

LEGISLATIVE ASSEMBLY
Wednesday, 15 September 1993

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

PETITION - ALBANY GAY AND LESBIAN GUESTHOUSE, LEGISLATION

MR KIERATH (Riverton - Minister for Labour Relations) [2.05 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned electors of the State of Western Australia respectfully request you to note the decision by the Council of the Town of Albany to approve a change of use of a building to that of a guesthouse which was known in the community to be intended for use as a gay and lesbian guesthouse and we respectfully draw your attention to section 23 of the Law Reform (Decriminalisation of Sodomy) Act 1989 which provides -

It shall be contrary to public policy to encourage or promote homosexual behaviour and the encouragement or promotion of homosexual behaviour shall not be capable of being a public purpose.

We respectfully call upon you to ask the Government to introduce legislation declaring void and illegal the planning permission granted for the use of land for a purpose declared to be contrary to public policy by the above law or by any of the laws of Parliament.

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

The petition bears 61 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 140.]

PETITION - COMMON LAW AND WORKERS' COMPENSATION RIGHTS, RETROSPECTIVE CHANGES

MR CUNNINGHAM (Marangaroo) [2.06 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia, request the Government to reconsider its decision to legislate to remove workers' common law right to sue their employer in cases of accidents which result in the loss of less than 30% of bodily function and to which the employers' negligence has contributed. Some 90% of injured workers in Western Australia will have their rights affected by this proposal. These innocent victims do not deserve to suffer a further loss as a consequence of Government attempts to remedy perceived faults in the Workers' Compensation system.

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

The petition bears 281 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 141.]

PETITIONS - COMMON LAW AND WORKERS' COMPENSATION RIGHTS, RETROSPECTIVE CHANGES

MRS HENDERSON (Thornlie) [2.07 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned people of Western Australia on behalf of injured workers and their families wish to express our opposition to and concern at the proposed unfair and unjust retrospective changes to common law and workers compensation rights, with effect from 4.00 pm on 30 June 1993 announced by the Minister for Labour Relations at about 2.00 pm on 30 June 1993.

The planned removal of common law rights if a writ had not been issued before 4.00 pm on 30 June 1993, unless an injured worker can establish a 30% total body impairment, is a draconian and unwarranted change to the law. It is estimated that 90% of common law claims will be disentitled to compensation. It has not been shown by the Minister that any extensions under the Workers Compensation Act will adequately compensate injured workers.

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

The petition bears 122 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

A similar petition was presented by Mrs Hallahan (1 146 signatures).

[See petitions Nos 142 and 143.]

[Questions without notice taken.]

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

Introduction and First Reading

Bill introduced, on motion by Mr Court (Treasurer), and read a first time.

Mr Brown: So much for the democratic process.

The **SPEAKER**: Order! I call to order the member for Morley.

As to Second Reading

MR COURT (Nedlands - Treasurer) [2.19 pm]: I move -

That the second reading of this Bill be made an order of the day for the next sitting of the House.

Division

Question put and a division taken with the following result -

Ayes (28)

Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames

Mr House
Mr Johnson
Mr Kierath
Mr Lewis
Mr Marshall
Mr Minson
Mr Omodei
Mr Osborne
Mr Pendal
Mr Prince

Mr Shave
Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Bloffwich (*Teller*)

Noes (21)

Mr M. Barnett
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Hill
Mr Kobelke
Dr Lawrence
Mr Marlborough

Mr McGinty
Mr Ripper
Mr D.L. Smith
Mr Taylor
Mr Thomas
Dr Watson
Mr Leahy (*Teller*)

Pairs

Mr Nicholls
Mr McNee
Mr Ainsworth

Mr Riebeling
Mr Bridge
Ms Warnock

Question thus passed.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)

Leave to Introduce

MR COURT (Nedlands - Treasurer) [2.23 pm]: I move -

That leave be given to introduce a Bill for "An Act to grant further supply and to appropriate and apply out of the Consolidated Fund certain sums for the services and purposes of the year ending 30 June 1994 and for payments made during the year ended on 30 June 1993 under the Treasurer's Advance Authorization Act 1992".

Division

Question put and a division taken with the following result -

Ayes (28)

Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwards
Dr Hames

Mr House
Mr Johnson
Mr Kierath
Mr Lewis
Mr Marshall
Mr Minson
Mr Omodei
Mr Osborne
Mr Pandal
Mr Prince

Mr Shave
Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (20)

Mr M. Barnett
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Hill
Mr Kobelke
Dr Lawrence
Mr Marlborough

Mr McGinty
Mr Ripper
Mr D.L. Smith
Mr Taylor
Dr Watson
Mr Leahy (*Teller*)

Pairs

Dr Turnbull
Mr Nicholls
Mr McNee
Mr Ainsworth

Mr Thomas
Mr Riebeling
Mr Bridge
Ms Warnock

Question thus passed; leave granted.

First Reading

MR COURT (Nedlands - Treasurer) [2.26 pm]: I move -

That the Bill be now read a first time.

Question put and a division called for.

Bells rung and the House divided.

The **SPEAKER**: Order! I advise the House, and in particular the member for Floreat, that it has been drawn to my attention that the member crossed from the left hand side to the right hand side after the Tellers were appointed. That is too late, and the member's vote has been included with the noes.

Point of Order

Mr BLAIKIE: Similar action has been taken by the member for Perth. She was wandering backwards and forwards during the same time. She is doing the same thing now. Is the member paired or not?

The **SPEAKER**: If the member has passed from one side to another, I believe that is a vote for the Government. However, the Tellers advise me that the member for Perth was not included in the vote and perhaps that explains her movement.

Division resulted as follows -

Ayes (27)

Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames

Mr House
Mr Johnson
Mr Kierath
Mr Lewis
Mr Marshall
Mr Minson
Mr Omodei
Mr Osborne
Mr Pandal

Mr Prince
Mr Shave
Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (21)

Mr M. Barnett
Mr Brown
Mr Catania
Dr Constable
Mr Cunningham
Dr Edwards
Dr Gallop

Mr Graham
Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Hill
Mr Kobelke
Dr Lawrence

Mr Marlborough
Mr McGinty
Mr Ripper
Mr D.L. Smith
Mr Taylor
Dr Watson
Mr Leahy (*Teller*)

Pairs

Mr Ainsworth
Mr Nicholls
Mr McNee
Dr Turnbull

Mr Thomas
Mr Riebeling
Mr Bridge
Ms Wamock

Question thus passed.

Bill read a first time.

As to Second Reading

MR COURT (Nedlands - Treasurer) [2.34 pm]: I move -

That the second reading be made an order of the day for the next sitting of the House.

Division

Question put and a division taken with the following result -

Ayes (28)

Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames

Mr House
Mr Johnson
Mr Kierath
Mr Lewis
Mr Marshall
Mr Minson
Mr Omodei
Mr Osborne
Mr Penda
Mr Prince

Mr Shave
Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Bloffwich (*Teller*)

Noes (20)

Mr M. Barnett
Mr Brown
Mr Catania
Dr Edwards
Dr Gallop
Mr Graham
Mr Grill

Mrs Hallahan
Mrs Henderson
Mr Hill
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty

Mr Ripper
Mr D.L. Smith
Mr Taylor
Ms Warnock
Dr Watson
Mr Leahy (*Teller*)

Pairs

Dr Turnbull
Mr Nicholls
Mr McNee
Mr Ainsworth

Mr Thomas
Mr Riebeling
Mr Bridge
Mr Cunningham

Question thus passed.

MOTION - STANDING ORDERS SUSPENSION

Dissent From Speaker's Ruling, Cessation of Question Time

DR LAWRENCE (Glendalough - Leader of the Opposition) [2.36 pm]: I move -

That so much of the standing orders be suspended as is necessary to enable consideration forthwith of the following motion -

That the question of dissent from the Speaker's ruling on the cessation of question time be debated.

Points of Order

Mr C.J. BARNETT: Mr Speaker, further to that matter -

Several members interjected.

The **SPEAKER**: Order! The motion is to suspend standing orders. I have a point of order from the Leader of the House.

Mr C.J. BARNETT: We have moved into Order of the Day No 4. It is not appropriate at this time to suspend standing orders. Indeed, if the Opposition wishes to discuss the issue of question time, its members can use their own time this afternoon. I will be delighted to debate the issue.

Mr RIPPER: I think this matter has been dealt with in only the past couple of weeks. My understanding is that a motion to suspend standing orders can be taken at any stage. That is based on a precedent, as I recall, from 10 November 1981. A more recent precedent when this device was used with the approval of the Speaker was on the last sitting day when the industrial relations legislation was guillotined through this House.

The **SPEAKER**: Order! There are no points of order. The motion to suspend standing orders can proceed.

Mr D.L. Smith: We had a good week last week when you were away. We have gone back to being normal for you.

Debate Resumed

Dr LAWRENCE: The member for Mitchell is drawing attention to the very reason that it is important that this House does suspend standing orders. The Government has not yet allowed it, but perhaps in time it will see the necessity to suspend standing orders on questions such as this when the very order of this House stands in jeopardy. As the motion indicates, we want to suspend standing orders to dissent from the ruling that you, Mr Speaker, made. I am sure you will understand that this is a course of action open to Oppositions and it should be open to Governments. Any member of the House who wishes to dissent from a ruling should be given an opportunity to do so. It is most important, for a number of reasons, that we suspend standing orders to consider that question.

We on this side of the House in recent weeks have been forced to tolerate from this Government - not just in question time but on many other occasions, including questions on notice, and during debate - reluctance of the most extreme kind to answer questions and to deal with matters of substance in a serious way. I draw the attention of the House to the fact that at this stage, very short into the career of this Government and not long after the opening of Parliament, some 200 or more questions are on the Notice Paper which have not yet been answered. In addition, many of the answers -

Point of Order

Mr C.J. BARNETT: The Leader of the Opposition has moved to suspend standing orders for a motion of dissent against the Speaker's ruling.

Dr Gallop interjected.

The SPEAKER: Order! The member for Victoria Park.

Mr C.J. BARNETT: Surely it is incumbent on the Leader of the Opposition to focus on the issue of your ruling, Mr Speaker. She is continuing with a general debate about debate in this House which is not appropriate. We are happy to debate this matter now, but the Opposition should get to the issue.

Mrs Hallahan interjected.

The SPEAKER: The member for Armadale should cease interjecting.

I have made these comments so many times in the past, I will not say them at great length. In the motion to suspend standing orders it is very difficult for the member moving such a motion not to dwell in some part on the anticipated subsequent motion. I do not think the Leader of the Opposition will spend her time debating the subsequent issue. She will make some reference to it, but I presume it will be reasonably brief. There is no point of order.

Debate Resumed

Dr LAWRENCE: I made those observations to make it clear that this is not an isolated incident or complaint from the Opposition about the conduct of questions without notice. Firstly, if we received fulsome replies to questions on notice, which were expeditiously answered, our complaint about your ruling Mr Speaker, might be less forceful. However, it is in the context of a very large number of questions unanswered and many answered in a way that is clearly designed to obfuscate. When asked about the role of a particular officer in a Minister's office the answer came back, "The duties of a public servant." I suggest that that is not a reply one would expect from a Minister of the Crown when a reasonable request was made to describe the duties of an officer in a Minister's office. To be told that they were the duties of a public servant is clearly arrogant and dismissive and designed to prevent proper inquiry.

Secondly, the other avenue of inquiry critical to an Opposition and Parliament is question time. I am not one of the longer serving members of this House, but I have been here since 1986. I have sat in the position of the Premier, a Minister and a backbencher and now I am on the Opposition benches. In all those positions, the amount of noise and interjection in question time was by no means exceptional. It had not persisted for a very long time and -

Mr House interjected.

Withdrawal of Remark

Mrs Hallahan: You country goose.

The SPEAKER: Order! I call on the member for Armadale to withdraw that remark.

Mrs Hallahan: I will find a better one next time.

The SPEAKER: Order! I call on her a second time.

Mrs Hallahan: I withdraw.

Debate Resumed

Mr House: Do not withdraw them, say them again; be personal.

Several members interjected.

Dr LAWRENCE: May I refer to that example without canvassing your ruling, Mr Speaker. One of the reasons the Opposition wishes to suspend standing orders to enable dissent from your ruling in this matter to be moved is that it is not the first time we have dissented from the attitude you take in the Chair, particularly during question time. In question time we have been told that the Speaker is not interested in Ministers actually answering questions; that was reinforced yesterday when you said that there is no requirement on Ministers to answer questions. I understand that position from the Speaker but from the Opposition's point of view, I am sure you will appreciate, Mr Speaker, particularly in the light of the need for public scrutiny and the recent findings of the royal commission, that while it may not be a strict requirement of the House that Ministers answer questions, it is a strong expectation on the part of the community. The Opposition will therefore, rightly, persist, noisily if necessary, in insisting that the Government respond to that pressure and answer questions.

Several Opposition members: Hear, hear!

Dr LAWRENCE: If, every time we asked a question we received a full and open explanation from the Government, which was not duplicitous or cute, the Opposition would not show persistence or determination, which from time to time, Mr Speaker, you clearly find offensive. I think you will note when Ministers answer questions clearly and openly without provocation, or a desire to deliberately stir up certain reactions, as we saw today, the House is orderly. It is therefore important that, when you close down question time because of what you see as an extraordinary level of interjection, an opportunity be given for the Opposition to discuss and dissent from your ruling. If the Government can, as you have indicated, refuse to answer questions in question time with impunity under the standing orders of the House and the Opposition is not allowed to continue questioning because the Speaker objects to the level of interjection and noise, there is very little point at all in an Opposition in this Parliament. If the Government will not answer questions on notice or without notice; if the Speaker prevents vigorous questioning and pursuit of a Government which refuses to answer questions, why would we be here at all? We might as well conduct our debate in the community and in the media.

As a member of Parliament, I thought, Mr Speaker, that this was the one place where we could guarantee that questions we asked in the interests of our constituents would be answered. If they fail to be answered the Opposition and members have a responsibility to pursue and persist repeatedly until answers are given. I am amazed that this Government, which from time to time throws up what it sees to be the sins of the past as justification for its own actions - I find that curious - when in Opposition very clearly indicated that it regarded its role as one of questioning and scrutinising the Government. It was, nonetheless, a role that certain observers found it did not entirely fulfil. The royal commission, among others, indicated that in Opposition we must never give quarter.

It was recently pointed out to me - I do not exonerate past Governments from this - that it took three weeks of persistent questioning on one occasion by a member of my party to finally elicit an answer that eventually was of some embarrassment to the Government.

We know that questions we ask will sometimes embarrass the Government and that it will sometimes want to resist them. However, if we cannot be confident that in that determination and persistence we have an opportunity to be noisy, if necessary, and interject on members, not only is our role in the Parliament lost but also the people of Western Australia lose watchdogs and an Opposition which is sharp and willing to put this Government to the test and to keep it on its toes.

In seeking to suspend standing orders in this way I am conscious of the fact that on many occasions, Mr Speaker, you have warned members on this side of the House to an extent that I have never seen before. That often includes not only an observation about the level of interjection, which is your proper right and duty, as the Speaker, but a qualitative statement about whether you approve or not of the interjection and whether it is a matter on which you have some opinion. I find that extraordinary behaviour from a Speaker. In my time in this House, apart from occasional moments of humour, I have seen Speakers, Acting Speakers and Deputy Speakers take a firm line to maintain order in the House, but never to reflect on the character or quality of interjection, or the nature of the argument the Opposition or the Government has put forward. On many occasions, I have been the recipient of comments of that kind and have noticed that others in this House have had the same unflattering descriptions applied to their comments and interjections. Were those comments applied uniformly to all members in this House I would say that was the character of your role as the Speaker and that was the way you were disposed to deal with your role. I am not inclined to a persecution complex; however, my observations are that you, Mr Speaker, are not even handed in the disposition of rulings on interjections. That is why the Opposition wants to suspend standing orders.

The SPEAKER: Order! The member will resume her seat. There must be a substantive motion before the House for the member to address the question of my even handedness. The member cannot address the issue in this motion to suspend standing orders.

Dr LAWRENCE: Thank you, Mr Speaker. I appreciate the fine line that exists. Part of the reason the Opposition wants to suspend standing orders is so that it can indeed do what you, Mr Speaker, request me to do by way of substantive motion, and not through the suspension of standing orders. However, another of the features of this Government that makes it extremely important is that on this occasion members opposite depart from the practice they have adopted of refusing the suspension of standing orders; otherwise we are not in a position to clearly put our case about your rulings and, presumably, others who may wish to defend your behaviour are not in a position to do so either. This Government is reluctant to allow for the suspension of standing orders - suspensions that even when we had the numbers in Government, not mentioning the period when there were a number of Independents, we allowed from time to time, because the interests of this Parliament demand that there be suspension of standing orders, particularly on a question of the management of the House.

The Opposition has no capacity outside this place to be critical, either of a ruling or of the general demeanour of the Speaker, as is proper. You, Mr Speaker, would agree that no capacity exists outside this place to make that statement and apparently no capacity exists within the House to have that judgment or argument debated, particularly in a matter of this kind. Your own ruling is that the Opposition could not move to dissent from your ruling. Therefore, it puts us in an impossible position. The Government will not agree to suspend standing orders - I have no reason on this occasion to think that it will - and you as the Speaker have ruled that your ruling cannot be dissented from. You see, Mr Speaker, the impossibility of the position into which the Opposition has been thrust. In my time in this House I have not seen circumstances of this kind where there is no forum, apart from the narrow motion which I have moved in attempting to keep within standing orders, to debate what is a critical matter.

Mr Speaker, you and I both know that if control of this House is lost or if the respect of sections of this House for the Speaker is lost, this Parliament - not just the Opposition or individual members - will be brought into disrepute. Its role in the community will be diminished and the capacity of its members to serve their constituents will be severely reduced. I do not say that lightly. I believe that is a consequence of a failure of control

in this House. That is why the Opposition believes it is not only important but also critical that these matters be debated as and when they occur. The Opposition's dissent is particularly with your ruling in question time, and the cessation of question time, but is also a matter which has been simmering for some time in this House, where successive question times have seen a less than even handed approach. It is a point of view which by your ruling the Opposition is not able to express. Owing to the Government's reluctance to allow us suspension of standing orders we cannot express it. Quite properly in the public arena we should be modest in our criticism of you, because unless we do that I presume that we could be held in contempt of this House.

As I said, the context of these remarks is the signal failure and frequent failure by the Government members to answer questions. Day in and day out Opposition members in this place have asked different Ministers questions. It has become a habit of Ministers to think that they can be clever and that they can duck questions. The classic example was the Minister for Labour Relations in answer to one question saying that it was for him to know and for us to find out. Precisely. Yes, the Minister does have privileged knowledge; yes, he holds that knowledge in trust on behalf of the community; and yes, it is our role to find out. However, the forms of the Parliament need to be administered so that we can, that Ministers will answer questions, that the Speaker will allow the questions to be answered, and that the Speaker will allow a vigorous level of interjections and pursuit if Ministers for some reason decide that it is in their interests to refuse to answer. Otherwise we will have in this community not a Parliament with a Government, a majority party and an Opposition, but simply an Executive Government with all the worst features that could be anticipated.

Mr Court: Of WA Inc?

Dr LAWRENCE: Yes, indeed of those excesses. I thought that the Government, given its many statements on this question, would be the last collection of parties to allow for that lopsidedness in this Parliament. Finally, I draw attention to a quote which you, Mr Speaker, made when you were an ordinary member of this House. You stated -

On many occasions I have argued that question time should be at least 45 minutes and not 30 minutes. I have said before that Ministers should not use dorothea dixer to enable them to give a substitute for a ministerial statement.

That is a sentiment with which I agree. Furthermore, by your own statement to this House you have said -

I have interjected regularly in this place when I have found Ministers answering questions inaccurately.

I could not have put it better myself. That is precisely what occurs on this side of the House when the Premier, as he was today, is asked a question about a specific promise that he made twice during the election campaign -

Mr Court: I gave you an answer and you acted like absolute rabble.

Several members interjected.

The SPEAKER: Order!

Dr LAWRENCE: The Premier said that this economy would be "served by the existing levels of the public sector". The Opposition asked him why had he not explained to the people of Western Australia the difference between that statement and what in fact has happened. How does he reconcile the statement that he guaranteed that no jobs would be lost with the number of jobs that have been lost?

Mr Court interjected.

The SPEAKER: Order!

Dr LAWRENCE: How does the Premier reconcile his statement of just two days ago that no jobs would be lost as a result of this Budget and with the announcements yesterday that 1 100 jobs would be lost? That is a reasonable question.

The SPEAKER: Order! I ask the member to confine her remarks.

Dr LAWRENCE: Like all the other reasonable questions that the Opposition has put to the Government today, owing to your ruling, Mr Speaker, we are not able to ask them. Not only on this occasion, but also on many other occasions answers have not been given and the Opposition has interjected and pursued the Minister vigorously. Mr Speaker, I remember your booming voice at the time and I repeat your quote -

I have interjected regularly in this place when I have found Ministers answering questions inaccurately.

That is precisely the case. That is why it is critical that the Government agree, at least on this occasion, if it is at all interested in democracy and proper process, that we are able to debate the substance of the matter I have raised by way of a motion to suspend standing orders. If the Government does not agree the Opposition will have no basis to conclude other than that this is a Government without principle, that it is not interested in hearing a proper debate on questions of substance, and that it is prepared to stand by and see the Speaker's position in this House permanently undermined, because that is what will occur.

MR C.J. BARNETT (Cottesloe - Leader of the House) [2.58 pm]: Mr Speaker, the Government does not support the motion to suspend standing orders so that a motion of dissent can be moved against your ruling. The Leader of the Opposition's argument to suspend standing orders rested entirely upon the responses, as she perceived it, to questions asked of the Government. The Leader of the Opposition tried to mount an argument that the Government had been slow to answer questions placed on notice. Could it really be that the Leader of the Opposition is the same person who as Premier and Treasurer took around six months but failed to answer a question on redundancy, of all things, asked by the member for Scarborough? Is that the same self-righteous, pious person who has spoken on this matter? The Leader of the Opposition then accused the Government of not answering questions. Could that be the same person who, as Premier, presided over a Government which, at the end of the 1992 parliamentary session, left 221 questions on notice unanswered? That would be one of the worst records of any Government in this State yet the Leader of the Opposition has the hide to stand in this Parliament and accuse this Government of not answering questions. For six months she failed to answer a question and Ministers in her Government failed to answer 221 questions on notice at the end of last year. On behalf of the Government, I give a commitment that any question on notice asked in this House by 1 December will be answered before this Parliament rises. This Government will not leave 221 questions unanswered. The Leader of the Opposition who has just spoken is also the same person who said to the royal commission, "I can't recall."

Point of Order

Mr RIPPER: The Leader of the House is the same person who took a point of order about the relevance of remarks of the Leader of the Opposition. He is now not dealing with the substance of the motion.

The SPEAKER: Order! I do not wish to go through the many times that I have talked about the need for me to allow a certain amount of latitude in motions of this sort. The Leader of the House should be aware of the standing orders. While I will allow some latitude I ask him to stay close to the motion.

Debate Resumed

Mr C.J. BARNETT: I made those points by way of rebuttal of the case made by the Leader of the Opposition. I want to summarise them again. This Government is answering questions and is prepared to answer them. The previous Government left 221 questions on notice unanswered at the end of last year. The Leader of the Opposition took one week short of six months to answer a question on redundancies.

Why was it necessary for the Speaker to rule today that question time would come to an end? He did so because of the excessive noise. He found it necessary to formally call to order among others, the Leader of the Opposition, the Deputy Leader of the Opposition

on two occasions, the member for Morley I believe, I think the member for Balcatta and several other members. We were five minutes into question time - we were on the first question - and half a dozen members of the Opposition had been formally called to order. You, Mr Speaker, had to repeatedly call to order the Deputy Leader of the Opposition. Opposition members failed to respond to your suggestion that they should behave in an orderly manner. They deliberately ignored your rulings. They demonstrated today a deliberate attempt to disrupt this House by making excessive noise and interjections to frustrate question time. It is even more incredible that they should have behaved like that today when, only yesterday, Mr Speaker, you found it necessary on several occasions after an excessive number of interjections by the Leader of the Opposition to call her to order and remind her, as previous Speakers have done, that if the level of interjections continued, you would find it necessary to call off question time before the week was out.

What is this really all about? Following your warning yesterday, what were members opposite doing today? They were trying it on. They set out today to try it on and they got what they wanted. They wanted to see question time come to an end. Nothing was done by any member on this side of the House to terminate question time. The only actions that led to the termination of question time were taken by members opposite.

Mrs Edwardes: It was a stunt.

Mr C.J. BARNETT: It was a stunt maybe not orchestrated by the Leader of the Opposition but certainly condoned by her and she stands condemned for her disorderly and poor behaviour in the House. The member for Victoria Park called it a political trick. If it was, it was played by those opposite, because all the Premier was trying to do was answer the question. I was sitting next to him and I could not hear him.

The Speaker has a difficult job to do at all times. The previous Speaker had occasion, when he was faced with excessive interjections, to give warnings and, on occasions, he found it necessary to suspend question time early. We did not like that when we were in Opposition but he found that action necessary to bring the House to order. Mr Speaker, what you did today was appropriate in the face of what was a deliberate attempt to disrupt the House. It displayed an enormous lack of ability by the Leader of the Opposition and the Deputy Leader of the Opposition to control their members.

The Government fully supports your ruling, Mr Speaker. Members of the Government believe you had no choice with the excessive noise and interjections but to abandon question time and we cannot support the motion to suspend standing orders.

MR M. BARNETT (Rockingham) (3.07 pm): I join this debate only briefly to draw to members' attention to a time in my career as Speaker which was similar to that now being faced by the House and to say to members that this is not the first time in the time I have been in this House that this situation has arisen. Clearly, the issue of whether question time should or should not be drawn to a close is a subjective one. It must be handled from time to time in different ways. You, Mr Speaker, and I were both members of this House on the first occasion that I saw this situation occur. Hon John Tonkin was the then Leader of the Opposition and his reaction to being not allowed to continue with what he thought was a fair debate, whether rowdy or not, was to depart from his troops and the day concluded with the Speaker saying that that was the end of the day's sitting and everybody went home. That would not be a bad conclusion to the situation we have just faced. It is not an excellent one; it would be far better if members, no matter which party they come from, asked questions and were given answers, whether we like them or not, that are not provocative.

Mr Court: I hope my answers are never provocative.

