and Nutrient Management Plan.
- (5) The amendment may result in an increased risk to the ground water quality in the area. However, the extent of the risk was minimised as the Ellenbrook development is at the downstream margin of the Underground Water Pollution Control Area. The Environmental Approval also required the proponents to offset the risk by contributing funds to bring private land elsewhere on Gnangara Mound into Priority 1 Crown ownership.

MINISTRY OF JUSTICE, INCARCERATION RATE

1450. Hon BOB THOMAS to the Minister for Justice:

- (1) What is the incarceration rate for Western Australia?

- (2) What was the rate in -
 (a) 1992; and
 (b) 1987?
- (3) What was the incarceration rate for each of the other States and Territories in Australia for the years -
 (a) 1998;
 (b) 1992; and
 (c) 1987?

Hon PETER FOSS replied:

- (1)# As at 30/6/98, the incarceration rate for Western Australia was 174.5 per 100,000.
- (2) (a)* As at 30/6/92, the incarceration rate for Western Australia was 154.4 per 100,000.
 (b)* As at 30/6/87, the incarceration rate for Western Australia was 149.4 per 100,000.

(3)	(a)# 1998	(b)* 1992	(c)* 1987
NSW	136.5	165.9	109.5
VIC	80.1	67.4	62.5
QLD	184.7	89.4	120.5
SA	122.5	103.2	83.4
TAS	89.4	77.3	85.8
NT	486.4	387.0	435.6
ACT	18.9	8.7	7.5
AUSTRALIA	133.7	118.1	101.0

Source: Australian Bureau of Statistics, Corrective Services Australia, September Quarter. (Prisoners in Australia, 1998 has not yet been published)

* Source: 1992: Australian Institute of Criminology, Australian Prisoners 1992
 1987: Australian Institute of Criminology, Australian Prisoners 1987

NOTE: Figures reported for 1998 cannot be compared with those reported for 1992 and 1987 as they originate from different types of publications and different calculation methods may have been used.

SEWERAGE CHARGES, ONSLOW

1454. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:
- (1) Has the Water Corporation recently billed Onslow businesses with additional charges associated with the provision of sewerage to the town that has seen some businesses receiving additional charges up to \$5 000?
- (2) Will the Minister for Water Resources detail the reasons for the increases in charges that are being billed out to Onslow residents?
- (3) What steps is the Minister taking to reduce the cost of these charges on the business community of Onslow?

Hon MAX EVANS replied:

- (1) Yes, for those businesses with access to the new wastewater scheme.
- (2) The Water Corporation has recently completed installation of infill sewerage to Area 1b - Onslow in accordance with the State-wide Infill Sewerage Program. This results in sewerage charges being levied against many properties, both business and residential, that now have access to sewerage services. Charges are raised based on property valuation, which may result in annual charges for commercial properties of \$5000 or more.
- (3) The charges are raised in accordance with the Water Corporation's Charges Bylaws and the tariffs calculated for Onslow residents are consistent with those for all other customers.

WATER DRAINAGE, ONSLOW

1455. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:
- (1) Is the Minister for Water Resources aware of concerns of local residents of Onslow, expressing concern that the absence of an adequate water drainage system for Third Avenue Onslow had exacerbated the impact of Cyclone Vance on the townsites?
- (2) Which Government agency has responsibility for undertaking the work necessary to put in place an adequate water drainage system for Third Avenue in Onslow?
- (3) Will the Water Corporation or any other State Government agency be assisting the local community with the provision of this much needed drainage work?

Hon MAX EVANS replied:

- (1) No.

(2) Townsite drainage is the responsibility of the local shire.

(3) The Water Corporation is not in a position to assist with this work,

CITY OF NEDLANDS, EXEMPTION FROM FINANCIAL INTEREST PROVISIONS OF ACT

1460. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

(1) Can the Minister for Local Government confirm that in October 1996 he approved an exemption from the financial interest provisions of the *Local Government Act* for the City of Nedlands Council?

(2) If yes, was the Minister at the time of granting the exemption that the Council was failing to comply with a formal direction from the Minister for Town Planning?

(3) Is the Minister aware that under this exemption Councillors have voted to use ratepayers funds to fight a legal action taken against the Council in relation to this town planning issue?

(4) If yes, how much of ratepayers money has been used to date in fighting this legal action?

Hon M.J. CRIDDLE replied:

(1) Yes.

(2) The exemption granted by the Minister for Local Government related to the discussion of legal representation and should not be connected to town planning matters.

(3) Yes. The *Local Government Act 1995* allows Councils to expend funds on matters it considers are for the good government of persons in the District. Defending actions against the local government may be in the interests of persons in the District.

(4) This question should be directed to the City of Nedlands.

QUESTIONS WITHOUT NOTICE

HON CLIVE GRIFFITHS, REVOCATION OF APPOINTMENT AS AGENT GENERAL

1055. Hon TOM STEPHENS to the Attorney General:

(1) What are the implications of today's decision of Judge Healy of the District Court that dealt with the attempted revocation on 24 December 1996 of the appointment of Hon Clive Griffiths as Agent General?

(2) What was the Attorney General's role in the provision of advice to the Executive Council and Cabinet pertaining to the legality of the revocation of Hon Clive Griffiths' appointment?

Hon PETER FOSS replied:

(1) It is probably a little premature to give an opinion on what happened today because, firstly, people will take advice on whether His Honour's decision was correct, and it may be subject to appeal. Therefore, as the case may go to a higher court, it is not appropriate at this stage that I say what is the result.

(2) I do not recall being involved in any way in the decision or providing advice on revocation. However, I recall that this issue has arisen previously and that the advice was that it is perfectly proper for Executive Council to revoke previous minutes. That appears to be inconsistent with previous advice provided to the Government regarding the proceedings of Executive Council.

CULTURE, LIBRARIES AND THE ARTS BILL

1056. Hon TOM STEPHENS to the Minister for the Arts:

(1) Will the Government proceed with the Culture, Libraries and the Arts Bill in its current draft?

(2) Under the proposed Bill in its current form, why is the minister not required to table his own advice or reasons regarding major arts decisions?

(3) Why must only advice from his boards which the minister has ignored be tabled in Parliament and why is it tabled only after the minister has made a decision?

(4) Will the minister guarantee not to use powers under this Bill to sell off near priceless books and works of art in our state collection to pay for the budget blow-outs, the belltower or any other schemes upon which this government may embark?

The PRESIDENT: As the minister knows, we do not deal with areas that require him to express an opinion; we deal with matters that require him to state facts.

Hon PETER FOSS replied:

(1) Firstly, I believe the Government will proceed with the Bill. However, as I have indicated, I am having discussions

with other members of Parliament, and it may well be that some suggestions come out of them. I do not have fixed views on everything. I am perfectly open to sensible suggestions.

Hon Ljiljana Ravlich: Will the minister take note of sensible suggestions?

Hon PETER FOSS: I always do. One thing members can say about me is that if I receive a sensible suggestion I am happy to take note of it and take responsibility for its adoption.

- (2) It is a good suggestion from the Leader of the Opposition that if the minister decides to reject advice he should give reasons for it. I have no problem with that. That may be something that can be raised during debate on the Bill.
- (3)-(4) There is a particular reason that only advice which I have ignored is tabled in Parliament. Obviously, advice may come on a regular basis, and unless it is ignored, the situation is much the same as is currently the case; that is, the proceedings of those various bodies are not public. At the moment, there is no way in which the proceedings of those bodies can become public. One of the problems we experienced with the priceless books and works of art was that the public never discovered the reason for the intention of the museum to dispose of the Percy Markham collection. Perhaps the Leader of the Opposition, as a member of the then Government, would have some insight into that, which I do not have. I know that the Government at that time had budgetary problems, and it may be the Leader of the Opposition's experience at that time which causes him to put his views as to motives on other people.

Hon John Halden: After the Madagascan egg exercise, I do not think the minister can blame anybody.

The PRESIDENT: Order! These are questions without notice.

Hon PETER FOSS: I know I should ignore that interjection about the Madagascan egg. I thank the member for raising that.

Hon John Halden interjected.

The PRESIDENT: Order! Hon John Halden is on my list. I do not know if I have to debit him now with two questions or whether it is just an interjection.

Hon PETER FOSS: That is a perfect example of the Government's record in making sure that articles which belong to the state collection are not sold overseas. Quite plainly, that Madagascan egg belonged to the state collection and should have been in the museum. To this day it remains in the state collection.

We can discuss the reason that advice is tabled afterwards. However, if it is the other way around, it may be that something needs to be done reasonably quickly, and if Parliament is not sitting for several months it may be rather difficult. I suppose the alternative is that one could table the advice in an out-of-session way. Provided it was not an obligation to table while the House was sitting, I do not think there would be a problem in acting after the advice was tabled. However, if the tabling was required during the session, it would be extremely difficult because it would be impossible for a decision to be made.