Mr M. BARNETT: Again, that is a subjective judgment. The second time such a significant situation arose was when I was in the Chair in my early time as Speaker. Although I had been in the Parliament for approximately 14 years and thought I knew what was necessary to run Parliament in a fair, impartial and evenhanded way, it became obvious fairly quickly that the Opposition had a different point of view and that the way I handled the Parliament was not considered by Opposition members to be fair and

impartial even though, sitting in that chair, I thought I was being fair and impartial. That was brought to my attention in several ways. Before I remind you, Mr Speaker, of what one of your colleagues said to me, I want to draw to your attention something that I have said already in this session of Parliament about the way I saw this Parliament operate when I was the Speaker. Eventually, I saw the place as a bit of a pressure cooker. While we have over 400 rules in the standing orders under which we should all operate, if they were enforced rigidly every day, you, I and most members know that it would not operate the way it should. In seeing the place as a pressure cooker, I envisaged a steam valve on top of it: While not much was going on in volatile debate, I could sit fairly heavily on the pressure valve on top of the pressure cooker and enforce the rules as quickly as I liked. However, as soon as the debate became volatile or the topic was one of extreme interest, I had to amend the way in which I applied the rules. If I had not released the pressure on the valve often enough to allow some steam to escape either I, as Speaker, or the pressure pot would have blown up. I pretty soon woke up to the fact that one must apply the rules differently, although fairly and impartially, on different occasions. When I started to recognise that, I had an Opposition that looked more favourably on me; it was not favourably enough and neither did it give me the respect I thought I was due as the Speaker at that stage. At one time when I was sitting in the Chair during question time a member of the Liberal Party came to me and asked whether I knew how many members the then Opposition had in the House. I told him, and it was certainly fewer than the Government had. He then asked how many members the Government had. I again told him and it was certainly more than the then Opposition had. He asked whether I could count, and why I was helping the Government. He said the Government did not need help because it had the numbers to enable it to do the job itself. However, the Opposition needed help because its job was to question the Government, and if the Government were provocative in its answers it was unfair for the Speaker to cancel question time. If, however, the Opposition were provocative, it would be perfectly appropriate for the Speaker to cancel question time.

I agree with your earlier statement, Mr Speaker, that it is your right to cancel question time. However, in this case your subjective view could be scrutinised a little more closely by you and by this Parliament, so that in future when we have a question time in which the answers are provocative, and by their nature they draw a cacophony of interjections from the Opposition, it is not seen as an adequate reason to cancel question time. If the Opposition sets out to wreck question time, by all means the Speaker should cancel it, but not for the reasons it was cancelled today.

MR RIPPER (Belmont) [3.12 pm]: Many observers of Parliament have drawn attention to the importance of question time as a key accountability mechanism. Yet it seems to me one of the few accountability mechanisms which is entirely at the discretion of the Speaker. That seems to be an anachronistic position. This is part of the parliamentary process, which is regarded as a key part of Parliament and a key mechanism by which the Executive is held accountable to Parliament, yet it is not an established part of the rules which we can take for granted automatically because it is at the discretion of the Speaker. In theory, the Speaker could say that no questions without notice would be asked ever, and that very important part of Parliament could be dispensed with.

Mr C.J. Barnett: Is that probable?

Mr RIPPER: It is not probable but anything is possible. If that were to occur, there would be no opportunity under your ruling, Mr Speaker, for the House to dissent from the Speaker's decision. While the House can dissent from almost any decision of the Speaker, on this very key matter you have ruled that the House cannot dissent from your use of your discretion. It needs to be dealt with by this House urgently because this key parliamentary event is apparently very insecurely based.

This Government has found it difficult to cope with the pressures imposed by Parliament. It is perhaps a young Government which is not used to the robust nature of Parliament for Government. Those who have been in government know the pressures Parliament can impose, and that during question time in particular the Government can expect to come

under pressure. It is perhaps the case that this Government is under more pressure from this Opposition than the former Government was from the former Opposition.

Mr C.J. Barnett: Did you prepare these notes last night?

Mr RIPPER: The Leader of the House may need 24 hours' notice before making a speech in this place, but I hope I can get to my feet with rather less warning than he apparently requires. I take his remark as a compliment.

This Government is having difficulty coping with the pressures imposed by Parliament and that is perhaps why it has a tendency to restrict the opportunities offered to the Opposition. We have seen excessive use of the gag - much more than ever used under the Lawrence Labor Government - unprecedented use of the guillotine and enthusiastic support for your decision, Mr Speaker, to cancel question time. This is not the first occasion on which you have cancelled question time rather early in the proceedings. You, Mr Speaker, are a former teacher and so am I. You have in effect imposed a collective punishment on the House, and in so doing you have denied the rights of other members of Parliament who may not have been guilty of any interjections whatsoever. As a former teacher, I am sure you recognise that collective punishments are not really in accord with modern educational theory, and they are not a very successful way in which to control a class. It creates a sense of injustice, which is exactly how members on this side of the House regard it. They feel that the robust pressures of Parliament which a Government should expect have not been accepted by the Government. There is a understandable feeling that on this occasion you have shown undue support for the Government's position in this House. That is not conducive to your standing in this place or to the proper operation of this House in future. We have seen this Government make some very controversial decisions involving huge job losses, including those announced yesterday. Tomorrow will be an important day when the Budget will be handed down. Today's question time is a very important question time and the Opposition wanted to ask the Government many significant questions. They were to be aggressive questions, of course; that is the role of the Opposition. The Government should have expected that.

Mr C.J. Barnett: Why throw away your chance to ask them?

Mr RIPPER: That is not the question, Mr Speaker. Unlike the Leader of the House, I will take an interjection because I think interjections play a significant role in this place. The answer to his question is that it is not a relevant question. He should have asked: Why was question time taken away from the Opposition, when we see no more pressure applied by the Opposition and no more unruly behaviour than was experienced when our roles were reversed?

I was a Minister in the previous Government, and I am aware of the pressures imposed by question time. Now the roles have been reversed, but what is happening is no different from what happened last year when you, Mr Speaker, sat where the member for Armadale now sits and participated in question time. We believe we can see a pattern emerging of authoritarian behaviour by the Government. It has been shown in the use of the gag, the guillotine, the contemptuous answering of questions by Ministers and now the cancelling of question time. Whatever you do, Mr Speaker, it is difficult for you to avoid a personal association with that pattern. Whether you believe that view is justified objectively, when a pattern like that exists it is difficult for you to avoid association with it, particularly when question time is cancelled.

It is important that this matter be dealt with now, and that is why I support the suspension of standing orders. A key accountability mechanism has been dispensed with and no opportunity has been given to the House to protest. In my view it is an anachronism that that can happen, and that anachronism is made only clearer by the reports and recommendations of the royal commission.

When will the Government get the message? Times have changed, and the public demand that the Government be held accountable before them and before the Parliament. The public demand that the Government answer questions; there is an expectation that the Government will deal with questions properly in Parliament. It is not only a public

expectation; that is also the spirit of the recommendations of the royal commission, which suggested that Parliament should look to the effectiveness of its accountability mechanisms. The Government does not seem to have got the message, hence the use of the gag and the guillotine; its actions in relation to the membership of the Public Accounts and Expenditure Review Committee; and now the cancellation of question time. How many times must we go through an exercise like this before the Government will get the message? It is extraordinary that the House cannot express an opinion on your use of discretion in cancelling question time. This problem should be corrected immediately through the suspension of standing orders and the moving of a dissent motion which might establish a proper precedent for the handling of question time in the future.

MR TAYLOR (Kalgoorlie - Deputy Leader of the Opposition) [3.22 pm]: The Government which has elected you, Mr Speaker, has placed you in a most invidious and embarrassing position, having refused to allow this House to suspend standing orders to debate a most important motion to dissent from your ruling. It is most unfortunate that the bloody-mindedness of the Government has placed you in that position.

Mr C.J. Barnett: Were you not called to order three times earlier?

Several members interjected.

The SPEAKER: Order!

Mr TAYLOR: This motion to suspend standing orders gives me an opportunity to make some points in relation to this issue. It is rather unfortunate that you seem to be a Speaker who is well on the way to creating a record for this Parliament, and perhaps for the Westminster system, in having had two motions of dissent from your rulings moved in the short time that Parliament has been sitting since the election. There must be a message there for this Parliament about the operations of the House. I find it extraordinary that today, after not even one question has been answered, question time has been brought to an end. If you were to listen to the tape recording of that session it would show clearly that the Premier was quite deliberately inviting interjections. I would like the Leader of the House to deny absolutely that any move was made by the Government to bring question time to an early end today.

Mr C.J. Barnett: You need to be conscious -

Several members interjected.

Mr C.J. Barnett: I am prepared to answer the question, but on my own terms. The fact is that the Opposition was warned yesterday by the Speaker. It was the interjections of members opposite which led to the Speaker's action. There was no thought at all by any member of the Government that question time would not run its full course today.

Dr Gallop: Did you discuss this question at all with your colleagues?

Mr C.J. Barnett: There was no discussion at all. If there was a stunt, it was from your side.

Mr TAYLOR: I accept that position, but the situation in this House is absolutely unacceptable. I do not believe that questions should be brought to an end simply because of a few interjections. I suggest to you, Mr Speaker, yet again that if this matter is to be resolved and your job made a little easier at question time the best thing you can do is to line up the Ministers in your room and give them a lecture about their behaviour at question time and, more importantly, the quality and accuracy of their answers at question time. There is no way in the world that I or any member on this side of the House will sit mute during question time while Ministers opposite make statements and replies to questions that invite interjections and, secondly, make no effort whatever - as was shown in relation to my questions to the Premier about the Western Mining affair - to answer the questions put to them. As long as they continue to bait Opposition members and give answers that are not frank and to the point and deal with the subject matter you must expect interjections from the Opposition. Occasionally those interjections are very loud indeed. It is the nature of this House and of the parliamentary

system itself that there should be vigorous debate. We expect that vigorous debate, and Ministers opposite took part in exactly the same sorts of debates in years gone by. You yourself, Mr Speaker, were part of it.

Mr C.J. Barnett: Given that argument, don't you think you have some responsibility as a senior member of Parliament, having been called to order formally once and referred to on a number of occasions?

Mr TAYLOR: I am more than happy to sit back and listen to sensible answers to our questions. That would not attract interjections from the Opposition. I am prepared to do that and other members on this side would have no trouble doing that. Mr Speaker, you cannot expect question time to run merrily along when Ministers are behaving in a totally obnoxious way, as these Ministers do at question time. That is a very important point. I believe that on the last occasion we sought to debate one of your rulings, and again today, you have shown a bias from the Chair -

The SPEAKER: You cannot reflect on me at this stage.

Mr TAYLOR: That is the unfortunate position -

The SPEAKER: I urge you to change your language.

Mr TAYLOR: That is the unfortunate position in which you have been placed by the Government that elected you. I cannot make those sorts of comments and put my point of view about your behaviour in the Chair because this Government has not given us the opportunity to do so through the suspension of standing orders. At the very least one would expect that a Government which wanted its Speaker treated seriously, and whose standing in this House it wanted to establish, would give the Opposition the opportunity to put these points of view.

The Leader of the House has failed to do that. He should take a look at the *Hansard* of last week when the Deputy Premier was the acting Leader of the House; he would then realise how the House can work through cooperation to get the job done. The Leader of the House has much to learn about cooperation and getting the job done. Instead of attending the Bob Pearce school, he should go to the Deputy Premier to learn the job. As long as the member for Cottesloe is sitting in that chair and pretending to be the Leader of the House, this type of issue will dog him.

You, Mr Speaker, have a serious problem regarding the attitude of members on this side of the House to your approach to running the Legislative Assembly. Undoubtedly, you have set an unfortunate record in your short time in the Chair which has led to this action. The standard of behaviour in this House can be corrected only if the Speaker is prepared to work with the Opposition and, more importantly, make it clear to the Ministers of the Government, of which the Speaker is a part, that they must properly answer questions; the Opposition will not be placed in a position of being subservient to Ministers in this place.

MR COWAN (Merredin - Deputy Premier) [3.31 pm]: I compliment you, Mr Speaker, on being lenient enough to accept this motion. You would be aware, Sir, as would be members opposite, that questions without notice are at the discretion of the Speaker.

Several members interjected.

Mr COWAN: The motion to suspend standing orders to debate the matter of dissent from Mr Speaker's ruling on the cessation of question time is clearly out of order because questions are at the discretion of the Speaker. The Speaker has the right to determine at any time whether questions without notice continue, and that issue cannot be canvassed. I have noticed in your time in the Chair, Mr Speaker, that you have been prepared to allow the House some degree of leniency from standing orders to let the House find its own level, so to speak.

The Deputy Leader of the Opposition raised a number of issues concerning question time. We can go back as far as any member likes to see that question time has evolved. I refer to the *Hansard* of 1955 to determine the standards adopted at that time; I regret that the Speaker is not named in this extract, but maybe some member could help me here.

Mr Pandal: It was Speaker Hegney.

Mr Hill: No, Speaker Hegney was from 1956 to 1959.

Mr COWAN: At that time the Speaker required questions without notice to be delivered to him in writing 30 minutes before question time to be scrutinised to ensure that they were a matter of urgency and were in order.

Several members interjected.

The SPEAKER: Order!

Mr COWAN: The then Speaker made the ruling that in future questions without notice would not be allowed unless they involved a matter of real urgency and that, therefore, he would require prior notice from the member concerned. He went on to say that, "In case it is thought that this ruling is to protect Ministers, I point out that Ministers can and frequently do refuse to answer questions without notice and ask for the question to be put on the Notice Paper. If members do not agree with this ruling, the remedy is in their own hands." Therefore, although questions without notice are at the discretion of the Speaker, if we wish, we can deal with this matter by making changes to standing orders.

Interestingly, you were quite right, Mr Speaker, in your first ruling that a motion to suspend standing orders cannot be moved during question time. Also, you were right in your view that no motion for dissent from your ruling regarding the continuation of question time should have been moved. Standing Order No 82 clearly indicates that questions without notice are at the discretion of Mr Speaker. On that basis, although the Leader of the Opposition may have moved to suspend standing orders to conduct this debate, you, Sir, would have been quite in order to rule the motion out of order. Nevertheless, it must be understood that if the Opposition wants to argue dissent from your ruling, Mr Speaker, it can do so at any time other than during question time. However, the Opposition was somewhat provocative by moving the motion during the one inappropriate part of parliamentary procedure.

Although some members say we should consider amending standing orders, every member should examine standing orders to gain an understanding of the procedures of this place. Importantly, I learnt over a long time that members on either side of the House have a right to ask questions and the Speaker determines who will ask the question by giving the call. Once the Speaker has permitted questions without notice to be asked, it is at his discretion whether they continue. Therefore, members have no control over the answers given. If they do not like an answer, and if members' behaviour is such that the Speaker exercises his discretion and terminates questions without notice -

Mr Taylor: Are you saying that Ministers can recite any answers they like - they can recite "Ba Ba Black Sheep" if they like - and we must cop it? Answer the question!

Several members interjected.

Mr COWAN: I will answer the question if the Deputy Leader of the Opposition can persuade the Leader of the Opposition to allow me to do so. Yes, subject again to the determination of the Speaker, we can give the answers we want.

Several members interjected.

Mr COWAN: Here we go again. Members opposite cannot help themselves.

Dr Lawrence: Do not patronise this side of the House. You do not have the standing to patronise us.

Mr COWAN: The Leader of the Opposition is not sitting on this side of the Chamber any more.

Dr Lawrence: Your job is to answer questions when sitting there.

Mr COWAN: The Leader of the Opposition must understand that we are no longer subject to her dictates. Members opposite can ask the questions, but they must receive the answers given, as we did for the past 10 years.

Several members interjected.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr COWAN: I am answering the question but the Leader of the Opposition does not listen; she must understand that if she asks a question, she must be prepared to put aside some time to listen to the answer. At the moment, when she asks a question she wants to shift the goal posts and ask another question before the answer is given. The Leader of the Opposition must learn some patience.

Several members interjected.

Mr COWAN: It is not easy.

Several members interjected.

Mr COWAN: I will ignore the other interjections and will answer the question asked by the Deputy Leader of the Opposition in his interjection. To make sure it is beyond any doubt: Members can ask any question they like provided it is regarded by the Speaker as being in order. I would be delighted if someone were to ask me some questions without notice; I have had three since the Parliament began.

Mr Taylor: I do not want to embarrass you.

Mr COWAN: I do not think you would, my friend.

I can give the answer I like provided Mr Speaker considers it to be in order. I remind the Deputy Leader of the Opposition -

Mr Taylor: You cannot give any answer you want to give.

Mr COWAN: Yes I can. That is the very nub of the problem. The Deputy Leader of the Opposition cannot accept that we can give the answers we want to give provided they comply with the standing orders and have the approval of Mr Speaker.

Mr Taylor: To take that to the point of the ridiculous: The Deputy Premier is saying that if he recited "Ba Ba Black Sheep" we would have to accept that as the answer.

Dr Lawrence: It is not important what the Opposition thinks, but the people of Western Australia deserve answers.

Mr Hill interjected.

The SPEAKER: Order! Leader of the Opposition and member for Helena.

Mrs Hallahan: The Deputy Premier is acting like someone out of the last ice age. If the Deputy Premier would answer fully the questions we ask, we would have no difficulty; that is the least that is required of him.

Mr COWAN: The member for Armadale cannot help herself. For the sake of the member for Armadale, I have said it twice and at the risk being patronising I will say it a third time, because from her interjection she clearly did not understand my first two responses. The member is entitled to ask the questions she likes provided Mr Speaker says they are in order. We are entitled to give the answers we want provided Mr Speaker says they are in order.

Dr Lawrence: And damn the people of Western Australia!

Mr Taylor: That is the crux of the problem; that is where the Speaker has a job to do.

Mr House: Has it changed since you were in Government?

Mrs Hallahan: Yes, it has changed.

The SPEAKER: Order!

Mr House interjected.

Mrs Hallahan: I was a Minister in another place.

The SPEAKER: Order! The member for Armadale and Minister for Primary Industry will cease interjecting.

Mr COWAN: My point is that the Opposition has always felt aggrieved when questions

without notice are terminated at the discretion of the Speaker. We all know that has happened on a number of occasions in the past.

Mr Speaker, you have set no precedents by terminating question time after the first question. That has been done on a number of occasion before. We have all felt aggrieved about that.

Dr Gallop: When has that happened?

Mr COWAN: The member for Victoria Park should look at *Hansard*.

One of the things that must be understood by both sides of the House is that, firstly, members can ask questions without notice provided they are ruled by the Speaker as being in order; secondly, we can give the answer we want provided again it is ruled by the Speaker as being in order. Finally, because question time is at your discretion, Mr Speaker, and it can be terminated at your discretion, and a member asking a question or a Minister giving a response can even be sat down at your discretion, this motion to suspend standing orders should be ruled completely disorderly and not contemplated by this House. However, Mr Speaker you have demonstrated a degree of generosity by saying to the House, "This House is responsible for its own control and destiny. I will not unduly interfere with that; members can work it out among themselves." I am quite sure that over a period that degree of generosity may terminate, but again it will be because of the behaviour of members of Parliament, and not for any other reason. Mr Speaker, even though you have been generous enough to allow this motion to be debated, it is quite disorderly and can never be supported by members of the Government.

DR CONSTABLE (Floreat) [3.45 pm]: The motion to suspend standing orders to allow dissent from Mr Speaker's ruling is about the wrong thing. If we were seeking to suspend standing orders to debate standards of behaviour in this place we would have something to talk about. From where I sit the problem does not seem to be with Mr Speaker's decision to conclude question time but with behaviour on both sides of the House. From where I sat, while that was happening, it seemed that the comments being made by the Premier who was asked a question were most provocative and the uproar from this side of House was unacceptable as well.

I have been observing question time, as others have been, over the past few weeks, and I must say there is a high degree of frustration at the answers that are given to many of questions. I take the points made by the Deputy Premier a moment ago about how things work; but when one analyses what is happening with question time we get wonderful dorothea dixers with written answers that are read out to us in full, while questions asked by other members often get no answer at all. We get provocative comments and a most frustrating feeling from people on this side of the House, and I can understand that. Last year we had a lengthy debate about standards of behaviour in this House. Perhaps we should do that again. Earlier in the day I looked up to the gallery as did several other members and a number of school children were present, and I wished they were not there to see the behaviour going on in this House. I will not be supporting the suspension of standing orders, but I hope in the days to come we will all be looking at the way we behave, remembering those young people in the gallery for whom we are meant to set an example.

MR D.L. SMITH (Mitchell) [3.47 pm]: I was not in the House when the motion to suspend standing orders occurred.

Mr C.J. Barnett: But you still have a speech ready, do you?

The SPEAKER: Order!

Mr D.L. SMITH: Although we do form ourselves into political parties in this place and, by that, into Government and Opposition, we are all individually elected to this Parliament. The Premier when he was Leader of the Opposition said on the "Sattler File" on 6PR, "We are going to operate through the Parliament. It is the only safeguard we have in our democracy." That is what this House is about. We individually are elected to represent the interests of our constituents. More often than not the matters that are of concern to us are of concern to our constituents, and not just to the political party of

which we are a member in our role as members of the Opposition or the Government. It is clear from the report of the Royal Commission into Commercial Activities of Government and Other Matters, and from every inquiry that has ever been conducted, that this Parliament is supposed to be the vehicle by which the Government of the day and we, as representatives of the people, are accountable to the people. Question time is clearly one of the opportunities for us to make the Government accountable. Largely, what has occurred in this very short session to date is a reflection of the inexperience of the Leader of the House.

The Leader of the House appears to think that this Parliament is here to do the will of the Government. He appears to think that every member in this place is to sit here like obedient children and cop whatever the Government of the day hands out. That is a denial of democracy. It is a denial of our Constitution and the oath of office that members take when they choose to join this place, because we take an oath that we will act for the people, only in the interests of the people, and will abide by the constitutions, conventions and customs which govern this place. To find that question time is suspended within a couple of minutes of its opening is a denial of our constitutional right to represent the people and to ask questions. It is increasingly obvious that questions without notice are the only means by which Government members are going to stand and at least purport to answer in their own way and own judgment the questions that we pose. Just today I received answers to three questions on notice which were posed earlier in the week to the Attorney General. Let us consider the sorts of answers that the Opposition is now receiving from this Government through the question on notice system.

The SPEAKER: Order! The member should relate his remarks closely to the question before us.

Mr D.L. SMITH: I have no trouble at all in doing that. The Opposition is not getting any information from this Government through questions on notice; therefore, the only vehicle we have is through questions without notice. I will demonstrate the sort of lack of information and accountability that is evident from the Government through questions on notice and why, therefore, questions without notice are so much more important. Part (1) of question 934 to the Attorney General asks -

When will the Attorney General announce the Government's decision, already part implemented, to cut back and at least privatise the Crown Solicitor's office by passing on the work to private lawyers?

The question was clearly about the fact that the Crown Law Department was passing on work to private lawyers. The answer received was -

There has been no decision by the Government to partly privatise the Crown Solicitor's office.

Therefore, the answer stated, the other three questions I asked were not applicable. The question was clearly about passing out the legal work of the Crown to private practitioners, and it included in part a question about how much was being paid to the firms to which the work was given, and which firms were getting the work. That answer was a direct avoidance of the question by concentrating only on the aspects of privatisation. Part (1) of question on notice 928, a six part question, asked whether the coordinating committee of chief executive officers was established last December to coordinate the work of all criminal justice agencies. The answer to the question advised that no such committee was established last December and that, therefore, the other five questions were not applicable. The smart alecs on the other side say that the Opposition members leave themselves open to those sorts of answers because they do not ask particularly what the question is. However, all the Government is doing is using that as a device to avoid answering questions on notice. That situation requires the Opposition to go back and say that if it was not December, was it November or October, until we strike the right month when the decision may have been made; otherwise, we must rephrase the question. All that does is frustrate the accountability to the people. It is delaying the answers being given and is increasing the workload of the Minister, the ministerial staff and the people asking the questions.

Mr Tubby: You were in Government in December last year; you should know the answer to the question.

Mr D.L. SMITH: The member for Roleystone should read the other five parts of the question. Question 930 asked -

Is the Attorney General pursuing the plans of the previous Government for the relocation of the Central City Magistrates Courts?

The answer states -

All existing court accommodation plans are under ongoing review to ensure that the most cost effective options consistent with the provision of appropriate facilities will be pursued.

No answer was received about what work was being done on the relocation of the Magistrates Courts. The time allocated for question time is provided by the rules of this House; that is, 30 minutes or such other varied time as the Speaker may allow. No specific rule exists dealing with the ability of the Speaker to terminate question time altogether. To do that he relies on the general ability of the Chair to control the order of the House. Members should consider the question of the orders of the House in relation to, for instance, the ability of the Speaker to terminate the sitting of the Parliament. It relates to grave disorder and not the ordinary cut and thrust of this place. I, for one, am fed up with the notion that this place should conduct itself like some sort of school, where we on this side sit obediently while somebody from the other side attempts to teach us.

Mr Wiese: What are you doing now?

Mr D.L. SMITH: I am certainly not going to object to people interjecting and disagreeing with my views, and to a degree of ordinary cut and thrust in this place. Although it is true in general terms that any interjection is disorderly, the truth of the matter is that this place has always allowed interjections and that question time traditionally is a time when a fair amount of comment occurs from both sides. It is not helped by Ministers being provocative in their answers. I have no trouble with the Deputy Premier saying that there is no obligation on Ministers to answer the questions. Of course there is not. Indeed, the Ministers could recite nursery rhymes if they wanted because there is no standing order dealing with how Ministers will answer questions or whether they must answer them at all.

If any member in this place, except during his or her maiden speech, includes provocative remarks and tries to bait or score political points and refuses to be accountable, he or she can clearly expect to cop a few interjections. The rules state that they can either ignore those interjections or respond to them. The rule is that Hansard does not even record those interjections if they are not responded to by the person. However, the conventions and practices that interjections can be answered by the person on his or her feet and are recorded by Hansard when they are answered clearly indicate that some level of interjections is always tolerated in this place and is recorded. The question of balance is: When does the level of disorder created by those interjections reach a level where the Speaker should use his powers to control the order of this place? The answer to that question is that the rarest occasion when the Speaker should use his authority to do that is the most critical time in this place in terms of the accountability of the Government to the people. That is, the Estimates Committee, the Budget debate and question time, when clearly it is intended to make the Executive in some way accountable, is when the Speaker should use his power only most reluctantly and with the gravest level of concern for the effect of what he does, because the effect of that action is to deprive members in this place of their paramount duty as identified by the royal commission. It does not behove the Leader of the House to talk in this place about the record of previous Governments. What it behoves him to do is to understand that what the previous Government did under the present Leader of the Opposition in response to the concern in the community was to appoint a royal commission. The previous Premier, Peter Dowding, already had appointed a commission on accountability. What are the key

recommendations in the Burt Commission on Accountability and the royal commission itself? They are that the Executive should be accountable to the people and that every member of Parliament and the Government, regardless of the position he or she holds, should respect the need of the Executive to be accountable to the people. That is not achieved by being provocative in answering questions. It is not achieved by trying to avoid questions and it is not achieved by trying to avoid question time altogether.

Even though I was not here for the start of question time, from some of the remarks that the Leader of the House made in answer to the request for an assurance that this whole thing was not staged today, we need to focus on the one factual matter he reflected upon. This was that yesterday in question time the Speaker apparently made some remark about the need for members to be orderly and to be fearful that if the disorder continued question time would be curtailed. It was yesterday's event that the Leader of the House focused on. I find it passing strange that with that so much foremost in his mind the Premier in his answer was as provocative as he was, giving rise to the interjections. This was immediately followed by the suspension of question time. As I was in the midst of an interview with the media, I did not get the opportunity to get into the Chamber to hear what it was about. As an individual member of this Parliament not present in this Chamber at the time, it is wrong that I should be deprived of the opportunity to fulfil my obligation to make those on the other side of the House accountable to the people, because of the perceived conduct of the Opposition, whatever it was.

The Speaker does have alternative powers. He has the power to call a member to order, to do that three times and then actually suspend him. If there are individuals who are being disruptive in that way, he should treat them as individuals and make them personally responsible for their behaviour. He should not punish the people out there who elect us and he should not curtail our constitutional rights and obligations to make those on the other side of the Chamber accountable. Despite the royal commission recommendations and despite recommendations of former Chief Justice and now Governor Burt about how we in this place should behave, we certainly find that we have no real answers to questions on notice, that members opposite are using questions without notice to be provocative to lead us to the situation that occurred. The Leader of the House may well stand and say in this debate, "What about you when you were this and what about you when you were that?" when he well knows that whatever happened before the royal commission was appointed and before the Burt commission was appointed, the fact is there is now a general view that the way in which things were done in the past was not in the constitutional interest of this State.

When a royal commission makes its recommendations and findings, and when a person like the Governor makes those sorts of findings as a Chief Justice, it does not behave members opposite to come into this place and say the reason why their conduct is acceptable is that our conduct prior to the royal commission was no better. It does not satisfy anybody for members opposite to say, "Our conduct is fair enough because of what other people said about your conduct." The fact is that we as politicians are in disrepute. The standards of this Parliament are in disrepute, and the royal commission and the Burt Commission on Accountability gave us the lead individually as to our obligations and how we might restore the community's respect for Parliament and some control by the Parliament of the Executive. Despite the royal commission we now find Ministers not answering questions on notice, avoiding them, and then in questions without notice standing in this place and choosing not to answer, being as provocative with their answers as they can, and then saying, "Look at that mob across the way. We have been provocative; we have been offensive, and we are not answering the questions. You sit there like nice little boys and girls and cop it. This is our place and we choose to run this place how we like."

I give those members a message on behalf of my constituents. While I am a member of this place I will not let them do that. This is not their place where the Government can do its business; this is the people's place where we do the people's business.

Several members interjected.

The SPEAKER: Order!

Mr D.L. SMITH: I am here as a representative of my constituents, and I will not have my rights and obligations constrained by a Speaker or anyone else who chooses to use this place to serve the Government and not the people.

MR BLAIKIE (Vasse) [4.09 pm]: I oppose the motion. I will discharge my responsibility to the electorate who sent me here to ensure that democracy is not only upheld but also improved. It is very interesting that the member for Mitchell, who has just resumed his seat, was not even in the Chamber to understand what took place. What he spoke about for some time was the quality of answers that Ministers have given. That criticism is as old as Parliament itself. During the 22 years I have been here it has always been the case that from time to time members have not appreciated the answers that Ministers have given, and that will always happen. In all the 22 years that I have been here, what the member for Mitchell has said has been the cry of Opposition members. It has gone on since time immemorial and will go on in this wonderful institution of democracy for the next 100 years.

Mr Speaker, you took certain action, and the reason you took that action was the uproar in the House at the time.

Dr Gallop: You are reflecting on the Speaker's decision.

Mr BLAIKIE: I am supporting the Speaker's decision. Mr Speaker, not only did you call to order a number of members but you also formally called to order the Leader of the Opposition and you formally called to order the Deputy Leader of the Opposition twice. You formally called to order other Opposition members, but they chose to ignore your request. Mr Speaker, for the benefit of members and the people in the Public Gallery I advise that you took the reasoned step of advising the House that unless you had order you would be obliged to curtail question time, even though you did not want to do so. You did not say that once; you said it at least twice.

Several members interjected.

Mr BLAIKIE: Members opposite took the trouble of disagreeing with Mr Speaker's ruling, which is fundamental to a common problem faced by Oppositions. Mr Speaker, you then gave the whole House a second warning and subsequently you took action to curtail question time. It is the Speaker's role to do that. What has transpired is that Opposition members now realise that today is private members' day. It is the Opposition's day to ask questions and to do what the member for Mitchell wants to do; that is, to bring to the attention of the House a matter of concern to his constituency. The Opposition's leadership team have been the biggest offenders in this issue. They failed to advise their members that if they continued to play up there was a likelihood that question time would be curtailed. The leadership team sat there and did nothing and we have witnessed the end result. The Opposition is now attempting to put the blame on you, Mr Speaker. It was up to the Opposition to determine whether it was unhappy with the answer the Premier was giving to the question asked by the Leader of the Opposition, but I have no doubt that had a subsequent question been asked the Opposition would have been happy with the answer.

The conduct of members in the Parliament is something which should be foremost in the minds of members. Mr Speaker, your role - I congratulate you for adhering to it - is to ensure that the House is kept in order. Members should go to the other Chamber and see what happens there. The sort of behaviour we witnessed today would not be allowed in that Chamber. I have great regard for the Legislative Council and the orderly manner in which debates are conducted there. Members from this House should go to the Legislative Council on occasions to see how members there conduct themselves.

I refer now to the statesmanlike qualities displayed by the member for Rockingham in his contribution to this debate. However, from where I sat when the Government was in Opposition those qualities were not as evident. The former Speaker, the member for Rockingham, did not have the statesmanlike qualities that you, Mr Speaker, displayed today.

Several members interjected.

Dr Gallop: You are not a silly man, but this is a silly speech.

Mr BLAIKIE: When the Government was in Opposition I was the Whip for some time and I know what happened. Several warnings were given by Mr Speaker today, but they were ignored. When the member for Rockingham was the Speaker I recall occasions when no warning was given, but action was taken.

Several members interjected.

The SPEAKER: Order!

Mr BLAIKIE: The Speaker has the power to take certain action. The member for Warren will be very much aware of what happens if a member incurs the wrath of the Speaker. If the Speaker chooses to find it difficult to recognise a certain member, it is within his power to do that. In order to gain some sort of reasonable behaviour in this House today, you, Mr Speaker, took the only action available to you. I support the action you took and I advise members that they should have a greater regard for the Chair. The Opposition frontbench should have heeded the concerns Mr Speaker expressed and sought some cooperation from its members. Had that been the case, question time would have continued and we would have already had a quarter of an hour of private members' business.

Division

Question put and a division taken with the following result -

Ayes (21)		
Mr M. Barnett	Mrs Hallahan	Mr Ripper
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Hill	Mr Taylor
Mr Cunningham	Mr Kobelke	Mr Thomas
Dr Edwards	Dr Lawrence	Ms Warnock
Dr Gallop	Mr Marlborough	Dr Watson
Mr Grill	Mr McGinty	Mr Leahy (<i>Teller</i>)
Nocs (29)		
Mr Ainsworth	Dr Hames	Mr Prince
Mr C.J. Barnett	Mr House	Mr Shave
Mr Blaikie	Mr Johnson	Mr W. Smith
Mr Board	Mr Kierath	Mr Strickland
Mr Bradshaw	Mr Lewis	Mr Trenorden
Dr Constable	Mr Marshall	Mr Tubby
Mr Court	Mr Minson	Mrs van de Klashorst
Mr Cowan	Mr Omodei	Mr Wiese
Mr Day	Mr Osborne	Mr Bloffwich (<i>Teller</i>)
Mrs Edwardes	Mr Pandal	

Pairs

Mr Bridge	Mr Nicholls
Mr Graham	Mr McNee
Mr Riebeling	Dr Turnbull

Question thus negatived; motion defeated.

RURAL ADJUSTMENT AND FINANCE CORPORATION BILL

Second Reading

Debate resumed from 8 July.

MR GRILL (Eyre) [4.20 pm]: The Rural Adjustment and Finance Corporation Bill replaces the Act which commenced under the title of the Rural Reconstruction Scheme Act 1971. That legislation has been amended on numerous occasions since then and has

been subject to different schemes of arrangement under various agreements between the State and Federal Governments in respect of aid for agriculturalists. There is, therefore, need for a consolidated Act, and the legislation now before the House is for that purpose. However, while the present Government is consolidating that Act, it is also proposing to introduce some new provisions in that legislation. The major new provisions are, firstly, to expand from five to seven the number of members on the board of the Rural Adjustment and Finance Corporation, and to change the nature of that representation, principally by removing the representative from the Department of Agriculture and the representative from Treasury. The Minister stated in his second reading speech that that change is being made pursuant to a recommendation of the recent royal commission. Is that correct?

Mr House: It will still be possible to appoint people from the Department of Agriculture and Treasury but it will not be specified in the legislation that they necessarily have to be from those organisations.

Mr GRILL: It appears to be a bit contradictory, because the Minister states in his second reading speech that -

... a public servant should not be appointed to a board of a statutory authority or State-owned company while retaining a position in the Public Service in a department within any portfolio of the Minister responsible for that body. However, this is not to say that officers of the Public Service could not be appointed as members of the corporation by virtue of their experience or expertise in rural industry or financial matters, or where this would effectively integrate Government programs in rural areas, rather than as a representative of a particular Government department.

I presume that the Minister intends to appoint representatives from the Department of Agriculture and Treasury to sit on the board. If the Minister does that, he will not get any criticism from me, nor from the Opposition, because it is highly appropriate that representatives from the Department of Agriculture and Treasury be on the board. I find it difficult to understand that recommendation of the royal commission, but it appears that the Minister will pay at least lip service to it by amending the Act.

Mr House: That is not the only problem you have with the royal commission, if I remember rightly.

Mr GRILL: No, it is not. I realise that the Government has some problems with the royal commission recommendations, and I certainly have some problems with the royal commission recommendations but I hope they will be set straight in certain court proceedings shortly. I say in passing that the royal commission recommendations in respect of this legislation are a nonsense. I know the Government believes that it must go along with them, and it is to the extent that it proposes to remove the provisions within the Act which prescribes appointment of representatives of the Department of Agriculture and Treasury; however, the Government will nonetheless go ahead and appoint them in due course without that being prescribed in the Act. We will not criticise that because it is necessary.

The Bill proposes that the number of farmer representatives be increased from two to three. That will be good for the perception of RAFCOR and for public relations, and it will probably be good also in respect of making judgments about the applications that come before RAFCOR. RAFCOR has come under a fair amount of criticism over the years. One person who has been critical of RAFCOR is the current Minister for Primary Industry, so it is rather ironic that he is in charge of this legislation and in charge of RAFCOR. The current Minister was a severe critic of RAFCOR when I was Minister for Agriculture, although his criticisms may have abated to some degree over the last year or so.

Mr House: It was probably due to inexperience on my part.

Mr GRILL: The current Minister and his leader were highly critical of RAFCOR and the way in which it operated, and I felt then that a lot of that criticism came about because

the actions and activities of RAFCOR were not being conveyed properly to rural consumers. I endeavoured to put in place a better program whereby there was improved dialogue between RAFCOR and farmers. I do not know to what extent that worked, but it may have worked because over the last few years I have not seen the public criticism of RAFCOR that there was when I was Minister. Whenever these criticisms were made, they were made in general terms, at least while I was responsible for RAFCOR. The National Party finally made specific criticisms, and I think 20-odd cases were put up at that time. It was found when each of those cases was examined that the criticisms could not be sustained, and I think the National Party was fairly well satisfied at the end of that process that although there was a broad perception among the rural community that RAFCOR was not working effectively, it was difficult to prove when one actually looked at the various case studies that RAFCOR had not acted within jurisdiction and had not acted properly in regard to the guidelines that were laid down under various State and Federal agreements.

The present Government proposes to take the opportunity under this legislation to split the role of chief executive officer and chairman of RAFCOR. While I was Minister, and I think almost to the present time, the role of chief executive officer and chairman has been filled by the same person. Ideologically, the present Government feels that both positions should not be filled by the same person.

Mr C.J. Barnett: Do you not agree?

Mr GRILL: I do not agree in all cases. The posture adopted by the present Government is not confined just to this legislation but seems to be an ideological position which has been adopted across the board.

Mr C.J. Barnett: We consider that it is appropriate that the same person does not occupy those two positions.

Mr GRILL: Yes, and I can see the theoretical base for that.

My colleague was referring to the addition of the chief executive officer to the Environmental Protection Authority. The Government has taken a consistent line. In most cases, it is probably right but it is just a deregulation -

Mr C.J. Barnett: Say that louder!

Mr GRILL: In most cases the Government is right. It is a bit like regulation and deregulation. It is horses for courses. Sometimes I think deregulation is essential and in other cases it is entirely unnecessary. I have said in the past that although, in most cases, it would not be proper or effective to have one person filling both the CEO and the chairman of the board positions, there are occasions when that could be highly effective, especially where we want to get things done quickly or to have changes made quickly. It is not always possible to have compatibility between the chairman of the board and the chief executive officer.

Mr Lewis: Are you saying there should not be a chairman and a chief executive officer as well?

Mr GRILL: In some cases.

Mr Lewis: In most cases, it is not a problem.

Mr GRILL: We seem to have a contradiction here. The Minister's colleagues say that in all cases there should be a split.

Mr Lewis: Do you agree?

Mr GRILL: Generally, but there are occasions where we can have the same person filling both positions and that could be very effective. I will not object to the provision in this Bill which prescribes that the same person cannot fill both positions. All I say is that if I were framing a Bill I should like to see flexibility where on occasions the same person can fill both positions. Under this legislation, the chief executive officer will not even be a corporate member. He will not be entitled to vote at sittings of the board, but I understand he or she might be entitled to sit in to make comments at board meetings.

Mr House: He or she will be, not may be. It is not a matter of the discretion of the board about whether the CEO attends meetings. The CEO will attend board meetings but will not vote.

Mr GRILL: So the CEO will attend, but not by invitation.

Mr House: It is expected that the CEO will attend, not by invitation.

[Leave granted for speech to be continued.]

Debate thus adjourned.

MOTION - MINISTER FOR PLANNING'S BEHAVIOR, CRITICISMS

MR KOBELKE (Nollamara) [4.33 pm]: I move -

That this House finds that the Minister for Planning has failed to exhibit the high standards of honesty, accountability and competence the community rightfully expects and calls on the Minister to cease his abusive and dictatorial behaviour towards local authorities.

In the time available I will try to give a number of instances which indicate that the Minister for Planning has not taken a completely honest and up-front approach with matters that fall within his portfolio, and that on many occasions the Minister has sought to avoid accountability by misrepresenting the truth and getting the facts wrong and has said things which were not true. The fact is that the Minister has said things on a number of occasions which are not true and which have misled people. The community has the right to expect that Ministers will be forthright in addressing the issues which fall within their portfolios.

The first matter I wish to bring to the attention of the House in support of the motion is the approval given by the Minister for a concrete batching plant at Neerabup, close to Clarkson. The matter was first brought to my attention when local residents contacted me. They were incensed that the Minister had upheld an appeal in opposition to the City of Wanneroo and in opposition to a large number of residents who had made their views absolutely clear. People have since presented a petition to me which, unfortunately, does not meet the requirements of this House. The petition reads -

We the undersigned residents of Clarkson, Merriwa, Mindarie and Quinns Rocks strongly object to and disapprove of the decision taken by the State Minister for Planning to approve a concrete batching plant off Quinns Road Neerabup against the wishes of these communities and ignoring the rejection to the plan by the City of Wanneroo and the Department of Planning and Urban Development. This decision overrode community and environmental concerns.

More than 600 people signed the petition, and in order to respect the wishes of those people I seek permission to allow the petition to lie on the table for the remainder of this day's sitting.

The DEPUTY SPEAKER: When you have finished your speech, the petition may lie on the Table for the information of members.

Mr KOBELKE: These people have built new houses in a new subdivision adjacent to the freeway reserve. Many of these homes overlook the Neerabup national park. Some of these people would have been aware of the limestone quarry in the area but a limestone quarry is very different from an industrial plant which produces concrete. These people are incensed that the plant will be situated only 400 metres from land zoned residential. It will be situated on the eastern side where the prevailing summer winds will pick up the dust created by the plant and carry it to the adjacent homes. It is totally inappropriate for the plant to be located in the area. The City of Wanneroo agrees with that view.

The article which appeared in *The West Australian* showing the Minister for Planning in his Applecross home incensed a number of people. I had not previously heard from those people about the siting of the plant but after that article, three people contacted me and sent a copy of the article. People were incensed because the lovely streets of Applecross and the comfort that the Minister enjoys are being denied to these people. That article

got up the nose of these people just as the dust from the plant is likely to do. People have made the most important financial decision of their lives; their most important commitment is to build a new house; and they have chosen a suburb adjacent to and overlooking a national park but have discovered that an industrial plant will be situated some 400 metres from land zoned residential. It is an inappropriate place to locate such an industrial plant.

The company in the Buckeridge chain that has been granted approval for the plant has been trying for some time to get such a site in the northern suburbs. Eighteen sites have been considered over three years and all were found inappropriate. It seems rather strange that the Flynn Drive industrial estate in the same suburb which currently has a number of other such concrete batching plants has not been chosen. Pioneer Concrete has operated a plant there for some time, although I understand currently it is in moth balls. Boral Concrete operates a batching plant at the Flynn Drive estate also. Armacrete WA Pty Ltd is establishing a plant there; it may not be operational but I understand construction has started. The Readymix group has indicated its interest in establishing a plant in the same area; so there will be four plants in the Flynn Drive estate at Neerabup, but the Minister has found it necessary to allow another company to establish a plant in a national park. I do not know how the member for Wanneroo feels about this. He asked a question of the Minister a little time ago. I understand that he has been recorded as telling people that when on the Wanneroo City Council he voted against it. Is that correct?

Mr W. Smith: I did.

Mr KOBELKE: Has the member made representations to the Minister since asking him not to approve it?

Mr W. Smith: Yes.

Mr KOBELKE: So the member is clearly against it and has taken it to the Minister. Despite the representations from the local member the Minister has gone ahead with the proposal. The Minister might tell us his reasons. He has not yet put them on the record. We have seen that so far the City of Wanneroo has opposed the proposal. I will place on record the council's most recent motion on this issue which was made at a meeting on 28 October 1992. It states -

... that Council:

- 1 in accordance with Part 7 of Town Planning Scheme No 1, refuses the application by General Bulldozing Company Pty Ltd for approval to develop a concrete batching plant within Mining Lease 70/717, Reserve 27575, Quinns Road, Neerabup on the grounds that:
 - (a) the development is contrary to the intended use of the land for which the land is reserved;
 - (b) the development would introduce an additional non-conforming use, intensifying industrial activities on the site;
 - (c) an approval would set an undesirable precedent;
 - (d) the development would exacerbate the environmental degradation of the area;
 - (e) Council is not satisfied that a need exists for the proposed use in this location or that the general public will be seriously disadvantaged if the application is refused;
 - (f) the development goes beyond the expectations of surrounding residents for the area;
 - (g) significant public objection;
- 2 advises the Department of Planning and Urban Development of its decision to refuse the application and recommends that the Department issues its refusal under the provisions of the Metropolitan Region Scheme;

That motion was carried by the City of Wanneroo. Quite clearly it states a whole range of reasons why it is totally inappropriate to put such an industrial plant in that location.

On 19 August the Minister answered a question from the member for Wanneroo in which he indicated that he had upheld an appeal to allow the establishment of that concrete batching plant; that is, in opposition to the well argued reasons of the City of Wanneroo, in opposition to the very clear concerns of the local residents and, I assume, overturning the recommendations of the State Planning Commission - I may be wrong on that, but it is either DPUD or the State Planning Commission - that it should not go ahead. It was one or the other of them. My attempts to find the trail as to from where approval was refused have not proved fruitful.

Mr Lewis: You do not understand the fundamental jurisdictions.

Mr KOBELKE: The Minister will have a chance to explain it in a moment. We understand that all the relevant authorities have clearly established that this is not an appropriate place for a concrete batching plant and the Minister has overturned their recommendation to enable this to happen, despite the fact that four other companies already operate or are about to operate from an industrial area in exactly the same suburb. When there is an industrial site in the same suburb, there must be very good reasons why the Minister would overturn that recommendation. We find here another example where the Minister has his facts wrong. Perhaps it is just a minor point so one could say it is just an oversight. In answering that question the Minister said -

It will be established in a quarry that has operated for 15 years, and it will be located within that quarry . . .

The material I have received from the proponents indicates that it will not be located in a quarry; it will be located on part of the mining lease, but not in the quarry. It will be south of the quarry, closer to the southern boundary. That is one point about which the Minister is wrong. Later quarrying operations might move to that site, but the plant is not being placed in the existing quarry.

The Minister then went on to use a particularly good piece of doublespeak which is becoming a tool in trade for this Government. He said that the plant would be behind a buffer zone of natural bush. That is a really good way of describing a national park. I have not heard members previously say that national parks were considered to be buffer zones. National parks meet our needs to preserve some of our natural vegetation and to provide a facility which can be used by people to get away from residential and industrial areas. To assume that part of a national park could be referred to as a buffer zone would seem to be a deliberate attempt by this Minister to mislead the House.

Mr Trenorden: That is a very, very long bow.

Mr KOBELKE: Does the member think that we should put industrial plants into national parks?

Mr Trenorden: No.

Mr KOBELKE: That is what we are saying. This Minister says that this project is okay because there is a buffer zone.

Mr Lewis: You are saying that national parks cannot be considered to be buffer zones. That is a nonsense. Your Minister used to do it all the time. In fact, it is a part of proper planning.

Mr KOBELKE: Yes, to do it properly, but not to come into this House and try to hoodwink people into thinking that it is okay for this plant to be established because there is a buffer zone. It is clearly in the middle of a national park. I would like to ask the Minister the reasons why he should overturn all this advice and introduce an industrial operation into an area where it is totally inappropriate to put such a plant.

Mr Omodei: How far is it from the other industrial site?

Mr KOBELKE: It is in the same suburb, about four kilometres away down Wanneroo Road in the Flynn Drive industrial area.

Mr Omodei: Will it save new home building costs?

Mr KOBELKE: I do not know what it will save. I will come back to the Minister's answer to the question. I do not know whether the Minister has had representations with Mr Buckeridge or the company. Could the Minister answer that question now? Did the Minister have representations from the proponents which convinced him that he should uphold their appeal?

Mr Lewis: I had representations from a lot of people.

Mr KOBELKE: But did the Minister have representations from Mr Buckeridge or members of his company?

Mr Omodei: Let the Minister answer in his own time.

Mr KOBELKE: The Minister does not want to answer my question now. I hope he might when he responds later. When every matter on the public record indicates that there is absolutely no need for the plant in this location, when no-one is supporting this application from the company, why would the Minister uphold it? Perhaps the Minister gave it away himself when he replied to the question from the member for Wanneroo and said -

... it has been estimated that it will reduce the cost of an average home by about \$150.

Mr Lewis: That is right.

Mr KOBELKE: In the press statement the Minister said that the saving in the cost of an average home in the area is more than \$150. Let us not quibble over that. We are talking about \$150 per home as being the saving that Mr Buckeridge will make per the favour of this Minister. Is the Minister asking us to believe that Mr Buckeridge will pass on that \$150 to the new home buyers and, therefore, reduce the cost of housing for people who buy his product? Is that what the Minister is suggesting? The Minister is not suggesting that. The present home market does not indicate that houses sold from the Buckeridge range of companies are any cheaper than equivalent houses offered by other companies. If one were to take it that Mr Buckeridge would reduce his costs, one would see that this Minister - very much a proponent of the level playing field - through his administrative action has given one company a competitive advantage over four other competitors in the area. I am not saying that it is true; but if this Minister is to be believed, he is saying that the Buckeridge companies can sell their houses for \$150 less. This Minister's decision, in effect, will give a competitive advantage to one company over the other four companies that operate in that suburb. Perhaps Mr Buckeridge will not pass on the savings. Perhaps Mr Buckeridge's companies will pocket the \$150 per home which the Minister suggested - I did not suggest that amount of money - both in his press release and to this House. His decision to give favoured treatment to Mr Buckeridge's companies means that those houses can be built for \$150 less. I can only accept that the Minister is correct in the statement he has made.

Mr Lewis: Do you accept that it will be about a \$150 saving?

Mr KOBELKE: No. I do not know the figures. I am saying that the Minister has issued a press release and made a statement to this House. Therefore, I am basing my logic in this debate on that being true. If I am wrong, the Minister can come back to me.

Mr Lewis: That is on the best advice I have.

Mr KOBELKE: The Minister's decision in doing that is caught up with the fact that he will allow Mr Buckeridge to save \$150 on each house that he sells in the northern suburbs. If we look at what it means and Mr Buckeridge pockets that \$150 saving, that advantage will be extensive, given that over the next five years 15 000 dwellings will be built in the City of Wanneroo. I was given those figures by the City of Wanneroo. In the application put together by the company proposing this batching plant, it is indicated that his company supplies to about 20 to 30 per cent of new home construction work. In other words, it supplies concrete to 20 to 30 per cent of the houses built. On the basis of the bottom line of 15 000 homes being built in the northern suburbs around Wanneroo, in the

next five years that company will contract concrete to about 3 000 homes. Based on a saving of \$150 each nearly \$500 000 will go into Mr Buckeridge's pocket because of a decision made by this Minister. I am basing that on the figure given by the Minister. As I have already indicated on a number of occasions, he has said things in this House that were not true. Given that he issued a press release which referred to savings of \$150 and that in a dorothy dixer, which he set up, he said that he made this decision in part because \$150 would be saved on each house, over the next five years Mr Buckeridge will pocket roughly \$500 000 gratis as a result of the favoured decision this Minister has made. I repeat: In the same suburb is an industrial area where this concrete batching plant could have been located alongside its competitors. However, for some reason - he has yet to explain; I hope he will - this Minister has made a decision which means that Mr Buckeridge will pocket approximately \$500 000 over the next five years. If the number of new buildings in that area were to increase or its life in that area were extended - the residents assure me it will be extended beyond five years - that profit to Mr Buckeridge will mount. Why would a Minister make such a decision? Mr Buckeridge is seen as someone who puts large amounts of money into the Liberal Party. The member for Wanneroo indicated he was not in favour of the batching plant.

Mr Pandal: You blokes love to hate old Len because he gets right up your nostrils, which is not all that pleasant for him.

Mr KOBELKE: That is not relevant to the issue at all. I am clearly establishing the facts before this House. The Minister's decision which favours this builder will make him \$500 000 richer and this Minister has given no logical reason for that. The City of Wanneroo said that the plant is not necessary; the State Planning Commission would not uphold that proposal; and the local member for Wanneroo has said he is opposed to it; yet somehow out of the blue this Minister seems to want to make sure he looks after his mate Mr Buckeridge. What other possible answer is there? The Minister might care to explain the reasons for his decision. I asked him a moment ago to make some comments, but he indicated that he was not willing at that stage to explain the matters that influenced him to uphold the appeal.

Mr Omodei: If this fellow is such a terrible person, why are all these people getting him to build their houses?

Mr KOBELKE: The Minister for Local Government has missed the point. The building industry in this State is very competitive. Mr Buckeridge is a very competitive operator and offers a quality product for the price at which he sells his homes. However, we are talking about the competitive industry of home building. This Minister's decision, in his own words, has given either a competitive advantage to one concrete company over others in the same area, which certainly does not fit in with treating everyone equally, or a gift to the pocket of Mr Buckeridge. The Minister cannot have it both ways; it is either one reason or the other. In both cases, it seems that inappropriate reasons have been given for overturning a decision based on a clear position from all those people involved in the area. I therefore think the Minister has a point to answer or, as local people have said to me, the assumption will be that the Government is repaying its mates for the money that was poured into its last election campaign. That seems to be the only reason one can give for inappropriately placing this industrial operation right next to a residential area in the middle of a national park.