I can assure the House that priceless books will not be sold. Members are probably aware that the Library and Information Service of Western Australia sells books on a daily basis. A secondhand bookshop is on the ground floor of the library. Those who have never been there may not be aware of the opportunity to buy books on a daily basis, in addition to its annual, popular sale.

The PRESIDENT: I ask the minister to conclude his answer.

LEGAL AID COMMISSION, DIRECTOR

1057. Hon N.D. GRIFFITHS to the Attorney General:

With respect to the meeting involving the Attorney General and the chairman of the Legal Aid Commission on 25 February 1999, is the chairman of the commission correct when he states that there was no suggestion that the commission should, instead, advertise for a permanent director, or is the reported statement of the Attorney in *The West Australian* of 6 April 1999 that he told the commission that he wanted a permanent appointment correct?

Hon PETER FOSS replied:

The member might guess that the report in *The West Australian* was wrong. It is unfortunate that sometimes people respond to reports in the newspaper prior to speaking directly to the person who is supposedly reported. Unfortunately, *The West Australian* took my remarks out of context. I said I was quite happy to have a permanent appointment; that is quite appropriate. It is true that at that meeting I did not suggest that. What I clearly said was that I was not prepared to re-appoint the then acting director of the Legal Aid Commission.

One of the problems is that reporters ask questions and then perhaps put the answers in a different context. One of the questions they asked me was, "What is wrong with Robert Lindsay?" I said, "There is nothing wrong with Robert Lindsay. I have never said there was anything wrong with Robert Lindsay. What I said was that I was not prepared to reappoint him as Acting Legal Aid Director." Of course, that went in the paper as my saying that there was never anything wrong with Robert Lindsay, giving a quite different impression of the conversation that took place between me and Mr McCusker. Unfortunately, sometimes one is asked questions and the answer is taken in a different context. I have been quite upset at the fact. I am sure that hardly one of us as members of Parliament has not been through the experience of having words taken and used in a different fashion. I have spoken to Mr McCusker, and as far as we are concerned our understanding of the events which took place at that meeting - I am not sure whether the 25th is the correct date - is that there is no difference

between us. Probably one of the most useful things we could do is to cut the media out of our exchange. The best way for us to go would be to continue our discussions directly rather than through the media.

PANGEA RESOURCES AUSTRALIA PTY LTD, MINISTER FOR RESOURCES DEVELOPMENT

1058. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:

With regard to the proposed international nuclear waste dump proposed for Australia by Pangea Resources Australia Pty Ltd -

- (1) Has the Minister for Resources Development or any of his staff had any meetings, formal or informal, with Pangea Resources Australia Pty Ltd or its representatives?
- (2) If yes to (1), will the minister advise what was the purpose of that/those meetings?
- (3) Was any promotional material left by Pangea or other representative?
- (4) Will the minister table any such promotional material presented?
- (5) At whose request was/were that/those meetings convened?
- (6) Who was in attendance at that/those meetings?
- (7) Does the minister support the proposal of establishing an international nuclear waste facility in Australia?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
- (2)-(6) Not applicable.
- (7) The minister does not have before him a proposal for an international nuclear waste facility on which to make a judgment. However, on the issue in general, his view is that it should be debated publicly and approached in a considered and sensible manner.

NATIVE TITLE SOLUTIONS

1059. Hon HELEN HODGSON to the Leader of the House representing the Minister for Resources Development:

Wherever I refer to the minister in the question, I am referring to the Minister for Resources Development.

- (1) Is the minister aware that his photograph appears in promotional material produced and distributed by Native Title Solutions?
- (2) Did the minister give his consent for his photograph to be used in this promotional literature?
- (3) If not, has the minister requested that his photograph be withdrawn from use in the promotional material?
- (4) Does the minister endorse the commercial activities of Native Title Solutions?

Hon N.F. MOORE replied:

- (1) Yes.
- (2)-(4) The minister was invited to speak at a function held by Native Title Solutions on 25 March 1999 at which photographs were taken. The minister understands that subsequently a photograph in which he appeared was used in a media kit distributed by Native Title Solutions. He has no objection to this.

SOUTH METROPOLITAN RAIL EXTENSION

1060. Hon RAY HALLIGAN to the Minister for Transport:

What is the expected environmental impact in terms of greenhouse gas emissions of the south metropolitan rail extension?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The introduction of the new railway will result in a reduction of approximately 9 per cent in the level of greenhouse gas emissions. However, as the power for the urban railway is mainly generated outside the metropolitan area, a more significant improvement in Perth's air quality could be expected.