I refer now to the Minister's statements and decisions concerning the development of a master plan for the Perth foreshore. Although this matter was debated some time ago in this place, it has since gone from bad to worse. Since taking up his portfolio, it has become quite clear that the Minister did not have any real desire to continue with that planning process. Whether he will admit to it directly, I cannot say, but from his actions it is fairly clear that this Minister is not a strong advocate of a structure plan for the Perth foreshore of the type proposed over the past couple of years. It appears that he set about to sabotage it. He did not advise the City of Perth that the coalition had problems with the proposal, and seek to make arrangements to pull out of the joint venture. He attended a meeting at which a representative of the City of Perth was present and advised that the Government was pulling out. The City of Perth representative indicated it could not do

much about that, and would have to wear that decision because at that stage there was not a final commitment to the project. The Minister then told the American proponents who had been offered the contract that the City of Perth and the Government no longer wished to go ahead with it. That was a misuse of the process involving the development of the Perth foreshore. It left a very bad taste in the mouth of this American consultancy firm.

Mr Lewis: Can you prove that?

Mr KOBELKE: I am telling the Minister what I hear around the traps; I will come back to him in a moment. A major international consultancy now sees Perth as a hick town where it would not want to do business. The Minister has sabotaged a proposal that has been under negotiation for many months between the Government and the City of Perth. I remind the House that the City of Perth proposed the development, not the Lawrence Labor Government; however, the Government picked it up and went into partnership with the City of Perth. In answer to a question I asked at that time, the Minister, who said he was involved in serious negotiations, came into this Chamber on 30 June this year and said things that were not true. I will leave it to others to judge whether it was through incompetence or whether the Minister was trying to mislead the House.

The Minister has said on several occasions that he was in the middle of negotiations with this company to try to withdraw from the contract. In answer to my question he said -

The Perth foreshore deal was done by the Leader of the Opposition in December 1992 in the run-up to the election.

That is false, as the Leader of the Opposition interjected at that time.

Mr Lewis: That was when the price was set.

Mr KOBELKE: The details and the cost of the contract had been proceeding for about a year. That was widely known in circles - many people can confirm it - as a result of the involvement of the Perth City Council and the approach that had been made to consultants. The Minister's statement was false. He then went on to compound his errors by saying -

It was going to cost the State \$1.7m for a consultant based in Boston, Massachusetts.

That is wrong in two respects: Firstly, the contract to the company in Boston was \$1.4m; \$300 000 was for local administrative costs, making a total of \$1.7m. He was also wrong because it would not cost the State \$1.7m. The amount was to be split evenly between the State and the City of Perth. On two accounts in that statement the Minister, who was closely involved with negotiations, came into the Chamber and said something that was false. Either he is totally incompetent or he knew it was wrong and was trying to mislead the House. He then went on to make a third statement which I am sure he knew to be false. He said, "No work on the study of the Perth foreshore was to be done in this State." Absolutely false! The negotiations over the 12 months or so involved a range of Perth consultancies who would have picked up subcontract work from the winners of the competition who came from Boston, Massachusetts. Again, the Minister said something to this House which was false and, as he was negotiating this matter, he knew it to be false or he showed his absolute incompetence. Obviously, this matter was a difficult issue for the Minister for Planning! His heart was not in continuing with it and he wanted to go in a different direction. However, he could not go up-front to the Perth City Council and say, "There has been a change of Government which now wishes to move away from the last Government's undertaking and cut its losses" and ask it to come to an agreement. He did not do that. He scuttled it by saying things that were not actually true. He made a number of statements in this Chamber that were not true and that process has brought this Minister and our planning system into disrepute. If a Minister cannot be up-front in planning matters, how will we have a properly planned State?

The Perth City Council has made it quite clear that it is upset with the way in which the Minister dealt with the issue. The next proposal which he has now floated is simply a face saver. I do not think he has any intention of putting together a study of this scope for the Perth foreshore as the document he sent to the council states.

Mr Lewis: You are not very well informed, are you?

Mr KOBELKE: My view from reading this document is that there is not a lot of strength in the proposal and, until I am shown something different, I view it as a sham and a way of trying to shift the burden onto the Perth City Council. Members should keep in mind that, because of the way the Government withdrew from the Carr, Lynch, Hack and Sandell proposal, it does not now have a legal undertaking from the City of Perth to meet the additional costs. One should understand that the city council is very wary of picking up the additional costs because the Minister scuttled the project. I understand the Minister has approached the city to do that and that the council has not agreed to it. What did the Minister do to try to get himself off the hook? He came out with a new proposal. I am not sure how it has progressed through the council, but it has gone to the town planning committee. On Wednesday, 7 September an article appeared in *The West Australian*, one paragraph of which supports what I am saying and states -

In July, the council voted to reassess the partnership after claiming it was not consulted by Planning Minister Richard Lewis over the \$115 000 compensation negotiated with the American architectural firm which withdrew from the project.

Therefore, the council feels that this Minister has used and tried to abuse it and it is a bit wary of getting involved with any further project. I repeat that the Perth City Council has clearly established a track record for wanting to do something about the Perth foreshore. I know that, at one time, councillors had different views about some of the proposals. However, that was sorted out and the council strongly supported a joint project with the State which would have been coordinated by the American consultants. Having had that whipped out from under it by the Minister, the council is understandably wary of the Minister setting up the council to get it to support his proposal for a home grown version of a plan for development of the Perth foreshore. How far has the Minister got with that? I have not been able to find out, but I suspect he is not really dinkum about it.

The Minister hopes to do the new version for \$800 000 instead of the \$1.7m. Therefore, he proposes that the project will be a little leaner and meaner. The cost of administering the new project remains at \$300 000 - no reduction in the State Government's administration of the project! The money to go to the consultants will be cut from \$1.4m to \$500 000. It will be interesting to hear from the Minister how he will find consultants to do it for \$500 000 because they will be given something that has been so heavily cut from the original proposal that it will bear no resemblance to a total plan for the foreshore. It will involve one or two small areas but will not provide a master plan for the Perth foreshore. In that respect, we will waste \$800 000.

Mr Pandal: Are you suggesting that the rearranged proposal will not resemble the original? If you are saying that, many people will say hooray and give a great sigh of relief.

Mr KOBELKE: If the member does not believe we should have a master plan for the Perth foreshore, so be it. As I said, I think that is the Minister's point of view even though he has said on a number of occasions things that mean something else.

The Perth City Council is most unhappy with this Minister's approach to the issue and the people who will suffer are the citizens of Perth. It is a beautiful city which underutilises its river foreshore. It is past time for putting in place a structure plan to ensure that, as development applications for the foreshore are put forward, they will meet an overall integrated policy for that area. The Minister's actions in withdrawing from this proposal have done serious damage to this State's international reputation. Our industries are moving more and more into the international arena and contracts within Asia are being picked up by companies based in Perth. What has the Minister done? He has given a clear message to a major international consulting firm that it is unwise to do business with this Government because it cannot be trusted, as the Minister's dealings on this matter could not be trusted.

A second matter to which I wish to allude appears in today's newspaper. Jan Gehl is an eminent and very highly respected planner. In 1993 he was awarded the Sir Patrick Abercrombie prize by the International Union of Architects for his contribution to

architecture and town planning. That is a most prestigious award and one which is not offered every year. He was given that award also because of his international standing. All of the people involved in planning to whom I have spoken - they are not of any political persuasion - have indicated that he has considerable merit as a planner. The first paragraph of the article in today's *The West Australian* states -

Planning Minister Richard Lewis last night attacked a Danish consultant for releasing details of a report into Perth planning before Mr Lewis had time to study it.

What good does it do this State for this Minister to feel that he can bluster and threaten people? Jan Gehl is a planner of international standing. He has come here to work cooperatively with a number of people including consultants and other interested Perth people to put together in an open way jointly with the City of Perth a proposal for the inner city area and open space. The Minister apparently got a bit chuffed that he was not in complete control. He suggested that the report had been leaked or put out early. The Lord Mayor, Reg Withers, said that he thought it was appropriate for it to be released early because the process had been open and that copies of drafts had been around for some time. Jan Gehl was travelling through Perth on his way to another conference and the Minister has attacked him. I am astounded that a Minister who claims to be competent would take such a stand! If he were competent in planning matters and he disagreed with a person who has given his time and effort to try to develop things in this city, even though he may not like his proposals, he should at least have the good grace to tell him privately. Not this Minister of huff and puff! He made a statement to *The West Australian* lambasting a person of the highest international calibre. What does that do for the reputation of this State? I hope it will simply indicate that we have an incompetent and dishonest Minister. The effect will unfortunately be to paint a wider view of this Government and this State, and that will be very much to our disadvantage and lower our international standing. This Government can go on and on about better government and turning our attention to export and to Asia; however, if Ministers of this Government cannot be relied upon and if, at the slightest provocation, they make unnecessary attacks on people of high standing, we, the people of Western Australia, are the ones who will suffer. I hope the Minister will take heed of the motion as suggested and cease his abusive and dictatorial behaviour not only towards local authorities, but also in his dealings with international consultants and consultants who may be based in Western Australia.

The next matter to which I draw attention to show how the Minister is abusing the due process, relates to the stand he has taken on coastal development. On being appointed Minister for Planning, the first statement I remember seeing any evidence of in the Press related to his gung ho attitude to coastal development. Perhaps it is just another example of a Rip Van Winkle Government which has just woken up in 1993 to find itself in government, and still adheres to the way things were done in the 1970s when daddy knew how to do it. We have moved on since then and, fortunately, the whole system of government is far better now than it was then. This Government may try to make it less effective, downgrade the Environmental Protection Authority, and reduce the conditions of workers, but the system in place is far advanced on that in place 20 or more years ago. That is very much true in the management of and planning for our coastal environment. The Minister does not want to face up to that. He simply thinks that if his mates would like a nice tourist development in certain spots, it would be good for them and good for him and, therefore, it would be good for the people of Western Australia. Fortunately, the people of Western Australia do not see it that way. They want development, but not unbridled development that will destroy our coastline. They want development that will bring jobs and be environmentally sustainable. This State has an incredibly fragile coastline. Members on this side of the House certainly support a limited number of coastal developments.

Mr Omodei: Is Scarborough fragile?

Mr KOBELKE: The Hillarys marina is a case where the former Government saw an important need to establish a major facility on the coastline of our northern suburbs. A

number of members of the current Government tried to make sure it did not go ahead. They were very much involved with local action groups trying to put the view that it was not an appropriate development. However, time has proved that it was a very well managed and prepared development. It has tremendous usage in the northern suburbs and has given a whole range of people access to boating and use of that coastline that did not previously exist.

Mr Omodei: What about Lombardo's?

Mr KOBELKE: The member for Warren earlier interjected and asked a question about Scarborough. I am not ducking the issue -

Mr Omodei: You are talking a lot of tripe.

Mr KOBELKE: As you, Mr Deputy Speaker, know very well, Scarborough had a special beach development zone which had no height restriction on buildings. That zoning was in place in 1983 when the Labor Government came into power and it had no means - without the passage of a Bill through this House which would have required the support of the Liberal Opposition and there is no way it would have got that - of preventing the high rise development in Scarborough. I objected to that development at the time and I still find the height of it inappropriate. It would have been stopped had the Government had the means to do so. The special beach planning zone was put in place before the Labor Government took office but when the town planning scheme was reviewed a six metre height restriction was placed on all buildings in the zone. That was put in place by the former Labor Government.

Mr Bloffwitch: Are you saying that your Government did not give permission for that building?

Mr KOBELKE: Had the member been listening to my comments, he would understand quite clearly that that is true.

Mr Bloffwitch: That is the impression you are trying to give, but your Government allowed that building at Observation City.

Mr KOBELKE: The member for Geraldton obviously did not listen to my comments. The development went ahead because it was not possible for the Government to prevent it. However, the then Government did put in the planning scheme the provisions to ensure that it could not happen again. The original proposal for the Scarborough foreshore was for the construction of three towers and, as a result of the actions of the previous Labor Government, only one tower was built before the restriction was imposed. The Minister for Planning is saying we should be gung ho about coastal development, regardless of the consequences.

I briefly refer to other instances in support of this motion. One relates to the Busselton area, and the very fragile coastline of Geographe Bay. There has been a long process of putting in place a study to make sure that planning constraints match the environmental issues which would affect the building of houses or other developments in that area. It has been an open and thorough study which has continued for some time. However, this Minister wants to put his finger into that study, flick it around, pull out a few bits, and shove them here and there, to achieve something with which he is happy. As in the other cases, it is absolutely inappropriate when the proper process of scientific research and consideration has been put in place, for the Minister to try to doctor the end result. He may not like the study but he is not compelled to accept it. He can reject the report. I understand the Minister has not released the full report, and is undertaking his own investigations to determine how he might vary it so that this very sensitive coastal area may be considered for coastal development. The point is that the actual value of the decision will be judged not by us now but in a few years' time by our children. If the Minister continues with his gung ho attitude on coastal development, he will go down in the history of this State as a Minister who has desecrated areas of our lovely coastline. We must take full and proper account of that delicate environmental area. The proper process must be followed, and the experts and consultants must be given the time and resources to prepare studies on which planning decisions can be made. If they are simply pushed aside or overturned, such developments will be a cost not only to this State, but

also to the people who buy the land and go ahead with the developments and the people to whom they sell the properties. They will pay the price when the moving coastline undermines their properties, or when other changes in water levels or sand hills mean the value of their properties will be totally destroyed or fall away. These are very serious matters and I hope the Minister will treat them far more seriously than the matters I have recounted so far.

I now refer to Margaret River, where I recently received a protest from people utterly opposed to the Minister's stance in allowing a residential development near Prevelly Park. There are appropriate times and places for coastal development but this local government council has considered the matter a number of times and clearly indicated it does not think residential development is appropriate in that area.

Mr Omodei: Is the council opposed to it?

Mr KOBELKE: Most definitely. I understand the Minister for Local Government has had dealings with the council so he should be aware of that.

Mr Lewis: Are they opposed to that development?

Mr Omodei: I think the member should check on that.

Mr KOBELKE: The council is opposed to part of that development.

Mr Omodei: I suggest you go and look at it.

Mr KOBELKE: The statements I have read in the Press and the conversations I have had with people on the telephone indicate that the Minister said earlier he thought it was good to have coastal development in that area. However, in his press statement he has accused the council of not being able to make a decision. Again, we see this overbearing approach of trying to take advantage of councils and bully them into accepting the Minister's point of view.

The record I have from the council is that it has voted against that development on three occasions. The council indicated in motions that it was opposed to parts of the development. The Minister in his press statement said that this council was unable to make a decision. Again, the Minister's approach was quite dishonest. He did not say that the council had expressed a point of view but he disagreed with it; that he had power of appeal and for reasons which he may or may not care to give he would uphold the appeal. That would be fair enough, but the Minister did not take that approach. In this case, as on so many occasions - I have referred to some - he said that the council could not make a decision, when the record clearly shows that a number of decisions had been made.

The last matter I wish to refer to is the fact that this Minister is not accountable to this House. He has used doublespeak and made statements which are not true, and has clearly misled this House. He is not willing to open himself up to any form of accountability. I refer now to the Minister's present tussle with local government in which he wishes to assume the power to direct under section 18 of the Town Planning and Development Act. That amendment to the Act was passed through this House in 1982, but has not been proclaimed. The Minister has the ability and the right, if he wishes, to proclaim that section of the Act. He has indicated to councils that he favours that course of action. Discussions have taken place, which obviously I have not been privy to, and he may have changed his position a little. At no time has the Minister come here and with a ministerial statement or in any other form indicated how he believes planning should work. He has not indicated how that power to direct should be imposed. Perhaps he is still getting his proposal together, but one hopes that if it is a major issue it will soon be resolved and he will let the Chamber know what line he plans to take. Allied to that issue is the stand he has taken in saying that councils should not impose conditions when granting approvals.

Mr Lewis: I have not said that at all; get your facts right.

Mr KOBELKE: I take it that the Minister has not said that, but his statements have very much given the impression that that is his intention. A few days ago he said in this

House that councils were blackmailing developers. That is another example where the Minister failed to make a clear statement about the way councils are overstepping the mark, in his view, and being greedy and trying to get too much of a development at a cost to the private developer and at the expense of ratepayers.

Mr Lewis: No, the consumer.

Mr KOBELKE: They are all consumers. It is a matter of whether one hits the developer or the ratepayer. The fact is the Minister has not said that. He has made quite extravagant statements about blackmail and having to have pots of gold to do business with local government. That is an absolute slur on local government. If the Minister wishes to ensure that local government has a part to play in planning which is recognised as a proper role he must have a basis for communication and discussion with councils and not go over the top every time he is unhappy with them. To accuse them of blackmail is completely beyond the pale, and he was not willing to say which councils he was talking about. Again, he did not want to be open about it; he just cast a slur on local councils generally.

I asked the Minister a question as to whether he still held the view that planning decisions should be made in isolation from any consideration of concessions or facilities. I thought that was a fairly clear question, given that this is a matter on which a number of councils have approached me. It has been going on for some months, and the Minister has had discussions with the Western Australian Municipal Association and probably with local councils, because I have received many letters on the subject. What do we find? In his reply to my question the Minister said that it was so broad and so arbitrary that he did not believe he could answer it. There are possibly two reasons why the Minister should say that: Either he does not wish to be accountable to this House or he is so incompetent that a question about a matter which he has been discussing for months with local government has suddenly slipped his mind and he has had to duck the question.

I have outlined a number of instances where this Minister has been less than honest, has refused to be accountable, and certainly has not been competent in holding down the job of Minister for Planning. Perhaps it is just early days and he is still finding his feet. I hope for the sake of both the Minister and planning in this State that he will take the advice in this motion and find a way of dealing with local authorities and other people involved in planning which respects their point of view. I hope he will be willing to answer openly and up-front any reasonable questions asked of him.

MS WARNOCK (Perth) [5.26 pm]: I concur with all the remarks my colleague the member for Nollamara has made about the Perth foreshore affair. I will not go over that again because any further comment would be redundant.

Several members interjected.

Ms WARNOCK: The Minister's handling of the foreshore affair was an embarrassing bungle in regard to international relations, but it has been well canvassed by my colleague. Naturally enough it is a matter very close to my heart as the member for Perth, and I will be watching very closely over the coming months to see what the compromise plan will be. I will have more to say about it on another occasion if I find that people in my electorate react badly to it.

I wish to comment on the Minister's curious propensity to go off half-cocked at every opportunity. It seems that he likes to enter every debate with guns blazing only to discover that sometimes he is aiming in the wrong direction. He likes to make public statements without necessarily bothering to check the facts. He also likes to throw blame around in all directions and shout and scream abuse at anyone who disagrees with him in order to make it sound as though he is the victim of some dreadful conspiracy. This is a cute technique -

Several members interjected.

Ms WARNOCK: I must agree there are some practised members over here, although I make no comment about my colleague the member for Nollamara. It may be a cute technique, but it is hardly the way for a Minister of the Crown to behave. He is supposed

to represent the Western Australian public. This morning the Minister was at it again in *The West Australian*. I refer to the visit of the eminent Danish planner Jan Gehl, a professor of town planning, whom the Minister criticised for wanting to talk about a report which he was commissioned by this community to prepare.

Mr Lewis: Who commissioned him?

Ms WARNOCK: He was commissioned by the community - by the Perth City Council and the previous State Government.

Mr C.J. Barnett: Did the Government release that report?

Ms WARNOCK: Yes, indeed it did, first thing this morning.

Mr C.J. Barnett: No, was that the report done in January?

Ms WARNOCK: This report is called "Public Spaces and Public Life in Perth". It was released this morning by the Minister, after some hesitation. I am referring to the story in *The West Australian* this morning in which the Minister claimed he had not been given time to consider the report. He said that somehow it was all Professor Gehl's fault. That is nonsense. The Minister misled the public in a rather flagrant way.

I understand that a draft copy of the report had been delivered by Professor Gehl in May, and that the final draft was sent to the Department of Planning and Urban Development on 1 September, two weeks ago. Therefore, the report could have been seen and cleared by the Minister days ago. Lord Mayor Reg Withers, hardly a friend of the Opposition, said that the report had been available for long enough and should have been released at once. I understand that the report reached the Minister only yesterday; however, that was not Professor Gehl's fault because the draft form was within the department since May, and the final report has been available for the last couple of weeks. In any event, the responsibility for this matter lies with the Minister who has departmental staff reporting to him. The buck is supposed to stop on the Minister's desk, although that apparently is not the view of this Minister. He was not too bothered when he came out swinging in an attack on a bewildered visitor to the State. Professor Gehl wondered why he was the victim of the attack.

Mr C.J. Barnett: Wasn't this report going to be a big issue for you during the election campaign?

Ms WARNOCK: Not during that campaign, although I have always been interested in this report.

Mr C.J. Barnett: I recall reading a little about the report around Christmas. I am sure the Minister will be able to add some clarification on this, but we were waiting with bated breath for it to be released.

Ms WARNOCK: I was waiting for the report's release myself.

Mr C.J. Barnett: It is curious that the Labor Government did not release it during the election campaign.

Ms WARNOCK: He had not finished writing the report. The report was finished earlier this year and came down in a draft form in May. I hope the Minister will be able to shed some light on this matter.

Mr Ripper: If it was finished in May, how could it be released by the previous Government?

Mr C.J. Barnett: I'm just curious as I remember reading about it during the election campaign.

Mr Ripper: Your remarks are curious.

Mr C.J. Barnett: I hope you have your facts right.

Ms WARNOCK: I believe I have, but if I have not - which I doubt - I am sure the Minister will clear up the matter.

This morning the Minister discovered the error of his ways. Two minutes before a public seminar began at which Professor Gehl was to speak, the report was released. Professor

Gehl is a world authority on town planning. He was about to speak with the audience and media waiting with bated breath when the Minister made the report public. Therefore, from what I can understand, it is not Professor Gehl's fault at all. This episode did not do much for the reputation of this Government and this State. Why should we all be tarred with the bad manners displayed in this matter?

Mr Lewis: I will tell you about bad manners in a moment.

Ms WARNOCK: I look forward to what the Minister has to say.

Professor Gehl is no ordinary town planner, as the member for Nollamara indicated. It has been stated by the Australasian Union of Architects that Professor Gehl is the greatest achiever in his field. He received a major award which somebody described as the Nobel Prize for architecture. He is in demand in cities all over the world. He has insight and ideas regarding city planning which he is keen to share. However, the Minister's treatment of him is that of a rude school boy. The Minister did not bother to arrange a personal briefing with Professor Gehl, and I will be interested to hear the Minister's remarks on that. It would have been constructive for the Minister to have such a meeting because we all need all the help we can get in making sensible decisions, and that includes the Minister. As the member for Perth, I always like to see good decisions made about our wonderful capital city. It is a pity that the Minister did not hold a personal meeting with Professor Gehl, who has some most insightful views on the City of Perth. These ideas are contained in the report. I know Professor Gehl personally and I know he is enthusiastic about Perth, which he regards as having great potential as a truly liveable city; it is a small city in a beautiful setting. He has made brilliant proposals for changes to be made. His ideas are constructive and not destructive as he is not overly critical of some of the things done in the past.

I understand that the Minister claimed that the Gehl report was not complete and, therefore, he could not consider it. That was not true. It could have been easily established by the Minister that the report was complete. Some minor work had to be done on the layout, the responsibility for which lay with the Department of Planning and Urban Development. Therefore, the report could have been printed in full and made available within days.

I urge the Minister to study the report in its full form. If he does, I am sure he will embrace the ideas within it. Also, I urge the Minister to insist that various Government planning departments take notice and act upon the report. He should use his power of persuasion on the Perth City Council so that it embraces the ideas as well, as that body is responsible, in part, for the state in which the city is in at the moment. Strenuous efforts were made, as reported by *The West Australian*, to see that Professor Gehl's report was censored before it was presented to the Minister.

Mr Lewis: That is absolutely untrue!

Ms WARNOCK: I have background information on that.

Mr Lewis: I do not know where you get your information. Are you impugning people at the Department of Planning and Urban Development?

Ms WARNOCK: I will be interested to hear the Minister's response.

Mr Lewis: You should not say such things.

Ms WARNOCK: I had the clear impression upon speaking to a number of people that an attempt was made to withhold the report and, indeed, to remove some things in the report before they saw the light of day. Some of Professor Gehl's recommendations were embarrassing to some of our planners. An attempt was made - there is no doubt about that - to ensure that the report did not come out in the way it arrived on the desk. Happily the attempts at censorship were strenuously resisted.

The Minister can be assured when reading Professor Gehl's report that it is what he said. For certain people in the planning field, ideas are fearful things and are not welcome, particularly when they come from outside the profession or the community. Ideas are resisted even more vigorously when they contain implied criticism of previous decisions

and policy. I urge the Minister to take charge of that situation. Good ideas should be considered, from wherever they come. They should be valued currency and not be carefully excised from the public debate. Finally, I urge the Minister to get the facts right and present them to us before he goes public with them. In fact, it would not be going too far for the Minister to apologise to Professor Jan Gehl. I feel strongly, as should all members, about thoughtful ideas concerning the city of Perth.

Mr Lewis: Before you sit down, do you believe that I have failed to exhibit high standards of honesty?

Ms WARNOCK: The Minister has bungled the matter of the foreshore.

Mr Lewis: I am talking about honesty. Do you think I have been dishonest?

Mr Ripper: That is what the motion says.

Mr Lewis: Can the member for Perth not tell me?

Ms WARNOCK: My feeling is that the Minister handled the matter of the foreshore clumsily.

Mr Lewis: Was I dishonest? The member cannot answer the question. She knows what she is saying is not right.

Ms WARNOCK: I am not answering because I am too well mannered. When I began to ask questions on this matter, Minister, plenty of people claimed that the Minister treated them less than honestly on the matter of the foreshore. I shall say no more.

MR MARLBOROUGH (Peel) [5.40 pm]: The Minister for Planning will be aware of the planning issues I will raise. I am not totally critical of the Minister, and I will qualify my view of some aspects of the motion. I do not want to suggest that this Minister has been dishonest in his dealings with local government or any other person.

Mr Omodei: That is what the motion says, member for Peel.

Mr Marlborough: I am qualifying my position. I do not have to go along with the motion. I will be, as I always am -

Mr Tubby: Very fair and reasonable!

Mr MARLBOROUGH: I am attempting as I always do to bring some reasoned debate to a very important issue. It does neither the Minister's reputation for honesty nor his position in this House any good to suggest - this is recorded in *Hansard* - that local government is blackmailing developers. When the Minister made that statement he was given the opportunity to clarify his position.

Mr Lewis: The Western Australian Municipal Association even agreed with me.

Mr MARLBOROUGH: It must answer to its own membership.

Every member in this Chamber knew to which local government authority the Minister was referring. When the Minister did not take the opportunity to clarify his position on local government, those in local government who were not involved in the sort of heavy handed approach to developers, as the Minister was suggesting when he used the term blackmail, felt slighted. They had a right to feel that way. I suggest that when the Minister is making a comment that has a general application to the 137 local government authorities -

Mr Omodei: You are the Opposition spokesman and you do not even know how many councils there are.

Mr MARLBOROUGH: I will rely on the member for Warren for that information.

Mr Omodei: There are 139 and Christmas and the Cocos (Keeling) Islands are also using our by-laws.

Mr MARLBOROUGH: The Minister for Local Government would agree with me that when his parliamentary colleague the Minister for Planning says that local government is involved in blackmailing developers that reflects badly on all local government

authorities. They do not deserve to be in that position. The Minister was particularly concerned, as I and everybody else in the Chamber understood, about one major metropolitan council that he said was being heavy handed in its approach with developers. I am not sure whether I agree with the Minister's interpretation because my involvement with local government indicates that it needs to be in a very strong position to deal with local developers. The developer drives the local government authority, which is ill prepared in many instances to look at some developments which come before it. Local government does not have the resources to put in place the sort of work that is now required for major developments.

Mr Trenorden: You are now doing what you accused the Minister of doing. You are denigrating local government.

Mr MARLBOROUGH: No I am not. I am telling members the problems faced by local government.

Mr Trenorden: They do not agree with you.

Mr MARLBOROUGH: Local councils do agree with me. In my own electorate the Rockingham City Council works extremely hard for its constituents. In the next 15 years the coastal strip between Rockingham and Mandurah will be the most in-demand urban development within the metropolitan area. If a large developer were to come along to the Rockingham City Council with a subdivision that would impact on the environment, creating some 3 500 to 4 000 blocks, certainly the council would not have the resources to do the sort of work that is necessary to look at the environmental impact of such a development. The Government needs to assist local government authorities to be better resourced in those areas because of the conflicts that could occur later.

The days of planning issues being sorted out between a State and local government authority are over. Whether we like it or not the public demand a say. The Labor Government learnt its lesson over Hepburn Heights and there are many other examples. These days an agreement between the State and local government on planning issues does not stand without major input from the community. It is not an honest position to take. I am sure the Minister for Planning caused the Minister for Local Government and many local members some embarrassment when he stated that local government was blackmailing developers, so I say advisedly to the Minister that it is not a statement that should apply to all councils. I could forgive that statement if the Minister had taken the next step - when he was given the opportunity by the member for Fremantle on not one but two or three occasions - to name the local authority. That would have been in the best interests of government and everybody else.

Mr Trenorden: It would have been in your interests.

Mr MARLBOROUGH: Why? I am quite happy to name them. I have no difficulty in that, although I did not want to talk about that in particular.

Mr Omodei: Which one was it?

Mr MARLBOROUGH: I understood the Minister was referring to the City of Wanneroo. The story has become legend. He is entitled to his view about how he saw their dealings with those developers. I am not sure it is a view I share. Local government needs to have a strong position in dealing with developers. It should be driving hard bargains because it is when developers are coming to the local authorities that they have the best chance of securing for their larger constituency the best deal out of a proposed development. These days it is not simply a matter of bricks, mortar, roofs and roads. Local councils must have the broader public interest before them on what infrastructure is required for community needs, and the best time to deal with that is when the authority is sitting down with a developer. The developer wants to drive a hard bargain.

Mr Lewis: I have no argument with the member.

Mr MARLBOROUGH: I can see the Minister's point of view when it is done without justification. I am suggesting that it would have been better in this instance and for honesty to name the council, or in this case -

Mr Trenorden: I don't think I can live with it if this is you being a reasonable member.

Mr MARLBOROUGH: I try to be. I am aware that on Monday this week the Minister released the Broome planning strategy. I commend the Minister for that. The Minister and I have had previous discussions on the matter. During the previous 18 months I chaired a task force which has examined the replanning of Broome. I am delighted that the Minister for Planning has picked up all of the recommendations, with a few modifications, of that task force. One of the reasons he picked up those recommendations is that he was aware, once he considered the matter, that the due process had been entered into; that is, we had attempted to not be political but to see whether we could sort out what had been an unworkable hiatus in Broome for five or six years, where no major planning issue could be agreed to. The community was at war with the council and vice versa, and community groups were at war between themselves. When the Minister was able to consider the way we had gone about putting that town planning strategy into place he supported all of the major recommended criteria

Mr Lewis: Are you commending me?

Mr MARLBOROUGH: Yes, I am commending the Minister; he deserves it. He should not feel guilty because in the main he has done the right thing. I say advisedly to the Minister that the portion of the proposed planning scheme within Hidden Valley - the coastal area directly north of the Cable Beach resort - is the most controversial area for future development within the Broome townsite, because of its unique environmental aspects and because it also contains significant Aboriginal sites. It was for those reasons that after discussion between myself, the task force, the Broome council and community groups, we decided in our strategy that there should not be any development on that site. I can recall saying to the President of the Broome Shire, Sos Johnson, when he first put the proposal to me early in the piece, that when one looked at Broome and the magnificent Cable Beach Resort one would have to question why the council would want to keep driving development along that part of the coast. The putting in place of the infrastructure, such as the road network, and the servicing of that infrastructure - the picking up of rubbish and the ongoing services that are provided by local government for any development - would be extremely expensive because we would be driving development out of what I believed to be the core of the Broome townsite.

Mr Omodei: Could you relate what you are saying now to the motion?

Mr MARLBOROUGH: Yes, I can relate it to the motion. I thought at that level, and at the level of the Broome Shire Council at subsequent meetings, we had reached agreement for all sorts of reasons as I have indicated - planning, environment and significant Aboriginal sites on the land - that it was not the appropriate place for any future development, most importantly, because we had created in the town planning strategy a new and major environmental envelope on Gantheaume Point. That did not exist before and all the parties agreed that they could live with a major tourist resort on Gantheaume Point - possibly the best position along the Western Australian coast in respect of its view and location for tourism - and that having created that envelope it took the pressure off and the need from Hidden Valley.

Again, I say to the Minister that it is silly to suggest in the plan in a nice form of wording, which tries to hide the issue by not saying what its real intention is, that some future development could be allowed. The wording refers to the potential of medium to long term for some tourist development sympathetic to the environment and cultural values of the area, which impacts directly on the whole part of that coastal strip, and which is of major significant environmental concern to the community and also of significant Aboriginal heritage value. It is not warranted for all of the reasons I have given. In many ways it is the key that could undo the whole plan because the controversy which could come about by allowing future development on the site has the potential to be so great within the community that the rest of the plan and its value will be buried by the argument which takes place over Hidden Valley. I am not aware of any developers who are rushing to go there at the moment. Some discussion has occurred historically about putting a development in Hidden Valley; however, I hope that the enclave on

Gantheaume Point, which has been agreed to by the Minister - the plan is yet to receive public acceptance - will be enough to attract future developers.

Mr Lewis: By and large it has moved towards that.

Mr MARLBOROUGH: I saw that. That was another question I was going to ask the Minister about his approach to the coastal development, particularly in Broome.

Mr Lewis: It is a difficult coast.

Mr MARLBOROUGH: It is a unique coast. Broome is susceptible, as is the Kimberley, to cyclonic conditions. People who have lived there all of their lives will speak about how important Gantheaume Point is in total in terms of its ability to protect them from the cyclonic conditions that hit Broome every now and then. The task force took all of those matters into consideration, as well as aspects of the environment, when it pulled the edge of tourist development away from the coast. The task force considered that the dirt road should form the boundary, and it believed that that was the way to go. If any increase of the tourist area takes place it should be inland rather than towards the ocean. I am concerned about the Minister's wish to increase this area towards the ocean because it is very much his approach to coastal development.

Mr Lewis: It is the Government's approach.

Mr MARLBOROUGH: It is the Minister's approach to the Government. The Minister is responsible for the matter; it is very much his approach.

Mr Lewis: I am happy to wear it.

Mr MARLBOROUGH: Yes, the Minister is happy to wear it, but the difference between his approach and our approach in putting this plan together is that we went through the community process and discussed the matter with local government and all of the community groups, including future developers.

Mr Lewis: Did you know that everything I did was agreed to by the shire council?

Mr MARLBOROUGH: That is a point I am coming to. One must talk to the community in total. Whether we like it or not, development these days does not simply rest with the Government and local government. There is massive community input. That is the point I make about this motion. The Minister's individual approach to development seems to take less and less notice of community input. The Minister went to Broome to get the council to agree with him about what it wants in Hidden Valley and on the coast. That is what it said to me. I put forward the argument to the president of the council and the full council that Hidden Valley should not be the place for development. In the end I had an agreement from the council that it would not pursue Hidden Valley on the basis that Gantheaume Point was a more appropriate place and was its preferred place.

The Minister should take more notice of the community's view when pushing forward his ideas of planning in the Perth metropolitan area and the State of Western Australia whether it applies to inner urban city development or coastal development. He needs to take more notice of the community's view. He should not bully local government if it does not agree with him or accept the view of local government when it agrees with his view and the rest of the community is out of step with both of them. If he does not take on board all views and consider them when making his decisions, he will make bad planning decisions and he will get very little support. He will be the only one copping the flak because if he thinks the members of the Government will support him, he will find that they may until it comes close to an election and the issue is in their electorates. Let us see how they support him then! I had blues with my Ministers for Planning and Local Government. Time in office will tell him that when things get close to political deadlines or there is massive community pressure about a planning issue, regardless of the local authority's and/or the Government's views, the local member will consider the needs of the community. The Minister should take cognisance of public input and not go to that vessel which gives him the most comfort to support his view on the planning issues of this State.

Sitting suspended from 6.02 to 7.30 pm

MR JOHNSON (Whitford) [7.30 pm]: I oppose the motion moved by the member for Nollamara. It is a great shame that the member for Peel is no longer in the Chamber. I wanted to compliment him for speaking so well earlier in the debate. I was not sure whether he was speaking for or against the motion. However, it was the best speech I have heard him make and I am sorry that he is not here to hear me pay him that compliment.

The motion before us moved by the member for Nollamara is disgraceful. It brings the member no credit whatsoever. He has impugned the integrity of one of our Ministers by making accusations that he cannot substantiate. He has alluded to the Minister's not telling the truth, to his alleged dishonesty and to many other matters, and I consider that the wording of the motion is well and truly over the top.

In speaking to the motion, I will refer to the concrete batching plant within the City of Wanneroo because I know a little of its history. Local authorities in this State sometimes are faced with very difficult problems in making decisions. They are made up of human beings, as is this House. Very often, their decisions may not be ones that the general public like. Sometimes they are in no win situations. I am sure also that the Minister is faced with the same problems. He must make decisions on appeals as is his right and prerogative and I have no problem with that.

The developer of the batching plant has applied to the Wanneroo City Council on at least a dozen occasions for development of his proposal on different locations within the city's boundaries. The city has only one industrial site to which it has tried to steer him. However, for his own reasons he does not wish to go to that site but wants to go to other areas of Wanneroo. He has been turned down on every occasion. On the last occasion, he applied to set up his batching plant on land to which he held the lease. Quite frankly, he felt he had every right to ask for approval to develop a batching plant on that land. It was a former quarry for the excavation of limestone. The industrial estate is not far from that area. The council has tried to steer industrial developments to that site, but it cannot always guarantee that proponents will move when it wants them to move.

When the city turned down the application, councillors were not 100 per cent against it. In fact, there were times over the past few years when a few councillors were happy for the batching plant to go into other areas of Wanneroo. However, there was never a majority that would allow that to happen. I know that the Environmental Protection Authority was not unhappy with the development. It was happy that controls would be in place to ensure there were no environmental problems. In fact, strict conditions will apply to the operation of that batching plant and if it does not comply with those conditions, it will have to cease operations.

I know other States permit batching plants up to 100 metres from residential properties. This plant is a lot further than 100 metres and the noise generated by it would be less than the noise generated by the extension to the freeway. The freeway's noise level is about 60 decibels, the batching plant is around 40 decibels and the limestone quarry generates about 60 decibels. Therefore, I do not believe the noise would be detrimental to the people living in that area.

Wanneroo is the fastest growing city in Australia. It grows at the rate of the population of the City of Bunbury every two and a half years. I do not believe any other place in Australia can boast that sort of increase. Developments that are taking place at this time and in the next five to 10 years will be to the north, north west and east of the city. South of the City of Wanneroo is virtually fully developed now and it makes a lot of sense that a batching plant should have easy access to that area. The member for Nollamara referred to savings of \$150 on a pad. However, I think the minimum saving on a pad is \$400. The member for Nollamara wrongly assumed that the plant operator will pocket any money saved as a result of the batching plant process. I do not believe that will be the case. My information is that this operator is very competitive and is involved in approximately 20 per cent of the developments in that area. I firmly believe that if he wishes to remain competitive he will pass on those savings to the people who are building now. Many of the current developments are for first time home buyers and the saving to them of anything up to \$400 is quite considerable.

The City of Wanneroo is the fastest growing city in this State which implies that it will be confronted with problems during its expansion process. Neither the City of Wanneroo nor any other local authority makes the right decision on every occasion. In my opinion and in the opinion of numerous people who wrote to me and telephoned my electorate office the City of Wanneroo made the wrong decision when it did not approve an application for a proposed cinema development at the Whitford City Shopping Centre. That centre is desperately in need of a cinema complex and the zoning of the centre equates with the purpose of a cinema complex. However, because some councillors of the City of Wanneroo favour a cinema complex in the city of Joondalup, permission was not forthcoming for the cinema complex at the Whitford City Shopping Centre. The people living in Whitford are missing out on various facilities because some people are trying to push for those facilities to be developed in the city of Joondalup. However, it will be between three and five years before sufficient people will reside in the city of Joondalup to warrant a cinema complex. The City of Wanneroo recently turned down that application not on good planning grounds but simply on commercial grounds. That is not the prerogative of any local authority. Local authorities should make their decisions in accordance with the Local Government Act and the Town Planning and Development Act. Whether cinemas in Whitford or Joondalup will make a profit is not a question which should concern the City of Wanneroo.

When the application first went before the City of Wanneroo about 12 months ago it was turned down because of insufficient car parking facilities, which was a valid reason. When the application was resubmitted a couple of months ago additional car parking bays had been provided. The developers told the City of Wanneroo that if it was not happy with the number of car parking bays it should tell them and they would comply. They cannot do anything more than that. Nevertheless, the City of Wanneroo ruled against the cinema complex at the Whitford City Shopping Centre on the ground that it considered there were insufficient people to service a cinema complex at that centre and in the city of Joondalup. It is a wrong evaluation for any local authority to make and it does not correspond with the planning approvals.

The member for Nollamara said he received a petition from residents in the area. He made quite a play on the fact that a batching plant would disrupt their lives and that the Minister should not override the residents' views. Unfortunately the member for Nollamara is not in the Chamber -

Mr Lewis: That is how seriously he treats this matter.

Several members interjected.

The SPEAKER: Order!

Mr JOHNSON: I did not realise that the member for Nollamara was paired, but I am sure he would be interested in this debate.

Several members interjected.

Mr D.L. Smith: It will be a long night.

Mr JOHNSON: I will come to the member for Mitchell now, but he may not like it. However, I will be easy on him. It was not very long ago that the member for Mitchell was the Minister for Planning.

Mr Riebeling: He was a good Minister.

Mr JOHNSON: The 18 000 people who signed the petitions about Hepburn Heights and the people who reside in east Wanneroo would not agree with the member for Ashburton.

Several members interjected.

The SPEAKER: Order!

Mr JOHNSON: Many people in Wanneroo did not consider the member for Mitchell to be the flavour of the month when he was Minister for Planning.

Several members interjected.

Mr JOHNSON: Many of the people in that area did not want any development at Hepburn Heights. The point is that the previous Minister for Planning did not take into account the views of approximately 18 000 people who signed the petitions concerning Hepburn Heights. For the member for Nollamara to try to make it look as though the current Minister for Planning has done something wrong defies all logic.

Several members interjected.

Mr JOHNSON: I know that the member for Wanneroo is not happy with the Minister's decision and he has every right to his opinion. He did make representations to the Minister, but at the end of the day it is up to the Minister to make a decision and I am sure he did so and that it was based on good planning grounds. I feel sorry for the people who will have their lives disrupted, but it will not disrupt their lives as much as we are led to believe. The noise from the quarry site will not be as great as it was when it was operating as a quarry and it will not be as great as the noise from the extensions of the freeway. I advise members that there are strict constraints on the operations of the batching plant.

I found it disturbing that the member for Nollamara assumed that because the plant operator will put down a pad at a cost of between \$150 and \$400 less than his competitors, he will automatically pocket the money. The plant operator is well known for being very competitive and I believe he will pass on these savings. I do not have any concerns about the actions of the Minister for Planning. Once again I reiterate that the member for Nollamara has impugned the integrity of the Minister for Planning and if he were half a man he would withdraw this disgraceful motion. I oppose the motion.

MR LEWIS (Applecross - Minister for Planning) [7.50 pm]: This is a curious day. It should be recognised that in the confusion which reigned on the Opposition benches this afternoon due to the Opposition's emotive frenzy in regard to question time, members opposite actually voted against Supply. Members opposite on two separate occasions voted against two separate Supply Bills on the first reading. That precedent has not been seen previously in this Chamber. Members opposite did not even realise what they were doing because of their lack of leadership and the confusion that reigned this afternoon. The confusion was such that members from the back bench were calling "Divide" and the Leader of the Opposition did not even know what was going on. Later this afternoon, the insipid member for Nollamara moved one of the most pathetic motions I have ever heard in my seven years in this place. The member's prosecution of that motion was so pathetic that even his colleagues felt embarrassed for him. The member for Nollamara did not even touch me with a feather. He did not get near me. Was the shadow Leader of the House not embarrassed about having to listen to the rubbish that dribbles out of the mouth of the member for Nollamara?

Mr Ripper: Absolutely not. I am waiting for you to get to the substance of your defence. A bit of rhetoric will not be enough.

Mr LEWIS: I do not have to defend myself. My record is all the defence that I need.

Mr Ripper: You cannot stand in the Parliament and say "Look at my record." You must deal with the substance of the motion.

Mr LEWIS: I will get to that. I have 58 minutes left. Do not worry about it. We can have a late night tonight. Members opposite like late nights, so we can stay up as long as they like.

The member for Perth, as a novice in this House, was suckered into supporting the member for Nollamara, because I do not think anyone else wanted to support him. The bottom line is that when I asked the member for Perth on three occasions whether in all honesty she could suggest that I had been dishonest, she could not answer the question.

Mr Ripper: She said that other people with whom you had dealt thought you had been dishonest.

Mr LEWIS: She could not answer the fundamental part of the motion; namely, that I had failed to exhibit a high standard of honesty. To give the member for Perth her due, she

was honest enough not to be dishonest when I asked her that question, because she knew she could not say that I had been dishonest. The third member opposite to support this dynamic motion was the member for Peel. He said that I was doing a good job. He said that I was honest. That blew out of the water the whole motion that those silly members opposite put forward this afternoon against me as Minister for Planning. Why are members opposite doing this? We on this side have come to the conclusion that members opposite are taking it in turns. They do not have anything of substance to raise, so they think "Whom can we do over this afternoon?" and they say "Eenie, meenie, minie, mo", and perhaps I was mo today. Members opposite must be credible when they bring a motion to this House. They must have some strong points to make, and not muck around with nitpicking, incidental points that perhaps come from the small mind of the member for Nollamara. There was no substance in the speeches of the members for Nollamara and Perth. There was substance in the speech of the member for Peel. That member congratulated me and said I was doing a good job.

Mr Ripper: Why not respond to the specific arguments?

Mr LEWIS: I have 45 minutes. The shadow Leader of the House should be patient. Members opposite could not even get right the very first point they were trying to make about my honesty and integrity. The three speakers in the debate could not even get it right among themselves. At least two of them were honest enough not to say that I was dishonest.

I turn now to accountability. In all of the gobbledegook that the member for Nollamara went on with, I do not think on one occasion he gave an example of where I was not accountable. I have been more than accountable in everything that I have done. I am not a shrinking violet. I do not shrink from any decisions which I make. Frankly, as Minister for Planning I must make a lot of decisions, as the former Minister for Planning well knows. I currently handle about 600 appeals a year. The member for Nollamara argued that because a local authority did not agree with a decision, I should not have agreed with it. If that were the case, why have an appeal system? If that were the case, I as Minister for Planning would not have a job to do because I would just fall into line every day with the local authority and say to people, "Do not worry about making an appeal; the local authority is right." The fact of the matter is that when local authorities have a problem in their own bailiwick and cannot make a decision, and when there is an argument within a council, they usually take the easy course and pass the decision to the Minister and let him bear the pain. The former Minister for Planning experienced that, and I am experiencing it now. Of course I will disagree with local authorities from time to time, and of course I will disagree with the State Planning Commission, because if I did not I would not be doing my job and I would not be listening to the petitions and claims from aggrieved people who have appealed under the provisions of the Town Planning and Development Act. Therefore, the argument that I did not agree with the Wanneroo City Council is absolutely flawed.

Mr Bradshaw: What about asking whether the former Minister for Planning also disagreed with some of the local councils?

Mr LEWIS: I think the member for Mitchell is a pretty fair minded and honest man and I suggest he would not disagree with anything that I have said in the last few minutes.

Mr D.L. Smith: I do not want to prolong the debate.

Mr LEWIS: The motion was pretty pathetic. It was nitpicking in the extreme. One can understand that because it was moved by a small minded person who could not even get the support of his colleagues, so where is the substance of it?

I turn now to the concrete batching plant. It is interesting that the plant received the approval of the previous Government. I have here a document which contains conditions of works approval of the Environmental Protection Authority under the Environmental Protection Act which states that the commencement date of the works was 8 October 1992. It gives the complete conditions as to the approval and establishment of a batching plant in the location adjacent to the quarry at Neerabup. The truth is that the previous

Minister for Planning intended to uphold the appeal but it was getting very close to the election. Of course the pressure was applied by the former member for Wanneroo and the idea was that the former Minister should not deal with this appeal. When was the appeal lodged?

Mr D.L. Smith: I wouldn't have a clue.

Mr LEWIS: It was lodged in December 1992.

Mr D.L. Smith: When was the election called?

Mr LEWIS: I do not know. All I know is that the former Minister had December, January and half of February and he could not determine the appeal because he did not have the courage.

Mr D.L. Smith: You know that all appeals run through various processes which are of some duration. Some people had the temerity to say that I should not have made decisions after December.

Mr LEWIS: I compliment the member for Mitchell. When I took over his desk it had been cleared. However, he did not clear up this matter; it was left for me. I wonder why.

Let us consider the situation: The member for Nollamara went on about how the concrete batching plant will be sited within 400 metres of the nearest house - not where the nearest house is but where it will be. It is almost half a kilometre away, and that is a long way. Let us look at the aerial photographs. Members can see the quarry to which houses will be adjacent. Members should note the immensity of the quarry.

Mr D.L. Smith: It is not in the quarry.

Mr LEWIS: It is alongside it, to the south of it. Members should look at the quarry. The site is right next to a huge quarry. Where is the closest house? We see no houses there, because that is where they might be.

Mr D.L. Smith: It is where they will be.

Mr LEWIS: The photograph shows the controlled access highway, the Mitchell Freeway. It shows the quarry and where the site will be. The fact is that the former Government gave environmental approval to the development. The appeal was lodged prior to the Government's going out of office. The former Government put the matter on the back burner because it was too hot politically. It was left for me to make a decision. The bottom line is that the Wanneroo City Council had no jurisdiction to make a decision because the batching plant is on reserved land under the region scheme, and it was only referred to the City of Wanneroo on the basis of advice. Great play was made about why it did not go to Flynn Drive.

Mr D.L. Smith: Why not to an alternative site?

Mr LEWIS: How many alternative sites have we looked at? They are all in Wanneroo. The first alternative site was at Winton Road, Joondalup. Approval was received from the council, the Joondalup Development Corporation and the Environmental Protection Authority; council subsequently rescinded approval. The application was taken to appeal and the appeal was lost. The second site was a WA Water Authority site; a sewage treatment plant. It was opposed by the council's city planner. The third and fourth sites were at Joondalup pine plantation adjoining the Western Australian College of Advanced Education. The sites were offered by the Director of the Department of Conservation and Land Management. They were rejected by the council's city planner. The fifth site was at the Mindarie regional tip site, which was being negotiated with the Mindarie regional council but was rejected by the Wanneroo City Council planner. The next four sites were JDC preferred sites. The sites were nominated by the JDC within the Mitchell Freeway and the northern corridor rail alignment. The temporary sites were to be abandoned when land was required for the transport service. All four sites were rejected by the City of Wanneroo. As to site 10, the Industrial Lands Development Authority offered land at Wangara, but the site was rejected by the council's city planner. The eleventh site was land owned by Merman Pty Ltd in Gnangara Road, Landsdale, and was to be included in

the site currently being operated as a truck depot. The site was rejected by the council's city planner. The twelfth site was the North Point commercial centre at the corner of Joondalup Drive and Ocean Reef Road. The land is part owned by Merman Pty Ltd. It is a mixed business zone. Merman proposed to operate a concrete batching plant, and building company regional office as well as a builder's hardware distribution depot site. The concrete batching plant was required to be deleted by the council. Site 13 was a JDC disused quarry site at Eddystone Avenue. The site was rejected by the council's city planner. Site 14 relates to the Department of Conservation and Land Management; it is a seed orchard site on Ashley and Wanneroo Roads. That site was rejected by the council's city planner. This is the one on which the member for Nollamara hangs his hat.

A Government member: Where is he?

Mr LEWIS: He has presented a powerful motion to embarrass the Government and he is not even here to debate it. That is how interested he is. That is how dinkum members opposite are.

Another site is a disused limestone quarry on Flynn Drive. That site was rejected by the council's city planner. The substance of the argument is absolutely flawed; it has no guts. The whole matter fails on that basis. It has no credibility. I made a hard decision, as the responsible Minister, in an endeavour to reduce the price of housing in the north west corridor by at least \$150 a unit. It has nothing to do with more profits or with the Buckeridge Group. It is all to do with containing the price of housing in this State, and that is the reason the decision was made.

Before I move away from the concrete batching plant matter, I must say that the member for Wanneroo has been an excellent member on the basis of his representation of his constituency.

Mr D.L. Smith interjected.

Mr LEWIS: No. He was not, in my judgment. In any fair person's mind and if we keep the politics out of it, the decision I made was correct. Members opposite know that. The member for Wanneroo, under a lot of pressure from his constituents, has diligently made representation after representation to me. I said to him, "I am making my decision on the basis of the facts that are before me." If I, as a Minister, made a decision on the basis of every member of this Parliament who came to me wanting me to uphold or dismiss an appeal, I would never make a decision. I make my decisions on town planning appeals on the basis of all of the facts that are put to me. Every day of the week I disappoint the member for Swan Hills, the member for Wanneroo and other members of this House, even members on the other side, because I make the decisions on the basis of the integrity of my conscience. That is the fact of the matter.

Mr D.L. Smith: But occasionally you will be wrong.

Mr LEWIS: Of course.

Mr D.L. Smith: And in this case, you are wrong.

Mr LEWIS: I am not God. Of course I can be wrong - and I am willing to admit it. At least I will say that I make decisions, for he who never makes a decision is never wrong.

Mr D.L. Smith: But when you are wrong occasionally you must admit that.

Mr LEWIS: I am not wrong on this occasion.

Several members interjected.