CANNING VALE PRISON, NEW CELLS

1061. Hon JOHN HALDEN to the Minister for Justice:

- (1) Has there been any cost overrun in the construction of the new "sea container" - I do not wish to be inflammatory nor do I wish to get a lecture about the expression but it is the only way I can describe them - prison cells at Canning Vale prison?

- (2) If so, how much is this cost overrun?
- (3) Are there likely to be any further increases in the cost?
- (4) When are these new prison cells likely to be occupied and is this on schedule?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The original budget for this component of the project was \$4.4m. The current estimate to complete this contract is \$5.1m which includes additional site and perimeter works. These extra works form part of the overall project scope and are within the projected overall budget for the amalgamation of C.W. Campbell Remand Centre with the existing Canning Vale Prison.
- (2) See (1).
- (3) No out-of-budget costs are expected on the Canning Vale amalgamation project.
- (4) The "sea container" cells are on schedule for occupation by mid-June 1999, which is later than the original contract completion date for this component of the project and is directly attributable to the additional site and perimeter works allocated to the contractor.

PANGEA RESOURCES AUSTRALIA PTY LTD, MR IAN FLETCHER

1062. Hon GIZ WATSON to the Leader of the House representing the Premier:

With reference to the article in the *Sunday Times* of 4 April 1999 -

- (1) How many times was his former chief of staff, Ian Fletcher, briefed by Pangea Resources or its representatives?
- (2) What was the nature of that advice?
- (3) Has the Premier or any other member of his staff had any briefings on Pangea?
- (4) On what basis was/is the Premier informed of the contact between Pangea and the former chief of staff, Ian Fletcher, and any other officer?
- (5) What was the last day on which Mr Ian Fletcher was in paid employment of the Government?
- (6) Did Mr Ian Fletcher advise government of the registration of his consultancy - Fletcher Rowe & Associates - on 8 February 1999?
- (7) If no to (6), why not?

Hon N.F. MOORE replied:

I am tempted to say that I do not have a former chief of staff named Ian Fletcher and then sit down. I need to remind the member that the question is of the Premier and not of me. I do not have a former chief of staff. I am answering on behalf of the Premier and the question needs to be asked of me.

- (1) Twice, once formally prior to the meeting with the Deputy Premier and then during the meeting with the Deputy Premier.
- (2) Formal briefing on the concept proposed by Pangea for the storage of nuclear waste.
- (3) No.
- (4) The Premier was not informed as his chief of staff considered it not warranted being brought to his attention as it had been referred to the Deputy Premier.
- (5) On 9 March 1999.
- (6) No.
- (7) The code of ethics for public servants does not exclude public sector employees owning shares. I understand that Mr Fletcher is a shareholder of Fletcher Rowe & Associates, not a director.

FOREST INDUSTRY STRUCTURAL ADJUSTMENT PACKAGE

1063. Hon NORM KELLY to the minister representing the Minister for the Environment:

Further to question without notice No 960 asked on 17 March -

- (1) Will the minister explain how the amount of \$10m was determined as being sufficient for the forest industry structural adjustment package?
- (2) Will the minister table the method of calculation for this figure?
- (3) Who will determine the distribution of the \$20 of federal/state FISAP funds?
- (4) Will the Regional Forest Agreement provide the details of how these funds will be distributed?

- (5) If not, when will the details of fund distribution be made public?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(5) As the member would be aware, the Regional Forest Agreement is presently being negotiated between the State and Commonwealth Governments. The quantum of structural agreement funds will be determined as part of the agreement. There has yet to be a final determination of the structural adjustment package and criteria for the application of the funds. This will be determined as part of the RFA process.

LEGAL AID COMMISSION, ACTING DIRECTOR

1064. Hon E.R.J. DERMER to the Attorney General:

- (1) Was the chairman of the Legal Aid Commission correct when he stated on 6 April 1999 with respect to the meeting of 25 February 1999 that, as he put it, "Indeed I was given the name and CV of someone who it was suggested would be an appropriate replacement as acting director"?
- (2) Who gave the chairman the name and the CV?
- (3) What was the name given?

Hon PETER FOSS replied:

- (1)-(3) Yes, he is correct. The person who gave it to him was the Crown Solicitor. I must confess I do not recall the name. It was the first time I had come across that name. The only thing I remember about it particularly is that two solicitors of that name are on the roll. One has a different middle name from the other. The Crown Solicitor made a point of telling me that he thought the chairman might know of one of them, not the one he was suggesting but the other one. However, the name for the time being escapes me.