Mr LEWIS: To conclude this point, I must compliment the member for Wanneroo for the representations he has made on behalf of his constituency. It is not his fault that I made the decision that I did.

Let us now go to the Perth foreshore issue, the next element in this major thrust against me as a Minister. This is where I was supposed to be very dishonest. When I asked the member for Nollamara, who has been hearing things third or fourth hand, to say where I had been dishonest, he could not tell me. He did not know.

Mr D.L. Smith: The allegation was that you had a meeting with Jack Marks or with other council staff and your version of what occurred is different from theirs.

Mr LEWIS: I am happy to table two sets of minutes of the central area liaison committee, a committee of which the member for Mitchell used to be a member.

Mr D.L. Smith: There is some argument about those minutes.

Mr LEWIS: Is the member impugning the integrity of a senior administrative officer of the Department of Planning and Urban Development who has been taking minutes of these sorts of meetings for probably 15 years? I can tell the member for Mitchell that I had nothing to do with those minutes; that officer took the minutes and presented them. I will not accept the member for Mitchell's impugning that officer's integrity. The member for Mitchell belittles himself because that same officer used to serve him.

Mr D.L. Smith: Occasionally people get things wrong.

Mr LEWIS: Let us get back to the Perth foreshore issue. The Government made a decision that \$1.7m to prepare a plan for the Perth foreshore in these harsh, stringent economic times was over the top.

Mr D.L. Smith: Over two years.

Mr LEWIS: I was in consultancy around this town for about 25 years. I must tell members that I have never in all of my professional experience and in my seven years in this Chamber heard of a Government planning contract issued to the tune of \$1.5m with another \$300 000 on top of that. It is a massive planning contract, a massive consultancy. The insult was that the consultants in Massachusetts -

Mr D.L. Smith: We are now the laughing stock of the international planning profession as a result of your decision to abandon it.

Mr LEWIS: Just between the member for Mitchell and me, I am of the opinion that it is my duty to do the best for the public of Western Australia, not to lick the boots of some international planners who had bullied and snowed the former Government. Do members know why the \$1.7m was never made public?

Mr D.L. Smith: Yes, it was; it was frequently made public.

Mr LEWIS: It was never made public because the Government had nothing to do with the price setting of that fee.

Mr D.L. Smith: You are wrong; it was made public.

Mr LEWIS: It was pretty quiet.

Mr D.L. Smith: I will go back through the media clippings and give them to you. It was made public.

Mr LEWIS: I never heard it. When I came to this office and looked through the files which revealed that the amount was \$1.7m all up, I said that I could not believe it. I thought that that amount of money was over the top. I took the issue to Government and I said, "Frankly, I think it is too much; I do not think there is too much wrong with our Perth foreshore." By the way, after it was leaked to the media and the member for Nollamara deliberately tried to spike my negotiations at the time with those international consultants -

Mr D.L. Smith: Absolute nonsense!

Mr LEWIS: In his eagerness and naivety in commercial dealings the member for Nollamara thought that he would get half smart.

Mr D.L. Smith interjected.

Mr LEWIS: No, I did not. The member for Nollamara asked me a question in this Parliament and I answered it in a brief form because I did not want to jeopardise the very delicate negotiations that I was having with those American consultants. I went outside and saw the member for Nollamara and spoke to him privately. I said, "We are in the middle of some very delicate negotiations and for the benefit of the public of Western

Australia could I ask you to desist until we finalise the negotiations?" He mumbled something or other and went off. Three or four days later, guess what? He is out there beating the drum and trying to spike this Government. That might be his job, but he is also spiking the people of Western Australia. He could not help himself. He had to turn on the Government and make it be seen as if it were doing something wrong. The Government did not do anything wrong. If people read the editorials in all the newspapers and letters that came into my office, they will see that not one letter was critical of the action taken by this Government. The member is still carping away with nothing to say. That is the bottom line. That is the fact of the matter.

The Perth foreshore consultancy fees have been resolved. The central area liaison committee has again met with the Lord Mayor and representatives of the council on this matter. That committee, via my office, has presented to the Perth City Council a rather comprehensive briefing paper as to suggested actions that we could take as Government conjointly with the Perth City Council to put in place a workable plan for the improvement, not the development, of the Perth foreshore for the benefit of all Western Australians on the basis that the consultancy and the work will remain in Western Australia. That will be on the basis that the consultancies and the work will remain in Western Australia. I have not had one complaint, yet the member for Mitchell keeps on carping. He has the disease from the Leader of the Opposition, carping Carmen. They all carp.

Mr Tubby interjected.

Withdrawal of Remarks

Mr RIPPER: On previous occasions, the Speaker has ruled that the use of the term "carping Carmen" is unparliamentary and I ask, Mr Acting Speaker, that you ask both the member for Roleystone and the Minister to withdraw.

Mr LEWIS: I will withdraw; I have no problems with that.

The ACTING SPEAKER (Mr Prince): It follows the Speaker's ruling and I ask the member for Roleystone to also withdraw.

Mr TUBBY: I withdraw.

Debate Resumed

Mr House: Is that the same mob who told us two hours ago we could not take it?

Mrs Hallahan interjected.

Mr House: You have been personal all day.

The ACTING SPEAKER: Order!

Mr LEWIS: As the matter rests, a proposal is before the Perth City Council which has gone to the town planning committee - I think they referred that for further consideration. I would like to think that in the next meeting, the Perth City Council may see its way clear to at least communicate to the Government how it sees a plan can be put in place for the foreshore.

I refer now to Professor Jan Gehl. Members may or may not know that he came here as a rather celebrated architect to give an independent assessment of the City of Perth. That was fair enough, I have no problems with that. He spoke at a major seminar that was really a beat-up by the previous Government in the run-up to the last election. It was a bit of a lemon and the only people who attended were the public servants who were told they could have the day off if they went.

Mr Catania interjected.

Mr LEWIS: That was a fact. The member may recall that it was very badly attended; most of the attendees were public servants. Be that as it may, I am not trying to be disrespectful to Professor Gehl. After he spoke at that seminar, the then Government saw fit to give him a commission in concert with the Perth City Council to the tune of, I think, about \$55 000. Those moneys were paid over; the last payment being, I think, in

January. The fundamental principle of commerce is that one never pays for one's goods until one gets them. The previous Government saw fit to pay Professor Gehl at the time. During the election a leak occurred from Professor Gehl's deliberations to the effect that a stream would be dug out along Hay street to run through Murray street and return to the Swan River. The then Government thought that that could not be right; it must get in touch with Professor Gehl.

Mr Omodei: How many pages did that report comprise?

Mr LEWIS: The fact is that the Government could not find him; he went missing. I think he was found in a trench with a helmet on! He went off the scene for a while.

Mr Catania interjected.

Mr LEWIS: I have regard for the gentleman, but to build a stream down Murray street, down William street and back along Hay street to the Swan River is a bit of a nonsense, is it not?

Mrs Hallahan interjected.

Mr LEWIS: The member for Nollamara criticised me about Dr Gehl; was the member for Armadale not here at the time? I am just responding to his comments. The member for Belmont also asked me to respond. I do not know why, but he has gone quiet all of a sudden. Jan Gehl had a duty to present his report. However, he went missing for those months and on 20 April, a package of text arrived from Denmark at the Department of Planning and Urban Development. On 27 May more text was received and on 24 May more text arrived which had written on it, "Final, except for a few bits of text sent from Denmark". On 23 June, Peter Newman, Ken Adam, Ian James, and the Perth City Council advised Brent Woodgush from DPUD of the extra work needed on the draft and sought funds to cover the editing of the layout work. As I said earlier, Professor Gehl had already been paid \$55 000 just before the election. These people approached DPUD and wanted to be paid more money for the editing layout work. On 16 July Mr Adam and Ian James apprised Mr Forbes of DPUD of the situation. The member for Perth should be listening to this.

Ms Warnock: I am.

Mrs Hallahan: Are you going to say something useful?

Mr LEWIS: I am providing the facts. They briefed Mr Forbes of DPUD on the progress of the report. Ken Adam advised that he was arranging a visit to Perth by Jan Gehl and asked if the Government would like to be involved financially. Here we go again - more money to help Professor Gehl visit Perth!

Mrs Hallahan: Was he a member of the Liberal Party?

Mr LEWIS: Come on!

On July 23 that was discussed by the directors of DPUD. By the way, I did not know about it; I had never been briefed on it. Consideration was given and it was decided that DPUD would not pay Professor Gehl any more money. On 1 September, 15 days ago, the last amendment was received from Professor Gehl - the first report to corporate executive - and that department discussed whether it should be printed. On 8 September - a week ago - the last item of text was received from Ken Adam. On 13 September, the summary and recommendations were printed ready for release. However, they were the summary and the recommendations; not the report. The supporting information; the substantiation of the summary and recommendations were not in a form that could be printed because they were received too late. On 14 September, yesterday afternoon, I first saw the summary and recommendations. I advised my officers that they could be released. However, I had nothing to do with criticising Professor Gehl - I was telephoned by *The West Australian* and asked what I thought. It was all drummed up by those devotees of the professor. I said that, quite frankly, I thought Professor Gehl had acted most unprofessionally.

It was most unprofessional to want to present a summary and recommendation to a seminar the next day when he had not had the ability to present that full report to his

clients. He wanted to go public in a seminar before he had even given his clients the courtesy of seeing that report, which cost over \$50 000, paid for by the State Government and Perth City Council. He did not want to give the Government or his clients an opportunity to see that report. Parts of that report, in draft form, had been around the Department of Planning and Urban Development since 20 April, and that document was completed only on 1 September. Naturally, I was a bit annoyed to think that the author of a report that cost over \$50 000 saw fit to go public on it before he had given his clients the courtesy of seeing it. Do members think it is unreasonable for me to be upset about that? That is the truth about Professor Gehl's report. The other point that was made by the member for Perth is that people in the Department of Planning and Urban Development were trying to censor it.

Mr D.L. Smith: It sounds as though you were not happy about how it read.

Mr LEWIS: I did not even see it. I only saw it yesterday afternoon at four o'clock.

Mr D.L. Smith: You were not happy about him speaking in public without consulting you further.

Mr LEWIS: I will give members the scenario. I am the Minister. A person is commissioned to do a report for me and the Perth City Council as his clients, and before he gives me the opportunity to see it he wants to go to the media. The media came to me and asked what I thought about Professor Gehl's report. I said I did not know as I had not seen it. Do members think that is reasonable? Do members not think I should have had the opportunity at least to comment? Let us put this to bed. There was no conspiracy to edit it or change it. The fact is that the report was not completed.

Let us get back to the Government's policy on the development of the 14 000 kilometres of our coastline, the largest in the world, where members opposite think there has to be a half kilometre buffer zone from the high water mark. They say people cannot do anything with that, whether it is hard coast, whether it fits within the environment or whatever its topography. Why is that? I will tell members why. The Opposition went out to Scarborough and did a WA Inc deal with some of its mates. We talk about honesty. The facts are that the then Labor Government approved all the processes for that tower building at Scarborough. They approved it and tried to shift the blame to the City of Stirling. They approved it, and they jolly well know it. The fact is the Leader of the Opposition stated publicly in *The West Australian* that the previous coalition Government approved that development. The former Premier said that. Talk about honesty! Members opposite should go and reflect on their own dishonesty. They know that their people approved it and tried to pass the buck on to the coalition Government. The Leader of the Opposition got caught out again for dishonesty; not once, not twice but thrice.

Let us now consider Prevelly. The member for Nollamara said that the local council was against residential development and that I overturned its decision and all those sorts of things. The sad fact is the so-called shadow Minister for Planning does not have any understanding of the processes of planning in this State and does not understand the fundamentals of the Statutes.

Mr D.L. Smith: Now you are indulging in personal abuse.

Mr LEWIS: He sat there and called me dishonest and not accountable. Does he expect me to sit here and take that? Let us get back to Prevelly, where I was supposed to have ridden roughshod over and imposed my authority on the Shire of Augusta-Margaret River. This was an amendment to the Augusta-Margaret River town planning scheme. Guess who the proponents of town planning schemes are? The shires, and this shire proposed that subdivisational development of 225 or 230 residential allotments. That was the shire's proposition, not mine. All I did was give the final approval to it, yet I was supposed to have been standing over the shire council and dictating what it had to do. I will tell members one thing it did do. The council had a little difficulty deciding to exclude a tourist site on the beach at Prevelly. Bearing in mind that there is 130 to 150 kilometres from Cape Leeuwin to Cape Naturaliste and there is no tourist site located on that coast -

Mr Catania: What do you say is a tourist site?

Mr LEWIS: A three, four or five star lodge accommodation. There is not one such facility on the whole of that 130 to 150 kilometre coastline. There was a lot of disagreement within the local community. I went down there and had a look at the site and discussed it with a lot of people. The bottom line is that the council took the easy way out in deciding it would not support this tourist site on the beach down at Prevelly. The amendment came to me on the basis that the council had excluded it; in other words, the area was left unzoned. I took advice from everyone I could and, after due consideration, I believed that the development proposed was not in any way detrimental, it would not impact on the landscape at all and could hardly be seen by most of the people who live in Prevelly. It was a most needed resort in that burgeoning tourist area of the south west. I took the responsible decision to include that tourist site in the rezoning proposition, and that has been referred back to the Shire of Augusta-Margaret River for it to decide however it sees fit. It has to make the final decision. I just said to the councillors that I believed there should be a tourist site there and asked them to include that in the town planning scheme amendment. If that is standing over the council, being arrogant and all those other silly things, such as being dishonest, having no accountability, having no competence, being abusive and dictatorial in my behaviour to local authorities, I just do not see how.

I do not need to say much about Broome because on coming to Government I was presented with a strategy plan that had been developed, as the member for Peel said, by a community group and Department of Planning and Urban Development officers, chaired by the member for Peel. I deferred the implementation of this plan until I had had an opportunity to go to Broome, talk to the people and the council, look at the sites and apprise myself of the details of the plan. The same ideology was present. It was proposed to locate tourist sites 100 metres or 200 metres from the beach. Anyone who has been to Broome will understand that the only reason for going there is its wonderful beach. Therefore, it does not make any sense to establish a tourist development away from the beach so that by the time people walk to the beach from that development their feet are burnt. Any tourist facility must be established around the beach, and it is a nonsense to site them inland. I asked the council for its opinion and it agreed that more opportunities should be available for the development of tourism in Broome. That is one of the few things Broome has going for it, other than the pearling industry. Its whole future will be founded on tourism. It would have been a nonsense to accept the strategy presented to me which sited the tourist developments away from the coast. I suggested that the council reconsider the matter, it agreed to do so, and the proposed tourist developments will be moved closer to the beach and will interface on a hard coast at Gantheaume Point.

The Hidden Valley area in Broome is not a pristine rain forest with rare and endangered species, as one of the council members for the north west would lead people to believe. There are the remnants of a rain forest but that is prehistoric and existed many millions of years ago. In my estimation the proposal to colour all that land green would stymie future options for future Governments and prevent the people of Broome from exploiting one of its major assets; that is, a tourist development located reasonably close to the beach. I suggested to the council and it agreed, and suggested to DPUD and it did not object, that we should keep our options open. We notionally determined an area within Hidden Valley that could be used for tourist development. That area has not been specified, but is a certain area within Hidden Valley that can be determined on planning and other considerations as suitable for the future development of the tourist industry in Broome.

To sum up, I can say only that the whole motion debated by the Assembly this afternoon has been somewhat of a nonsense. It has had no real substance; it was a pathetic, halfhearted attempt by the Opposition to have a go at me as Minister for Planning. The bottom line is that yesterday morning the Opposition members were sitting in their bunker wondering what to do this week. They knew that the Government was going very well and they decided they must lay a glove on it. The Opposition has had a go at the

Attorney General, the Premier, the Minister for Local Government and the Minister for Labour Relations. It therefore decided that I, as Minister for Planning, must be the next one. That is the substance of the debate which had no real guts in it; it was simply my turn. I am happy to have given the Opposition that opportunity and I have had a great time for the past 54 minutes debunking every bit of nonsense members opposite have put forward.

MR D.L. SMITH (Mitchell) [8.45 pm]: I apologise for the absence of the member for Nollamara. He has a pair this evening and we were not expecting question time to be cut off today and a debate to be held on that matter. The motion refers to the Minister for Planning failing to exhibit the high standards of honesty, accountability and competence the community rightfully expects, and it calls on the Minister to cease his abusive and dictatorial behaviour towards local authorities.

In terms of honesty, people on that side of the House need to understand that it does not always relate to fiscal honesty, nor to honesty as people outside this place may understand it. It means when talking about what a Minister will do, that he is open with people, makes his intentions clear and sets about implementing those intentions. He does not use rhetoric to give one image when his real intentions and objectives are entirely different. Similarly, accountability is not simply receiving views but is actually considering those views before making a decision. Competence is respecting the professional planning that has been carried out and not, as Minister, seeking to impose one's own views over and above the professional advice from those with the proper qualifications to give that advice. With regard to local authorities, it means understanding their role in the shape and order of things.

Dr Hames: Did you do that as a Minister?

The ACTING SPEAKER (Mr Prince): Order! It is grossly disorderly for the member for Dianella to interject when not in his seat and I ask him not to do so in future.

Mr D.L. SMITH: It is a matter of recognising the proper role local authorities have in the planning process, and making sure their rights and views in relation to planning decisions are heard and adhered to.

The Minister's justification for the sort of language he used in the personal abuse directed at the member for Nollamara is that some concern is raised in this motion about him and, therefore, he feels free and unrestrained about responding in that way when people are making allegations about him. He will quickly learn that in the public arena, especially when making planning decisions, he will cop a good deal of flak. He will be questioned not just by people in this place but by many people in the community who will see every decision he makes as involving his personal dishonesty or personal lack of consideration and accountability. They will say the most frightening things about him. It is a simple fact in public life that when one accepts the role as the person with whom the buck stops, one must accept people's right to say those things.

In terms of professionalism and accountability we, as a State, in conjunction with the City of Perth, went through a process of organising, with the full endorsement of the central planning committee, an international competition asking people to submit their expert views on how we should in the future look after the foreshore. We gave them to understand it was a genuine competition and that the winner would be given the opportunity to submit a tender to do the work. Having set the rules, established an assessing committee and put the competition out to the international community, what did we do? We picked a winner and negotiated with full disclosure and in an open way with the winner to establish a contract in order to pick the best ideas from all the plans, not just the winner's plan, to secure the future of the best asset this city has - the Swan River and its foreshore. If that is not worth spending \$1.7m on over two years, I will go he.

Instead of that, a new Minister who did not understand the process and the effort and consultation which had taken place concluded that the money would not be well spent and, while the Lord Mayor was out of the State, set about dismantling what had taken

years to put together. It is an example of a Minister taking up a position and saying, "I know better than all the people who have done the work in the past. Let us get rid of that and set up a local committee and do something which is low scale." Somehow that is supposed to enhance permanently our best asset. That is totally lacking in vision and shows that the Minister does not have the breadth of vision that is required of a Minister for Planning in a city as beautiful as ours.

In relation to coastal planning, the Minister decided that all the policies which applied to coastal planning would be put up for grabs despite the fact that the Labor Government had spent six years developing the conditions for coastal development. He said, "My view is that they are not right. Let us scrap them, let us disregard the professional views of the experts and the danger to the environment of developing those coastal areas. As a new Minister and a former surveyor and councillor, I know better than all the experts."

He then went to Busselton, and everyone who has been there, especially the member for Warren, knows of the sort of erosion occurring around the Catholic youth camp, for instance, and the way in which that coastline changes. The Labor Government appointed a university expert to the coastal planning committee, who developed a plan to ensure that the erosion occurred within a fixed line and that no development occurred within that erosion zone. It was decided to leave an area for public foreshore access, cycleways and the like, and a development line was drawn behind that. The Minister said, "I have read that and I do not think any expert advice has been given in relation to it. I will scrap it, and in future I will get my own experts to advise me, and make up my own mind."

In relation to the City of Perth and Metroplan, he said, "I have decided urban consolidation is not the way to go. Let us forget all the plans that have been drawn up and all the advice we have received. I have decided urban consolidation will no longer be a priority in the future planning of Perth." He was really saying that a few of his constituents in Melville were not very happy with urban consolidation; it was one of the areas being targeted, and the Minister decided to scrap it for that reason. Every person who has looked at the future of Perth knows only too well that up to 20 per cent of future land supply for residential development must come from urban consolidation. The Minister is not being accountable or competent if he simply takes up his ministerial role and begins scrapping all that has gone before.

We have been very careful over the last five years to develop a successor to the metropolitan region planning scheme - the Stephenson scheme. However, this Minister has said, "Damn all that work, it is too hard. I have to liaise and consult with local government, develop structured plans, and consult with the local community. Let us forget all that and introduce some major amendments which will provide some windfall profits to the major landholders, and leave all the difficult issues to local government and future planning." That is not being directly honest, accountable or competent. It certainly does not respect the role of local government because the Minister knows that he must ask local authorities to incorporate those major amendments in their schemes. That is when local government will recognise the sorts of infrastructure it must provide and when local residents will realise the full impact of what is proposed.

Mr Omodei: That is when the price of land comes down.

Mr D.L. SMITH: It is not. Under the Minister's approach the price of land will go up at the time of the major amendment. Those who hold the land at that time will take their profit and the real cost of development will be left to the people who buy the land and the local authorities. It does not provide any answer to planning.

When we were in Government we set up the metropolitan development committee and identified a five year rolling plan for land supply. We identified the infrastructure which was required and ensured that all the authorities which had to provide the infrastructure were involved in the process, budgeted to do it, and got it done. This Minister is only too prone, apart from abusing other people, to look at the work of others and, when he agrees with it, to take the credit for it. Too often he says that his personal opinion as Minister is better than professional advice and the advice of the community and local government, and that he will make the decisions. However, those decisions will not expedite land supply.

Mr Bloffwitch: Tell us about Hepburn Heights.

Mr D.L. SMITH: I am only too happy to speak about Hepburn Heights. I was not the Minister who originally approved the Hepburn Heights development, but I was the Minister who increased the area of vegetation and public open space to be preserved by one-third. I also reshaped it so that it fitted in with Pinnaroo. People who go back there now and look at it objectively can see what has been preserved and fenced at the expense of the Western Australian Land Authority, known as LandCorp. The land that has been preserved will very much enhance regional open space in that area.

One of the problems in planning is that it must be done with a 30-year horizon in mind. One must listen to people and local government and take professional advice. Ultimately the Minister must make decisions. Sometimes they are popular, and sometimes they are not. However, those decisions must have a 30-year horizon, so it is not just the immediate effect of the decision which must be considered, but also the long term effect. It is not an easy role to carry out in metropolitan Perth. The Minister will learn as he tries to convert the major amendments into local regional schemes how difficult planning can be. The fact that it is difficult and may make the Minister unpopular is not a reason for not being entirely honest and accountable about what he is doing. It is not a reason for not accepting professional advice and backing his own judgment. He must especially make sure that he takes into account the views of local authorities, while still reserving the right to disagree with them ultimately, either on the appeal process or by not approving -

Mr Johnson interjected.

Mr D.L. SMITH: The member for Whitford knows the history of the Wanneroo structure plan. It was initiated by the local authority of which he was the mayor. The truth is there was a change in its constitution over a period and, as that occurred, what was originally thought to be a good idea became fairly unpopular with local people and it was handballed to a Minister who they thought had broad enough shoulders to cop the flak.

Mr Johnson: They wouldn't give you time to debate it in council.

Mr D.L. SMITH: How long did it take the structure plan to get up from beginning to end?

Mr Johnson interjected.

Mr D.L. SMITH: Hepburn Heights had been going for two years before I became Minister. How much time did the member want, whether it was Cedar Woods, Thompson Lake or Hepburn Heights? Those matters were not my decision; they had been around for three years before I became Minister.

Several members interjected.

Mr D.L. SMITH: In three years other Ministers considered those matters and I had to bring them to a conclusion. If I had not made those decisions, land prices in Perth would be 50 per cent higher than they currently are. As a result of those decisions during the last three years we have been through the highest growth and demand for residential land ever. The consequences of those decisions is being experienced this year. We have 20 000 new building starts in Perth, and we have achieved that with land price increases of approximately eight per cent. Those increases could have been in the order of 50 per cent or 60 per cent if those amendments were not made.

As usual, I have had a note passed to me asking me to please be brief. I have had my time and I indicate my support for the member for Nollamara's motion.

MR OMODEI (Warren - Minister for Local Government) [9.02 pm]: I oppose the motion. Today's sitting has been one of extreme contrasts. We have seen the Opposition at its vitriolic best saying that the Government does not answer questions. It then abuses its private members' time to move a disgraceful motion, which has already been discredited during the debate. For the Opposition to suggest that the Government is failing to answer questions, and then proceed in the manner it has today, is a deep reflection on Opposition members' ability to be members of Parliament. The Opposition

had an opportunity to address at least three issues of importance during private members' time. However, it has not managed its time properly and has moved only the disgraceful motion from the member for Nollamara. Also, the member for Nollamara moved his motion and left the Chamber before the motion concluded. The motion reflects upon a Minister of the Crown who is one of the most diligent members of this Government. I have known him for at least 10 years and he is a man of great integrity and energy and makes a good contribution to not only his electorate but also the State of Western Australia.

The member for Mitchell held the Planning and Local Government portfolios in the previous Government, yet he attacked the current Minister. Although the Minister is energetic and flamboyant, he is a man of great integrity and honesty. I concur with the member for Whitford's claim that the motion impugned the Minister's integrity. The member's contribution was valid and presented as a thorough gentleman of this House.

I turn now to some points raised in the debate. We are discussing a motion which claims that the Minister for Planning has failed to exhibit a high degree of honesty. The motion is flawed on that point alone. The member for Perth said that as a mild mannered person she was not prepared to say that the Minister was dishonest. Also, the member for Peel, who is usually the Opposition's secret weapon, made one of the most balanced speeches I have heard him make to this House.

Mr Leahy: Someone prescribed valium for him.

Mr OMODEI: I thought Opposition members were on dope! The member for Peel made a good contribution. If he is still in the House, I look forward to seeing how he and the member for Perth will vote on this motion.

I have before me the proposed plan for the concrete batching plant on portion 27575 at Neerabup. I will not table the document, but I will pass it around for members. Members will see that the document contains photographs of the quarry and the area adjacent to the chosen site. I am sure that if the member for Nollamara had seen the picture of the quarry alongside the site, he would not have raised the matter of the concrete batching plant. It is a huge quarry.

Mr Wiese: How long will it take to exhaust the quarry?

Mr OMODEI: It will take 15 years.

Mr D.L. Smith: A quarry is capable of being rehabilitated.

Mr OMODEI: Of course, and it is a simple place to put a concrete batching plant. One would not know that it was there. As a former Minister for Planning, the member for Mitchell knows how expensive housing is in the current environmental and economic climate. If in this proposal the Minister for Planning saves house builders \$200 or \$300 on a home, is that not a benefit for struggling families?

Mr D.L. Smith: We have one of the lowest rates of inflation for 30 years.

Mr OMODEI: Yes, but at the same time houses are expensive to build. Also, if this proposal prevents a number of trucks driving through high density areas and causing problems with noise and traffic, surely it is a benefit.