WORSLEY TIMBER PTY LTD LAND, WELLINGTON DAM

1065. Hon CHRISTINE SHARP to the minister representing the Minister for Water Resources:

Can the minister please confirm now that the State has purchased the Worsley Timber Pty Ltd land adjacent to the Wellington dam that none of its forest cover will be logged, thinned or removed?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Minister for Water Resources has advised that it is not intended to log or clear the land. However, a management plan has not yet been prepared.

LEGAL AID COMMISSION CHAIRMAN, EXTENSION OF TERM

1066. Hon TOM HELM to the Attorney General:

- (1) Does the Attorney General agree with the statement of the Chairman of the Legal Aid Commission of 6 April 1999 with respect to the meeting of 25 February 1999 that the Attorney General did not propose to act on the commission's recommendation to extend Mr Lindsay's term as acting director for two reasons: Firstly, the commission had failed to produce a bulk tendering system; and, secondly, the acting director had obstructed access to officers of the commission by Ms Eckert?
- (2) Was there ever any agreement for the use of a bulk tendering system with the commission and, if so, when?
- (3) When is the alleged obstruction of access to officers of the commission by Ms Eckert said to have taken place?

Hon PETER FOSS replied:

- (1)-(3) I do not fully agree with that. Part of that is due to the simplification of the meeting. I first told Mr McCusker that I was not prepared to continue Mr Lindsay's appointment. A discussion took place over a number of matters relating to the agreement that we had with the Legal Aid Commission. I do not remember bulk tendering being raised at that stage. I think that I raised that in subsequent discussions with the chairman, but that is a matter of recollection rather than anything else. I am pleased that his recollection is that he was told that the legal aid director - I do not know whether the word was "obstruction" - had not provided the degree of cooperation that had been hoped for. I thought that had not come up. It was certainly a matter that was of importance, but I did not believe that it had come up. If it did come up I am pleased that is his recollection, because also present at the meeting were Mr Les Smith and Ms Judy Eckert. To some extent, the concerns that were being expressed, were being expressed by those people and not by me. That is because the decision to reject Mr Lindsay's reappointment was made on advice. I had received this advice on the previous occasion but had not followed it. However, on this occasion I followed that advice.

LEGAL AID COMMISSION, DIRECTOR

1067. Hon LJILJANNA RAVLICH to the Attorney General:

On 8 September in answer to a question asked with respect to the position of Director of the Legal Aid Commission the

Attorney General stated, "Mr Lindsay is doing an excellent job as acting director." Was that the Attorney General's position when he met with Mr McCusker on 25 February 1999 and if not when did he change his mind?

Hon PETER FOSS replied:

As I indicated, I had earlier rejected advice from the Crown Solicitor's Office because I was happy with Mr Lindsay's performance. However, as time went on some of the things we had hoped to see change in the Legal Aid Commission did not appear to occur. Members must understand that many times in government, things happen a lot slower than one would like to see them happen. They certainly happen a lot slower than in private life.

Hon Tom Helm: Particularly your Government.

Hon PETER FOSS: Sometimes the claim is that our Government moves too much and too quickly. We find that bureaucracies move slower than we would like. To some extent we give them credit, when things are moving along slowly, for a lot of paddling going on underneath the water even though one cannot see the legs moving. I have no objection to Mr Lindsay as a legal aid director dealing with legal aid. In many aspects he has done an excellent job. The concerns that were being expressed by the Crown Solicitor's Office were over the contract that was being monitored and the rate at which changes were happening in order to bring the commission within budget with the extra moneys that were given to it by the State Government. I am sure Hon Ljiljanna Ravlich would agree that when an extra \$3m of taxpayers' money is given to an organisation with the expectation there will be significant change, one would expect to see that significant change. The member would also agree that a period of time should be given to allow that to occur. However, the time will come when one must say that it is not happening. I believe that something must now happen which will be radical and fairly quick, because the opportunities for moving are fast disappearing. Another budget is coming up, and if the commission wishes to get a similar amount of money from the Government on the basis of the changes made, we must be able to demonstrate to Treasury, which was part of the original recommending committee, that those changes have occurred and the commission is genuinely taking the measures required to meet its accountability requirements to taxpayers.