I am disappointed that the member for Nollamara left the Chamber after moving such a disgraceful motion. He should have stayed and listened to the debate. He spoke about the proponent of the concrete batching plant project receiving an advantage, and then said that he would receive money in the pocket and the houses would still be at the same price as houses built by other developers; he cannot have it both ways. The houses were dearer, the same price or cheaper - one of three. If the housing was dearer, the housing developer would not be developing 3 000 homes in the area. If the people of Western Australia finally understand what the previous Government was doing with the \$1.7m for only the plans for the Perth foreshore -

Mr D.L. Smith: They were to provide detailed plans and specifications.

Mr OMODEI: They were detailed plans from a foreign company, which was an indictment from the previous Government on all planners in Western Australia. The

environmental planners and other planners in this State are the equivalent of any in the world. I commend the Minister for Planning for looking to reduce the plan. Yes, member for Mitchell, this Government will deliver a foreshore plan before the next election.

Mr D.L. Smith: It will not be a visionary plan.

Mr OMODEI: The member claims it will not be a visionary plan because he played no part in it.

Also, the member for Nollamara spoke about attacks on people of high standing. When the Minister debunked all Opposition arguments in this debate he adequately indicated that a draft report was prepared prior to the last State election, which was an embarrassment to the previous Government. It involved fountains and streams running down Barrack Street! It was a load of crap; that is all I can say about it. The previous Government does not have a feather to fly with regarding coastal development. We need look only at the abuses which occurred in the heyday of the America's Cup with the development at Scarborough to know that. This State enjoys one of the longest coastlines in the world, yet the previous Government said that we would have no coastal development even if it were in harmony with the environment; that was a nonsense!

The Minister for Planning should be commended when he says that coastal development policy will be enhanced on what has occurred previously. Let us look on the positive side: If we are to turn Western Australia around with tourism as one of the major industries, coastal development will play a very big part in that development.

Mr D.L. Smith: Would it be quite okay to see a six storey hotel in Prevelly Park?

Mr OMODEI: The member for Mitchell is being ridiculous. The people of Margaret River would not be pleased about the member's suggesting a six storey development at Prevelly Park. The Government is not suggesting a development like that. The Minister for Planning is handling a difficult problem. The situation at Prevelly Park has evolved over a number of years. The member for Mitchell raised some important points on that project. He knows that developments were proposed by a number of owners, and that the latest proposal by a local proponent is to develop the project and forgo 60 per cent of the ownership of the land to ensure the national park is enhanced, while at the same time creating 240 development lots. Yes, there is a conflict.

Mr D.L. Smith: I still have concerns about the shape of that development.

Mr OMODEI: The member for Mitchell will acknowledge that we will never please all of the people in Margaret River and Prevelly Park over the development of Prevelly Park.

Mr D.L. Smith: I acknowledge the value of returning an area of land to public ownership, but not the style of the development at Margaret River. It is a special development and should give due weight to the local concerns.

Mr OMODEI: The member for Mitchell and the local people have had their chance to comment on that. The member knows about the conflicts in the development of the Hamelin Bay subdivision and the multiple occupancy of Boranup. Many of the same people are now opposing the development of Prevelly Park. They cannot have it all ways. I sympathise with their point of view, but in the end somebody must make the decision. It will be made in consultation with the local authority, the majority of people in the district and a number of experts including the Environmental Protection Authority, but as the Minister of the Crown, the Minister for Planning has the right to make that decision. I sympathise with some of the people who are concerned about that decision. They see it as an overdevelopment of that area, even though 60 per cent of the land will be reserved. However, the project must proceed and planning approval must be gained for the proponents to get on with the job. As the Minister for Local Government and Water Resources I have been involved in the water supply for that area, whether the proponents should pay for the whole of the cost of water supply or whether the community should be involved in payment. Those issues are difficult to finalise, and we need to get on with it. The Margaret River area and the south west of Western Australia will be far better off for that development. To suggest that Hamelin Bay, Margaret River,

Prevelly Park and Surf Beach stay in a vacuum as they are forever and a day is not realistic. The demands of people all over Western Australia and Australia mean that area will be developed. The Minister for Planning is well aware of the need to develop those areas in harmony with the environment, and I commend him on the stance he has adopted on that issue.

The member for Peel delivered a balanced speech in relation to Broome. In part, it may have been prompted by the fact that he was heavily involved in the planning strategy group for Broome. I know he got to know Cable Beach very well while he was on that strategy group.

Mr D.L. Smith: Do not be cynical!

Mr OMODEI: It would have been a good committee to be on.

Mr D.L. Smith: It gave members a proper appreciation of what was required for the overall development of Broome.

Mr OMODEI: The main issue in Broome is the development of Gantheaume Point. I am pleased to see the member for Kimberley has returned to the House after the dinner break. He will add some balance and substance to members opposite who are deserting the Chamber one after the other.

Mr Graham: You are scared he is going to run against you in your electorate. You know he is more popular.

Mr OMODEI: You reckon! I like the Kimberley so much I am almost willing to form a partnership with the member for Kimberley. I would employ him to sell Kimberley beef to the Russians.

Mr Graham: You had one go at him and your electorate was going to hang you.

Mr OMODEI: I could stand the heat, but I do not think the member for Kimberley could stand the cold.

The member for Peel hit it on the head when he said that "in the main the Minister for Planning had done the right thing." If members asked the people of Western Australia to look at the performance of the Minister for Planning they also would say that "in the main he had done the right thing." We could talk about the other issues raised by the Opposition, but it does not have a feather to fly with.

Mr Catania: Broome has been developed over the past 10 years into a prime tourist destination. It was done under the previous Government.

Mr OMODEI: It was developed by accident because it is a unique place in the world. Broome would have been developed whether it was a Labor Government, a Communist Government or the Government of South Vietnam. This Government will encourage development in harmony with the environment and it will provide land for the expansion of Broome. The Minister for Planning will confirm that at the moment no land is available for the expansion of the Broome townsite.

The wheels have fallen off the Opposition's cart. For the first time in my career in this place I have witnessed a stunt orchestrated by members who were prepared to behave without any respect for the Westminster system. We have seen an absolutely dismal performance by Opposition members who need to go back to the drawing board if they are going to lay a glove on the Minister for Planning or this Government. Members on this side of the House are dedicated to putting Western Australia back on the rails. We will make the hard decisions and take the flak. Members opposite can criticise as much as they like, but we will restore Western Australia to the great State that it was. The member of the Opposition who purports to be the Opposition spokesman for planning matters who came into this House and moved a motion to try to denigrate the responsible Minister of the Crown showed no respect for the Westminster system. To add insult to injury that member then takes a pair and shoots off and lets somebody else take up the running.

I cannot believe the vitriol expressed by the Opposition at question time when it was hellbent on trying to upset the Government and get a headline. That is all members

opposite are becoming - headline grabbers who grab one headline to try to impress the people of Western Australia. The feedback I am getting from the people is that they want members of Parliament who are people of substance.

Mr D.L. Smith: Try driving down any street in Bunbury and having a look at the signs.

Mr OMODEI: Which signs are they?

Mr D.L. Smith: The signs saying "Save our hospital".

Mr OMODEI: This is a typical ploy of the member for Mitchell in trying to divert attention from the issue and change the issue. If the member speaks to the former member for Dianella he will find that he believes strongly in what the Government is doing in Bunbury.

Mr D.L. Smith: The member for Dianella lost his seat in the last election. The Government has misjudged what the people of Bunbury want.

Mr OMODEI: The member for Dianella was one of the most respected members of the Labor Party. He was a person of principle. The member for Mitchell cannot deny that. If the member for Mitchell wants to take up the issue of the collocation of the Bunbury hospital -

Mr D.L. Smith: He is one of the most principled men I have known and I am sorry he is not here.

Mr OMODEI: I am not sorry he is not here because the Parliament has inherited a very good new member for Dianella. The member for Mitchell is not going to move a motion against the member for Dianella, is he? If the member for Mitchell wants to debate the collocation issue he should move a motion. It would have been a good issue to debate in the Parliament today, rather than this motion which wastes time on trying to pick on another Minister. As the Minister for Planning said, it was his turn today. I wonder who will be next. There are not many Ministers left to attack.

Several members interjected.

Mr OMODEI: We have witnessed today an abysmal day for the Opposition. They should go home tonight, turn back the clock -

Mr Catania: Watch the news.

Mr OMODEI: I do not deny that the member for Balcatta will get his headline, but that is all he will get, because in the community his credibility is going down by the day. I am sure that members of the Government will oppose this motion with great vehemence and treat it with the contempt it deserves.

Division

Question put and a division taken with the following result -

Ayes (18)

Mr M. Barnett
Mr Bridge
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop

Mr Graham
Mrs Hallahan
Mrs Henderson
Mr Hill
Mr Marlborough
Mr McGinty

Mr Riebeling
Mr Ripper
Mr D.L. Smith
Ms Warnock
Dr Watson
Mr Leahy (*Teller*)

Noes (24)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Bradshaw
Dr Constable
Mr Cowan
Mr Day
Dr Hames

Mr House
Mr Kierath
Mr Lewis
Mr Marshall
Mr McNee
Mr Minson
Mr Omodei
Mr Osborne

Mr Pendal
Mr Prince
Mr W. Smith
Mr Trenorden
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Bloffwich (*Teller*)

Pairs

Dr Lawrence
Mr Kobelke
Mr Brown
Mr Grill
Mr Taylor

Mr Court
Mr Shave
Dr Turnbull
Mr Nicholls
Mr Strickland

Question thus negatived; motion defeated.

MOTION - WORKERS' COMPENSATION, CHANGES CONDEMNATION

THE ACTING SPEAKER (Mr Johnson): Before I call on the member for Thornlie to move her motion I point out that conversation has occurred between the member for Thornlie and the Speaker about the motion as contained in the notice of motion. Part of the original motion would have been an argument rather than a motion, so the member for Thornlie has agreed to amend the motion. She will read the motion to which she has agreed.

MRS HENDERSON (Thornlie) [9.28 pm]: I move -

That this House -

- (a) condemns the ad hoc and ill-considered changes to the workers' compensation system announced by the Minister for Labour Relations;
- (b) considers that change announced by press release or ministerial statement is a totally unacceptable way to advise injured workers and their families of changes which impact adversely on their rights; and
- (c) notes that changes announced concerning the Workers' Compensation Board last week are a further example of policy making on the run.

In moving this motion it has been a source of great regret to me, and I am sure to many other people around the State, that a Minister in charge of an area as important and significant as workers' compensation, which impacts on so many people's lives, takes his responsibilities so lightly. That impact can vary from people who are severely injured and permanently confined to wheelchairs, right through to the smallest injury. The Minister for Labour Relations takes responsibility for all of those people. However, the Minister seems to have no hesitation in making wholesale changes to workers' compensation on the run, ad hoc, from day to day, changing his mind each day as he goes along. He describes as hysterical anybody who opposes any changes which he announces. He has so far described as hysterical and emotional the lawyers, members of organisations concerned about the rights of injured people and public servants who have given him advice. Whenever he feels he is under pressure, he lashes out at whoever disagrees with him and labels that person as emotive. He has outlined a number of major changes to the system and he is now expecting large sums of money to be spent on trying to sell those changes to the public. The Minister is not able to convince the community that the changes are needed or that they will benefit the community. I understand that a proposal has been put forward to spend approximately \$400 000 on a major campaign to try to sell the changes to the public. That is an enormous amount of money by anyone's standards. I presume it will include television advertising, print media advertising and possibly pamphlets, but I do not know. However, I do know that when I have sought in this House to obtain information from the Minister about how he will let the advertising contracts for that campaign, I have been met with arrogant, contemptuous and cute answers that tell me nothing at all. This Minister is being paid out of the public purse to take responsibility for a major area of concern to the public.

I remind the House of some of those changes announced on the run by the Minister through press releases. The first and most infamous change was announced on 30 June. He claimed that the changes he announced on that day would "streamline the workers' compensation system". He indicated in his statement that, by the stroke of his pen, he

would take away the common law rights of injured people who had not suffered a 30 per cent bodily impairment. However, he said also that weekly benefits would be increased to the worker's average weekly earnings for the first 26 weeks. He said that, despite the fact that he was going to take away a worker's opportunity to get common law damages, he would ensure that they enjoyed average weekly earnings for the first 26 weeks. Last week he came into this House and showed us that that was another untruth. He cut back that 26 weeks to four weeks by another ministerial edict through a press release which will be followed, no doubt, by some retrospective legislation. He said that Cabinet had approved the recovery of common law damages and they would be restricted to people who suffered a 30 per cent impairment to the body. He announced that that would come into effect at four o'clock that afternoon. He also said in that press release - this was not picked up widely - that common law claims for injury would also be covered by the same financial thresholds as those announced by the Government in relation to third party insurance.

It has taken a little while for the community to become aware that, following the announcement about third party insurance by the Minister for Transport in the other place, a family of four driving around in a car carries a liability of \$60 000 in the event of an accident. In other words, each family member carries a liability of \$15 000 for pain and suffering. Therefore, if the family is involved in an accident it had better be ready to pay the first \$60 000. Many people did not pick up the fact that the Minister for Labour Relations applied those same thresholds to workers' compensation. He then said that the changes were necessary because there had been a general consensus that the common law issue needed to be addressed. It is interesting to see how loosely he uses the words "general consensus" because there was no clamour from anyone for changes to common law. The former Government had received no submissions and I am sure the current Minister has not because he would have used them to support his arguments. He did what he has shown he is capable of doing on a number of occasions; that is, where he has an ideological agenda, he finds somebody to conduct a Clayton's inquiry, gives it its terms of reference and tells it that he wants it to come out with a report that supports his announcement. When he announced the changes to workers' compensation, he appointed Mr Rod Chapman to review the non-adversarial system of workers' compensation in other States. He did not say to him that he wanted him to look at all the other systems of workers' compensation, both adversarial and non-adversarial, and show him the best. He said, "I have made up my mind and I know more than anyone else. It is my view that we would be better off with a non-adversarial system and I will give you a brief to support that view." That was a very narrow charter for that inquirer to produce a report and he was given only a very short period to carry out the inquiry.

At the same time, he announced that the Workers' Compensation and Rehabilitation Commission would carry out a general review of all other aspects of workers' compensation. Having said that there would be a major change, he said that he would get the commission to carry out a general review! It would have been more sensible for the review to be carried out first. However, that was not the order in which it was done. Not content with announcing that major change, he announced further changes. In the meantime, people complained about those changes. They complained that they were unfair, and that they took away a fundamental right that they had enjoyed for 100 years. The Minister responded by putting out a press release in which he called for "an end to this hysteria and the peddling of half truths". He did not like injured workers and their families petitioning the Parliament, calling meetings, drawing up submissions, phoning his office as I know they did by the dozens because they phoned mine, contacting members of Parliament, writing letters and doing everything they could to present their cases. What response did they receive from this arrogant Minister? He accused them of peddling half truths and hysteria. He went on to say that a classic example of those half truths was my statement that the loss of part of a leg did not reach the 30 per cent threshold. I produced for the Minister the table of percentage impairments on which he said his new system would be based. It showed that the loss of a leg below the knee was a 28 per cent impairment. He put out a press release in which he said that my statements were hysterical and that I did not know what I was talking about because I had said the

loss of a leg below the knee was not a 30 per cent impairment. He had to eat his words because the table indicated that it was not.

He also said that it was mischievous to say that there would be no redress against employers who engaged in unsafe work practices as access to common law has no bearing on work practices. What a strange statement that is! He said that being sued for negligence would have no effect on the employer's safety record. What nonsense that is! That is the kind of statement one might expect from someone who does not live in the real world. How many injured workers have told their members of Parliament, including members opposite, that many people slipped over in that very spot until they made a claim? It is sad but true that some employers - I am not suggesting they are in the majority - will do anything until it hits them in the hip pocket. Unless someone takes them to court and sues them for continuing to ignore a hazard, some of them do nothing. Some employers are genuinely concerned when their employees injure themselves and they take immediate action to remedy the problem in the workplace. Unfortunately there are many workplaces in which the same accident and injury repeatedly occurs before any change is made to the workplace. The Minister is naive to suggest that if people do not have the right to sue employers for common law damages it will not affect their behaviour and concern about safety. It shows that he has a total lack of understanding of what happens in the real workplace.

The Minister said that he had set the deadline of 4.00 pm as the cut-off point because it was the only fair way to deal with the initial changes. He said also that what the Government did was to prevent a situation similar to that which arose in Victoria from occurring; that is, the Victorian system was inundated with claims that bogged down the system. In other words, he was saying it was a fair system to cut off people's common law rights at 4.00 pm and those people who lodged their writs would be okay, but those who did not would miss out. He said it was fair because it stopped other people from lodging their claims. It is interesting that last week the Minister backed down from that and announced another system for the people who were affected by the 4.00 pm deadline. He did not come into this House and say that his initial action was wrong and that it was not a fair system, but he said that he had always intended to introduce another system. It is funny that he did not refer to it in his first press release, his statement to the Parliament or his speeches in this place. However, because he is an inflexible type of individual who believes it is somehow demeaning for him to admit he is wrong, he was not prepared to come into this House and admit that he had made an error and would try to correct it. Unfortunately he was not prepared to correct it by fixing the initial problem, but he made a further change which, if anything, made the situation worse.

Having claimed that the legal profession was behaving in an unbalanced way because it dared to criticise his changes, he said that he was not worried about the comments from the legal profession because the majority of its concerns related to its hip pocket. That is an arrogant way to put down a profession. It is an arrogant response to anyone who dares to criticise the Minister. I have met many of my constituents who have had experience with difficult legal problems relating to a range of issues. In some cases those people have fallen on difficult financial times. Some of them have had legal aid and others have not. It is not unusual for lawyers to continue to fight cases on behalf of injured workers while taking no payment until the case has been completed. The Minister's comment was a gross insult to all the people in that profession who have acted on behalf of injured workers. It was an insult to label them as being unbalanced simply because they opposed what the Minister was doing. The Minister cannot cope with arguing the substance of an issue. Instead, he attacks the people who object to his actions and calls the lawyers unbalanced and the injured workers and their families hysterical, and anyone else who dares to criticise him is put in the same category.

Mr Hill: He will launch a personal attack on you after this speech.

Mrs HENDERSON: I have no doubt about that.

The Minister said that this Government had the courage to take on the lawyers and the insurance companies. What a joke coming from a Minister who has delivered on a plate a multimillion dollar windfall bonus to the insurers of this State, because by the stroke of

a pen he wiped out 90 per cent of their common law claims - claims on which employers had already paid their premiums for the previous year. He gave them a massive bonus and had the gall to say that this Government has the courage to take on the lawyers and the insurance companies.

Having botched up the first change and having witnessed 3 000 injured workers demonstrating in the streets, the Minister tried to do something about it. On 25 August he announced a new process to deal with the 3 500 people who registered themselves as being disadvantaged by the cut-off date. He was not prepared to say he was wrong and that these people should have been given a fair go. Instead, he said he would classify these people into various categories. The first category includes those cases in which the insurer accepts that negligence has occurred - there would hardly be a dispute if the insurer accepts negligence, because the claim would have been settled long ago - and the worker, if he suffers a significant injury, can pursue a common law entitlement. It looks as though he is giving them a present. In fact, he is not giving them anything at all, because they always had that right to take a common law claim until the Minister announced the cut-off date. He is now saying that if an injured worker can convince the insurer that his injury was caused through negligence, he can go to the courts and argue a common law case. Is that an improvement? It simply gives the insurance companies a veto and they could say yes or no. It is not hard to guess how many insurance companies would say yes if someone asked them to admit that there had been negligence so that he could go to the courts. Of course, the insurance company would say no. Not only that, the person would have to prove that he had a significant injury.

We have now been given a new definition of "significant injury". Initially, it had to be a 30 per cent loss of bodily function. The new definition is that the injury must incur an economic loss of an amount greater than \$25 000. Who does that injure the most? It injures the people who are on low wages. A \$25 000 economic loss for a person working part time for a few hours a week on a low rate of pay per hour will take a long time to accumulate. It could take two years. It might very well be that the injury is such that the medical opinion could not determine whether the person would be fit to work in two years' time. The medical opinion might say that the injured person could not work for six months and after that it would depend on that person's recovery. For someone earning a salary of \$50 000 a year it is not a problem because the \$25 000 would be only half his annual salary. However, for someone earning \$10 000 a year it would take longer to accumulate. It certainly disadvantages those people at the lower end of the income scale.

The Minister then said that because there is a second category of people; that is, the people who go to an independent arbitrator. If the arbitrator finds that negligence has not been established, the entitlement of the injured person is limited to the existing statutory benefit. The Minister is creating four new classes of injured people. He said that if a person falls into the category which allows him to go to an arbitrator who does not agree that there is negligence he cannot have a common law right to go to the courts and is limited to the existing statutory benefits. In other words, that person would lose his common law right by the Minister's edict. But if the arbitrator establishes that there was negligence and the person has suffered a significant injury - that is, \$25 000 of economic loss - he might have access to the new statutory benefits. The new statutory benefits might be beneficial to some people because the lump sum payment has been increased. At the same time, the person would have lost his right to take common law damages, which in a particular case might be far in excess of the amount of money the person could receive from the statutory benefit.

The Minister then creates a third class. Where the arbitrator finds that there is negligence and there is a significant injury, the worker can elect to take either common law action or improved benefits. At the moment, injured workers do not have to choose between common law or statutory benefits. They can have both, because they exist for different reasons. Common law benefits apply in cases where the employer has been negligent, and they take account of future earnings. Statutory benefits are lump sum compensation for the actual injury. Therefore, the Minister's announcement on 28 August, in which he

tried to give the impression that he is making the system fairer for those people who were disadvantaged by his previous announcement, in fact creates four new categories of injured worker and makes the whole system so complicated that the average injured person in the street will have no idea of what are his or her rights.

However, the Minister was not content with those announcements, and on 29 August he made yet another announcement and yet another change on the run and said that he would implement a new workers' compensation dispute resolution system. He did not state in his press release any reason why the existing system fell short, but he did claim that his new system would reduce delays and costs. He announced that the changes would create a new conciliation, review and tribunal process. He said also -

There is no question that the lengthy delays which were inherent in the old system were instrumental in keeping workers away from work and causing financial hardship for workers and their families.

One would think that before the Minister made that kind of statement in a press release he would have done his homework and checked whether the current system is subject to long delays. Unfortunately, not this Minister, because had he bothered to check - indeed, had he only read the report of his own inquiry, the Chapman inquiry - he would have found that the disputes resolution system in this State is now the most efficient in Australia. The figures indicate that in 1991-92, for example, 73 000 workers' compensation claims were made to various insurers, and only 51 of those cases, or only 0.069 per cent, ever went to trial. The reason is that we have a very efficient system of resolving disputes, where some 94 per cent of all disputes are resolved without the need to go to trial. In 1992-93, 70 000 new claims were submitted to the insurers and 1 125 new applications were filed at the board, and only 67 of those cases went to trial. Therefore, only 1.6 per cent of those 70 000 cases went to the board, and only six per cent of the cases that went to the board actually went to trial; the other 94 per cent were settled at the board expeditiously.

When we look at how quickly cases are settled, we find that the majority are settled by means of a chambers hearing, which is an informal hearing which one can normally obtain within a matter of weeks. A person makes an application for an interim hearing to resolve a problem - perhaps that wages are not being paid to a person who has been injured, or that there should be a change to the payments that are being made - and that matter can be heard within two or three weeks. If a matter is not resolved through that system, it can go to trial, and at the moment the waiting list for a full trial is no more than two to three months. One cannot get a system which is more efficient than that because people need two to three months to prepare their cases and to get the necessary medical reports from the doctors whom they have consulted. People probably cannot get their cases ready any quicker than that if they are to obtain justice.

The Minister stated in his press release that the Government would tackle the problem of lengthy delays. He did not bother to check what the delays were. He had already made up his mind about what he intended to do. He had an ideologically driven obsession to do what had been done in Victoria, but he did not bother to check whether the new Victorian system is working. I understand that it is in fact more expensive than the old system. The new so-called non-adversarial administrative system in Victoria that employs 30 conciliation officers to deal with complaints now costs more than the old judicially-based system. The Minister was determined to eliminate the role of all legally qualified people, whether they be solicitors, barristers, registrars or judges, on the basis that it would make the system quicker and cheaper. It will not, and it has not in Victoria.

It is interesting to look at the position in Western Australia. The total amount of money involved in workers' compensation in this State each year is about \$700m. The total cost of the operation of the Workers' Compensation Board, which the Minister has effectively announced will be abolished, is about \$1.6m. That is a modest amount in an overall budget of \$700m. The Minister claims that the intention of the Chapman inquiry, which was tabled in the Parliament last week, was to look at the other States. That inquiry speaks in high terms of the local system. The person who conducted that inquiry

obviously had more integrity than the Minister gave him credit for, because the Minister gave him an agenda to come up with a non-adversarial system, because that was needed in Western Australia, but the person who wrote the report pointed out the same kinds of figures that I have mentioned. He pointed out that chambers applications are heard and determined within four to six weeks of being lodged. How can that be called a lengthy delay? He stated also that pre-trial conferences are heard within six to seven weeks of the application being lodged. He stated that pre-trial conferences are a semi-formal opportunity for the parties to meet, usually with legal representatives, but it was quite competent for them to use non-legal representatives should they so desire. The purpose of the pre-trial conference was to attempt to resolve an application without the need for a formal hearing. The report tabled by the Minister referred to the number of cases which were resolved informally, which, as I indicated earlier, comes to in excess of 94 per cent. That contradicts totally the Minister's statements.

In the section of the report headed "Proposed Non-adversarial System" the person who wrote the report has to admit that this is in recognition of the fact stated in a number of submissions, including that of the Workers' Compensation Board, that 90 per cent of all claims filed are settled without the need to proceed to a formal hearing. He states that it is commendable that 90 per cent of claims are settled in the very legally orientated processes adopted by the board. He states also that replacing those processes with informal processes without legal representation should result in a similar or better success rate. Why would one seek to abolish a system that has been set up when the best thing that can be said by the person who has been given the job of producing a report to support it is that it might result in a similar or better success rate? How can anyone possibly claim that that is a good reason to throw out of the window a system which deals with claims quickly and expeditiously? Without question that claim cannot be justified. The Minister's report does not justify it because the person writing the report had access to the same figures which the Minister should have seen or called for. The Minister should have looked at the figures. He should have been big enough to say that he was wrong; that he made a judgment before the election; that he gave various undertakings to abolish various things and that now he has had the opportunity to work out the current system, he admits he was wrong.

If the Minister had taken the trouble to check what had happened in Victoria where the Government brought in a system which he favours, he would find that the State employs a larger staff - some 30 conciliation officers - resulting in a body where delays in hearings are far greater than in Western Australia. Indeed, when the Minister announced that 3 000 people who had lodged their claims recently would have their cases heard by an arbitrator, he produced a system which has greater delays than the current system. If one arbitrator were appointed to listen to more than 3 000 claims, the minimum time that would take, even if 20 per cent were settled by conciliation - and I suggest that most would have been settled if that were possible - would be at least two years. We currently deal with those cases through the normal court system more quickly than that. As mentioned earlier, in Victoria where the Government brought in that system it has been necessary to appoint 20 full time conciliation officers and 11 part time sessional officers.