LEGAL AID COMMISSION, CHAIRMAN'S STATEMENT

1068. Hon BOB THOMAS to the Attorney General:

Is it true that the statement of 6 April 1999 by the Chairman of the Legal Aid Commission that the response to the most recent quarterly report for the period 1 October to 31 December 1998 signed by the acting director general and dated 31 January 1999 contained only favourable comment?

Hon PETER FOSS replied:

I believe that is incorrect. It is not that it is untrue. I had the matter looked at by my office, and I do not believe that is correct. He had not given the full response that was due.

LEGAL AID COMMISSION, DIRECTOR'S NON-REAPPOINTMENT

1069. Hon MARK NEVILL to the Attorney General:

With respect to the role of the Attorney General in the non-reappointment of Mr Lindsay as acting director of the Legal Aid Commission -

- (1) Has the Attorney General sought legal advice on whether he is in breach of the Public Sector Management Act?
- (2) If so, when will he advise of the result?
- (3) If not, will he seek legal advice?

Hon PETER FOSS replied:

- (1)-(3) No, I have not sought that advice. I see no reason that I should seek that advice, and I can see no possible way in which I could be in breach of the Public Sector Management Act.

SENIOR EXECUTIVE OFFICERS

1070. Hon TOM STEPHENS to the Attorney General, the Minister for Justice and Minister for the Arts:

- (1) Which senior executive officer positions across the Attorney General's portfolios are currently held by officers in an acting capacity?
- (2) Is this part of a deliberate strategy on the part of the Attorney General aimed at maintaining control over officers, some of whom hold positions that are supposed to be independent of political control and interference?

Hon PETER FOSS replied:

- (1)-(2) I am not sure what Hon Tom Stephens means by senior executive officers. He would know that under the Public Sector Management Act, the only positions over which I might even possibly have control are those of the chief executive officers. In line with the Public Sector Management Act, any position below the CEO is appointed by the CEO. For instance, I have no say whatever if anybody below the rank of CEO is in an acting role. According to Mr Don Doig I am not even allowed to talk to my CEO about it. I do not agree with that interpretation, but that was the interpretation put on it by Mr Doig. As far as anybody other than a CEO is concerned, that has nothing at all to do with me as minister, and I cannot see how the Leader of the Opposition could possibly say that had

anything to do with a particular policy. I have only two CEOs: The Director General of Arts and the Director General of the Ministry of Justice, both of whom hold substantive positions.

I am not sure about some of the other positions in those independent organisations, but certainly it is not my wish for those people to be in acting positions. The Information Commissioner is permanently appointed, the Freedom of Information Commissioner is permanently appointed and the Public Trustee is permanently appointed. The Commissioner for Equal Opportunity has recently been reappointed. I am not sure about the Public Advocate. There was a period when there were a few problems. I would have to check regarding the Public Advocate. I do not think there are any positions in which I have a role to play that I can think of at the moment, but certainly the two chief executive officers that I have are both on substantive appointments.

NUCLEAR WASTE DUMP, PANGEA RESOURCES

1071. Hon GIZ WATSON to the Minister for Mines:

With regard to the proposed international nuclear waste dump proposed for Australia by Pangea Resources Australia Pty Ltd -

- (1) Has the minister or any of his staff had any meetings, formal or informal, with Pangea or its representatives?
- (2) If yes to (1), can the minister advise what was the purpose of that/those meetings?
- (3) Was any promotional material left by Pangea or its representative?
- (4) Will the minister table any such promotional material presented?
- (5) At whose request was/were that/those meetings convened?
- (6) Who was in attendance at that/those meetings?
- (7) Does the minister support the proposal to establish an international nuclear waste facility in Australia?

Hon N.F. MOORE replied:

- (1) No.
- (2) Not applicable.
- (3) No.
- (4)-(6) Not applicable.
- (7) I am not familiar with any proposal to establish an international nuclear waste facility in Australia.

ENERGY OUTPUT

1072. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:

- (1) What is the total energy output that is currently able to be attained through -
 - (a) Kwinana power station;
 - (b) Muja power station;
 - (c) Bunbury power station; and
 - (d) the gas turbines?
- (2) What will be the total energy output that will be able to be attained once Collie power station is online, Muja power station is closed and the proposed reductions to the output of Kwinana and Bunbury are implemented at -
 - (a) Kwinana power station;
 - (b) Bunbury power station; and
 - (c) the gas turbines?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)
 - (a) 6 664 gigawatt hours;
 - (b) 7 703 GWh;
 - (c) 949 GWh; and
 - (d) 5 943 GWh.
 - (2) (a)-(c) Muja power station is not to be closed.
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