[Leave granted for speech to be continued.]

Debate thus adjourned.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR MINSON (Greenough - Minister for the Environment) [10.02 pm]: I move -

That the Bill be now read a third time.

MR MCGINTY (Fremantle) [10.03 pm]: It is important that in the light of the tortuous history of this Bill I place some observations on the record. The Bill sets out to implement a number of very radical changes to the environmental system in Western Australia. Firstly, it seeks to legitimise or give legal effect to the sacking of Barry Carbon by splitting the positions of Chairman and Chief Executive Officer of the Environmental Protection Authority. Throughout this debate we have made clear that we strongly oppose this measure. It will lead to the downgrading of environmental protection standards and the efficiency of the EPA in Western Australia.

Secondly, the Bill seeks to achieve something which caught everyone by surprise; that is, that the board of the EPA would be sacked. Over several months leading to the introduction of the Bill we have witnessed the most unseemly farce ever carried out in Western Australia: The Minister alleged that he had Crown Law advice that the contracts of the members of the board were invalid, and further advice some months later that there was no evidence to prove that the contracts were valid or invalid. The Minister described that as an indeterminate state, which is a most peculiar situation. It amounted to a situation where no evidence existed to invalidate any appointment. The Minister proceeded unilaterally to reappoint members without their being party to the reappointment. It was a most irregular procedure. A month later, the Bill was introduced and the Minister sacked the board members again. If that is not a situation with all the ingredients of high farce, I do not know what is. This House should vote against the legislation on that ground alone.

During Committee I requested that the Minister advise the Chamber that the normal procedure when contracts are terminated by a Government of the day - that is, otherwise proper and valid contracts - would be that compensation will be paid to people who will lose their contractual rights as a result of the legislation, or that the contracts will be bought out. It is very unfortunate and even disturbing that, although the members of the board have given good service, and many members of this House had kind words to say, the Government proceeded to terminate them and they will not be receiving compensation as a result of the Government's revoking the contracts as a result of this legislation. That is a matter about which we should be extremely concerned. The usual practice is that the proprietary rights of the people employed under contracts with the Government are maintained; when those contracts are interfered with or disturbed in this way the people are paid compensation or their contracts are bought out. The failure of the Minister to give the requisite undertaking means that this Bill is defective in principle.

Another reason we should oppose the sacking of the EPA board is that the board has done a good job. We heard the member for Collie singing the praises of a constituent who served as a member of the board. The Minister sang the praises of other members. We have not heard one critical word about any member of the board. However, this legislation will be rammed through on party lines. They are eminent Western Australians; that is only one way to describe the members of the EPA board. I refer to a former head of the Department of Agriculture, an eminent academic and scientist, and to the woman whom the member for Collie praised for doing such a good job. They will all lose their contracts as a result of this action. I requested the Minister to advise the House in what circumstances compensation would be paid, but that information was not forthcoming.

The third component is without any doubt and on any objective analysis that this legislation undermines one of the four foundation stones of environmental protection in this State: The independence of the Environmental Protection Authority. It must be independent and it must be fearless in the advice it gives to the Minister. We are seeing here a number of basic attacks on the independence of the authority. It will no longer be able to operate with public credibility as the State's environmental watchdog because, as a result of this Bill and all that has led up to it, people will not believe it is in any sense a truly independent body. The sackings, both of its chairman and chief executive officer as well as all of the members of the board, are one fundamental assault on the independence of the authority. How can any board member in future go fearlessly about his or her

work if that person has this unfortunate precedent of dismissal hanging over his or her head? We have seen public denigration and undermining of the EPA and its members by this Minister. Why will that not occur again in the future? People will be reluctant to take up positions on the EPA board because of the way in which it has been treated over the past six months. This Bill provides for the exposure of the voting and the minutes of the EPA. Substantially it is a part time body with a small number of individual members on the EPA board which will be put under duress and pressure.

Under proposed 17A of the legislation, the Minister will have the power to allocate the resources of the Environmental Protection Authority. That has appropriately been described as the most insidious provision of this Bill. Each of those four things - the sackings; the public denigration; the exposure of the minutes and voting; and the Minister's ability to allocate the EPA resources - is a fundamental attack on the independence of the EPA as our environmental watchdog. For that reason the Bill must be opposed.

There are additional reasons. The expert independent committee set up in only 1992 to review the operations of the Environmental Protection Act in this State found that environmental protection in Western Australia was in good shape and did not need a fundamental reworking. In particular, consisting as it did of industry representatives, conservation representatives as well as the bureaucratic representatives, it expressly found that a number of things now contained in this Bill should not be done. That is the consensus of the community but, notwithstanding that consensus, we have seen the almost driven attitude of this Government to press ahead and do the exact opposite of what the expert committee - it was not a Labor Party committee; it was not a committee of the previous Government; it was an independent body representing the tripartite interests of those involved in environmental protection in Western Australia - said: The EPA positions of chairman and executive officer should not be split. What do we have?

Mr Minson: That is not what it said at all.

Mr McGINTY: It did so. It said that the positions should not be split. I will go back and read recommendation 13. It said that the positions should not be split now. They should be reviewed some 12 to 18 months after -

Mr Minson: That was 12 months ago.

Mr McGINTY: No. It said that 12 to 18 months after a number of changes, particularly in the appeals system, were implemented.

Mr Minson: What does dot point four say? It says that if the Minister wishes to do it, he shall consult. That is exactly what I have done.

Mr McGINTY: The Minister has not consulted. He has brought the Bill into this House. He said that he will do it as a matter of Government policy and that was the end of the story. There has been no consultation during this matter. In any event that consultation should not occur until 12 to 18 months after changes to the appeals mechanism. The Minister has not implemented those. He has gone against both the letter and the spirit of the independent review of the Environmental Protection Act.

Mr Minson: You still want to ignore dot point four.

Mr McGINTY: That is fundamentally what the Minister has done. It is not just that recommendation that the Minister has defied. It was recommended that the procedures which are adopted by the Environmental Protection Authority board not be changed because they are working well. What do we see in this Bill in relation to the minutes, the meetings and the publication of the voting patterns of the board members? All of those are to be significantly changed in the way that the independent tripartite body said should not be done. As I have indicated, the third area in which this legislation offends the findings of the independent review of the Environmental Protection Authority Act is that it no longer will be an independent body. I have already indicated the areas in which this legislation is an attack on that foundation stone upon which this Act for environmental protection in Western Australia is erected.

Finally, this Bill is offensive to the independent review recommendation that we retain a rotation of board members so that the experience built up by board members can be passed on to new members as they take up their office on the board. The Minister in this legislation is sacking all of the board members now. He will have a completely new crop going onto the board. The Minister will not be honouring the finding of the tripartite review of our environmental protection system which said, "Do not have a sudden death turnover of members; keep it going as a gentle rotation so that people can learn from the experience of others." In each of those respects this legislation is offensive to the recommendations of the independent review which was an exhaustive review conducted only last year.

We have also seen the Minister for the Environment embroiled in a fiasco. He has misled the public and that has been publicly documented throughout this affair. He was the subject of an unprecedented motion of no confidence by the Conservation Council of Western Australia, primarily over his handling of this matter and particularly, the sacking of the EPA members. He is now left in the situation where the conservation movement has no confidence in him or the Government so far as environmental protection is concerned. We have also seen the Attorney General take over the matter, take it out of the hands of the Minister for the Environment and, quite frankly, make a mess of it. She is now the subject of disciplinary procedures before what used to be called the Barristers Board, now the Legal Practice Board. Whoever on the Government side has touched this matter has made a mess of it. Unfortunately the big loser through all of this will be the environment in Western Australia and our system of environmental protection. There will simply be no confidence in the system as a result of these changes.

MR BLAIKIE (Vasse) [10.17 pm]: Unfortunately I was not here last week when the Environmental Protection Amendment Bill was originally discussed in the second reading debate. I support the reforms and I very strongly support the endeavours that the Government has proceeded with in the changes it is making to the Environmental Protection Act. I remind the member for Fremantle that on 6 February this year there was a State election and the public of Western Australia decided that it wanted a change of Government.

Mr McGinty: You conned the environment movement.

Mr BLAIKIE: With that change of Government the coalition presented policy changes to members of the public of Western Australia. Part of those policy changes was to amend the Environmental Protection Authority legislation. Tonight we see the culmination of the implementation of the commitments made to the public of Western Australia. I compliment the Minister for his prompt implementation of that policy. This is the final stage of the Bill in this House. No doubt one will see what happens in the other place. I take issue with the member for Fremantle. A lot of what he said is simply sour grapes. He really needs to understand that the environmental movement in this State lost confidence in the Australian Labor Party.

Mr McGinty: Your Minister is the only one ever to have had a motion of no confidence moved on him by the Conservation Council.

Mr BLAIKIE: The Australian Labor Party lost the confidence of the environmental movement after a number of years of broken promises and commitments. It is one of the ironies of politics. The basic debate by the member for Fremantle has been about sour grapes. He should understand that on 6 February the environmental movement voted for change and deserted the Labor Party and the member for Fremantle who was the Minister at the time; and change they are getting. The Environmental Protection Authority will take a new direction. The Government believes that the authority's independence will enhance its recommendations. There will be plenty of time in the next four years for these amendments to be tested. Being of an environmental nature they will be assessed by the community and it will make its judgment in due course. I believe the public will judge the changes very kindly indeed. One of the fundamental flaws of the previous legislation was that the head of the department was required to have regard for and take direction from the Minister of the day. That person, being also the head of the EPA was

put in an invidious position. How on the one hand can a person be totally independent as head of the EPA, yet as head of the department have regard for directions from the Minister and for the policy of the Government of the day? That has now changed; the public wanted change. I very strongly worked to ensure that change took place. I am very pleased that the legislation, in its third reading stage, appears likely to be passed in this House. I compliment the Minister for the way he has ensured that this matter has been expedited. The new legislation will be historic and proved to be beneficial to the people of this State.

MR MINSON (Greenough - Minister for the Environment) [10.23 pm]: I thank members for their comments and take note of them. Most of the remarks have been made ad nauseam throughout both the second reading debate and in Committee. Therefore, my address will be, mercifully, brief. For the sake of completeness and since the matters have been raised I will reiterate my views to finally put the record straight. Firstly, as suggested by the member for Fremantle, no radical changes are included in the Bill; the Act will remain substantially the same. The question of whether the chief executive officer should be the chairman of such a board is always the subject of argument; this body particularly has been the subject of considerable argument. The Government gave a very clear commitment in the lead-up to the election that it would split the two positions. The intent was clear; it was not only written but also publicly announced on many occasions. The assertion that the intent of what we are doing was to make redundant the position now held by Mr Carbon simply so that we could get rid of him is absolute rubbish, and I reject that.

Secondly with respect to the board, as I have said before, I put a range of options before the coalition parties and said that I had no particular preference one way or another. It was the resounding decision in that joint party room that we implement the initiative to call for expressions of interest from the public to serve on that board - something I believe we should do. As the current board had only two members with a long time to serve it was decided to proceed along the lines in which the Bill is now couched. The question of resources has been referred to many times.

I make reference to the two words which sum up the whole area; that is, the words "shall" and "may". In the first few lines of the Bill it states that the Minister "shall" resource. That clearly indicates the intent of the Bill and the intent of the Government. It also indicates my intent, as Minister for the Environment, to sponsor this Bill. The word "may" which occurs later in the clause, reflects ministerial responsibility. Once the changes have been effected such that a separate board exists and a separate department which the Minister must control, the word "may" should be used in that instance. It does not in any way imply that resources will be withheld from the board.

I stress that the Ramsay convention produced a good report; like the McCarrey report it has within it much food for thought. The member for Fremantle said there should be no radical change in this legislation, and there is none. The Act remains substantially the same. The independence of the Environmental Protection Authority has once again been debated ad nauseam in this place. The Bill clearly states in clause 8 that the board of the Environmental Protection Authority will remain independent, as it now does, and that the Minister cannot instruct it to bring down a certain recommendation. That has not changed; neither would I countenance any change to that. The independence is not under threat. I can assure this House that the authority will be resourced to the best of my ability.

With reference to continuity on the board, current members are entitled to apply for the positions. If they, along with all the other people in Western Australia who decide to apply for a position on that board, are judged on their merits and worthy of such a place, they will be appointed. We may wind up with a board with some experience on it. Members will be appointed for staggered terms to ensure rollover, which members quite rightly say is a good thing. However, the overriding factor is the quality of the board. I am quite happy to be judged on the standard of the board which I will eventually take to Cabinet for endorsement. It is not my intention to appoint a board which is political and which has in its ranks people who specifically represent anybody. A board of this type

should indeed be an independent board. A criticism of the current Environmental Protection Authority board is that it is unbalanced, not by virtue of the expertise of its members, but because three of them have a background in active forest production. I do not wish to comment on that because people can have a strong point of view, but still be able to quite objectively divorce themselves from that point of view. The people whom I will recommend to Cabinet to serve on the board will not only come from a scientific and biological background which will allow them to make sound judgments on environmental issues, but also will have a knowledge of and expertise in commercial matters. It is appropriate that the people who serve on the board should not be biased in one form or another. I am more than happy to stand judged by the board that I finally recommend to Cabinet. History will show that the newly appointed board will be a good board.

The events leading up to this legislation were controversial, but if the previous Minister and Government had acted in a different way, the controversy could have been avoided. I conclude with an assurance that my intention in this matter has always been honourable and, despite the outrageous accusations that have been made, they have been proper. While I am not at liberty to wave around the Crown Solicitor's opinions, I assure members that they do exist and that was confirmed by the Attorney General. I commend the Bill to the House and I thank members for their input. I look forward to the environmental protection system in Western Australia being improved by this legislation.

Division

Question put and a division taken with the following result -

Ayes (25)		
Mr Ainsworth	Mr Johnson	Mr Prince
Mr C.J. Barnett	Mr Kierath	Mr W. Smith
Mr Blaikie	Mr Lewis	Mr Trenorden
Dr Constable	Mr Marshall	Mr Tubby
Mr Cowan	Mr McNee	Mrs van de Klashorst
Mr Day	Mr Minson	Mr Wiese
Mrs Edwardes	Mr Onodei	Mr Bloffwich (<i>Teller</i>)
Dr Hames	Mr Osborne	
Mr House	Mr Pandal	

Noes (19)		
Mr M. Barnett	Mrs Hallahan	Mr Ripper
Mr Bridge	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Hill	Ms Warnock
Mr Cunningham	Mr Kobelke	Dr Watson
Dr Edwards	Mr Marlborough	Mr Leahy (<i>Teller</i>)
Dr Gallop	Mr McGinty	
Mr Graham	Mr Riebeling	

Pairs

Mr Shave	Dr Lawrence
Dr Turnbull	Mr Grill
Mr Court	Mr Taylor
Mr Nicholls	Mr Brown
Mr Board	Mr Thomas

Question thus passed.

Bill read a third time.

ACTS AMENDMENT (ANNUAL VALUATIONS AND LAND TAX) BILL

Report

Report of Committee adopted.

DISABILITY SERVICES BILL*Second Reading*

Debate resumed from 14 September.

DR CONSTABLE (Floreat) [10.37 pm]: I support the Disability Services Bill in the broader sense. It has many commendable aspects and over the years it has been my pleasure to have worked with disabled children, adults and their families. For some time I was involved in the training of professionals to work with disabled children.

I will highlight a number of measures in the Bill which are positive steps towards the continuing development of services for the disabled. It is interesting to retrace the major milestones achieved in providing services to the disabled, particularly the intellectually disabled. About 14 or 15 years ago the then Minister for Health set up an advisory committee on the intellectually handicapped. It was at a time when services for the intellectually handicapped and other disabled groups were tied to health services. I became a member of that advisory committee in 1980 and it has been of great interest to me to witness the number of developments over the last few years which emanated from the early discussions of that committee. One of them was the guardianship legislation which passed through this Parliament in recent years and another was the recent establishment of the Authority for Intellectually Handicapped Persons. It is a major milestone that the services to the intellectually handicapped have been moved, in their own right, to an authority which operates outside the health services. This Bill provides further development in a number of important areas for disabled people.

The Minister's second reading speech highlights the fact that over the last 15 years there has been a continuing shift in community attitudes towards the disabled. This Bill confirms those changes and actively promotes the continuation of the development of a positive attitude towards disabled people in our community and the continuing integration of disabled people into the wider community. Again, in recent years we have seen a move towards the integration of intellectually handicapped and other disabled children in our schools, particularly in the intervention programs in the preprimary years. We have seen a move towards the integration of disabled people into accommodation within the general community. I can remember long debate, anguish and concern 15 to 20 years ago, and even earlier, about the problems of providing accommodation for disabled people in the wider community because the regulations and laws in the Local Government Act did not allow that to happen. We can all be pleased that we have moved away from that time. Of course, there has been a continuing move towards the inclusion of disabled people in the general work force. Attitudes have changed in many areas and we can all be proud of the continuing recognition of the accomplishments of disabled people in our community. Sport is one of the areas in which they are highlighted.

There is much to commend in this Bill. It recognises a move away from disabled people being segregated towards entering the mainstream settings in our community. The Minister's second reading speech focused on the importance of choice for disabled people and their carers. That is of importance to all of us, and we have seen a steady development which has provided choice in the community in that area. We must make sure it is a real choice and in the months to come, as well as in the Budget, I will look carefully to see whether sufficient funds are available to provide this choice so that it does not become a Clayton's choice.

The Bill also focuses on the needs of individual disabled people and gives welcome recognition to the needs of carers and the families of disabled people. It recognises the needs of disabled people in country areas. It is one thing to recognise those needs and another to provide adequate services. The Bill and the Minister's comments attempt to address issues relating to efficiency and cost, and the need to avoid duplication. In these days of tight funds, we all hope that will be the case in Government. It is very important to note that we are addressing the issues of breaking down the attitudinal barriers I have previously mentioned. The Bill seeks in general to improve the quality of life of disabled people and their families. Some of the finer points of the Bill should be questioned to make sure that will occur.

I am pleased that the advisory council to the Minister will be maintained. It is a very worthwhile continuation of the earlier advisory council and following the changes contained in this Bill, it will be very important to have an advisory council outside the commission to advise the Minister on some of the new services to the disabled. I will briefly highlight some of the issues which need careful monitoring in the months to come. My first concern in general for the disabled relates to families that can no longer provide care for a disabled family member. The member for Kenwick mentioned last night in debate on this Bill that we can all provide examples from our electorates of families in this situation. I will take a moment to mention a family in my electorate in that situation. The mother of that family who is now aged 75 years of age, has for the past 52 years cared, firstly, for her severely disabled son who has cerebral palsy, and then for another disabled son born two years later, who is now 50 years old. What happens to a family such as that when it can no longer cope? The greatest concern of parents as they grow older is about the care of their disabled children when they can no longer cope or after they die. The two sons in the family to which I refer have lived in the care of the family for this length of time, and the family would like them to stay in the home in which they have lived all their lives. However, the likelihood of that is not great. When talking about choice and accommodation, we should think about this particular group of disabled people who must move, when their parents can no longer cope, into some form of institutionalised care. It is a major problem for a large number of people, and I hope the Minister and the commission will address it with great speed. There are some very concerned people in the community. The State has a role in providing this sort of care and reassuring these parents. The parents have not been a burden on this State by needing funding, and only recently have they been provided with a small amount of money to assist them to keep the disabled family members at home. The ideal would be for the two men to remain in their home with care, but the cost may be prohibitive.

I was very pleased to note in the second reading speech that the Minister recognises the needs of families, at least in some general terms, and, of course, that need and support is very desirable. It is worth recognising that it is usually the mother who is the primary caregiver for a disabled child, and the physical and emotional stresses that the primary caregiver must endure are sometimes overwhelming. It is well known, and the literature on research in this area supports this, that the level of family break-up is high in families with a disabled child. We must recognise, more than we do, the need for continuous support at the earliest time by early intervention programs to support parents in their learning how to cope with and be part of the education of their child from the time of diagnosis of disability. We must provide more respite care; it is extraordinary that people must go on a waiting list for emergency respite care in most cases, and we must make sure we provide as much as we can.

My second concern relates to families living in country areas. It was my experience some years ago when involved in development assessment clinics at Princess Margaret Hospital for Children that parents in country centres generally needed to move to the city to make sure their children - especially young children - were provided with the health and other care required. That may or may not be the case now, and I think a strong case can be made for a proper study of and inquiry into services in remote and country areas. The services about which I am talking, such as therapy and other support, are difficult to provide to some children with very specialised handicaps, particularly those with multiple handicaps. It is very disruptive to families when decisions are made to move from their homes in centres outside Perth in order to cater for the needs of one child in the family. We need reassurance from the Minister, not only that the services will be provided but also that families with disabled children living outside the metropolitan area will have a choice.

My next concern relates to the dual role that is described for the commission as funder and provider. On the surface this could be inconsistent with moves in other areas and other agencies in the State. In the health area there has been much discussion of the health ministry moving away from being both a funder and provider of services, although I am not sure one could totally make that break between the two. In this instance the dual

role of funder and provider is wholeheartedly embraced. I am concerned there is an inconsistency in the principle and there could well be a potential for conflict of interest if the commission is both funder and provider. It is important in providing services to the disabled that we clearly articulate accountability measures and procedures. I would like to know more about that from the Minister at a later time. It is important that some independent evaluation be made of program effectiveness and that the commission does not do all the evaluating. That should be built into the accountability measures, and I recommend it to the Minister. Reporting and accountability must pay close attention to program evaluation and accountability measures. Many people will be looking to see how that will be dealt with in the early reports from the commission.

My next concern relates to the comment I just made about the need for program evaluation. We have talked about the need to be more efficient and make more careful use of funds, and I think everyone would agree with that. We must make sure in doing that that the programs are effective. Continuing evaluation of programs is the only way we will know that we are getting effective programs for disabled people. Some funds must be available for program evaluation. In the past we have talked about evaluation in many areas, but the funds have never been set aside to do that. Although funds may be tight, I hope that area will be seen as important for future planning so that we can plot the progress of where we are going in providing programs and services for disabled people.

The Minister commented in his second reading speech on the appointment of senior staff to the commission and said that staff would not automatically move from the Authority for Intellectually Handicapped Persons to the commission. I would like the Minister to comment further about that. I seek reassurance that the usual procedures will be followed - positions will be advertised and appointments made in the usual way, and that there will be fair and open competition for those senior positions. I have no reason to doubt what the Minister said but I would like further explanation of the procedures that will take place.

One of the most important areas where we must make sure some effort, time and funds are spent is in planning for the future. In some areas of disability the numbers of disabled people are increasing, and a previous speaker went into some detail on this. However, it is a point worth making again. There are examples where medical intervention has increased the number of infants born with disabilities; cerebral palsy is one such disability which has received a great deal of publicity recently. This will mean in future that an increased burden will be placed on the education dollar and on other services for disabled people. It is important that proper planning take place so that we know where we are going in the years to come in the provision of services and programs for the disabled.

Another issue I would like to comment on relates to some remarks in the Minister's second reading speech where he commented on the labelling and categorisation of disabled people. A couple of issues should be clarified. It is quite true that in the past there has been over-labelling and categorisation of people with disabilities, but we should bear in mind that in a historical context it was important for service providers to do that because otherwise they would not have received funding from Government sources. Labelling is part of the funding process. Thinking in the area of disability services has moved away from labelling, but I do not believe it is particularly helpful to say we should not have any labelling at all and we should just call people disabled. It is certainly the case that by using some labels, which I do not think we can get away from, we do in some ways assist people who have particular disabilities.

In the Minister's speech he said -

Thus, we have seen people missing out because they did not fit neatly into an agency's labelling system . . .

I have made a point in the last few months of visiting a large number of non-government agencies and being briefed on the work they do. My impression after talking at some length to the people who provide those services is that they bend over backwards to fit people in and not exclude them. It is a little misleading to say that labelling systems has

meant that people have been missing out on services provided by non-Government agencies. Some people have missed out, but to the extent that funding has been available and private agencies or non-government agencies have been able to do it, they have been very conscious of widening their definitions and assisting people. The current thinking and attitudes in the provision of services to the disabled have permeated into the activities of those non-government agencies.

The Minister said some public confusion had arisen about which agencies have responsibility for providing needed services. That is probably the case. It can be very daunting for parents to seek out services that are appropriate for their disabled children, and having the commission in place may well help those people who have been confused and not known where to seek services. I agree with that part of the Minister's statement. Costly duplication of structures between agencies quite likely has occurred, although I would like to know to what extent it has happened. I do not think we can cut out all duplication, but it should be kept to a minimum.

The Minister went on to talk about focusing exclusively on a narrowly defined client group. With some client groups a narrow definition is perhaps appropriate, so we must be careful that we do not go too far with the new ideology and say, "No labels." If we look at areas such as the provision of services for hearing impaired children we see that specialised services are important for them. To be cost effective and provide those services in a sensible way, grouping those children at some stage in their education - perhaps not for all of them but certainly in the early stages of their education - may well be appropriate. We must keep in mind a wide range of possibilities and not go too far in the ideology of saying no labelling. However, we should keep that to a minimum as well. It seemed to me in reading between the lines, and I hope it is not the case, that the Minister may well in this paragraph in his speech have been having a shot at specific purpose groups and suggesting that somehow they were not quite measuring up to what is required. In health and in other areas we can find examples where people are deliberately labelled to provide services, and we do that without thinking - coronary care units and so on. Therefore, at times, and for sensible purposes, labelling can be used for categorisation. However, we must be careful in doing that.

Later in the second reading speech the Minister praises the Authority for Intellectually Handicapped Persons. I have had a lot of contact with that authority over the years, and I agree that it has made a contribution in the provision of services to that group of disabled people. However, by giving the authority that name, it has been dealing with a labelled client group. All members would know of instances in which, because of a lack of resources, or for some other reason, the authority was unable to provide the full service that an individual or group needed.

The Minister's comments contained an underlying threat when comparing the non-government and Government agencies. That comment may have given the wrong impressions, and I hope that the impression I received was not the Minister's intention. I will not raise a number of other points which will be discussed during Committee. In conclusion, I commend the Minister for the general thrust of the Bill. It provides an important next step in the development of services provided for disabled people and their carers. I have pleasure in joining other members in supporting the Bill.

MR D.L. SMITH (Mitchell) [11.02 pm]: I join the debate on the Disability Services Bill as I have been interested in this subject for most of my life. The member for Floreat dealt adequately with the issues of the particular problems of country people who have disabled people as members of their family or extended family. It is a sad fact that in the almost 11 years I have been a member, almost half the people who have come to me regarding a disability service provision problem in the south west region have found it necessary to move to Perth to obtain that service. This issue has always received bipartisan support. Disabilities do not recognise economic status. Indeed, it often appears that the better off in the community have a higher prevalence of disabled people, or at least those cases are more apparent. There are a huge variety of disabilities, and I shall briefly describe some cases with which I have dealt.

One case involves a child of a second marriage. The parents separated prior to the child's disease being diagnosed. The child was diagnosed when about nine years of age. Until then she had been a perfectly happy, intelligent and carefree child enjoying life to the full. She was suddenly diagnosed with a rare disease which will progressively cripple her and cause her death before reaching the age of 30 years. I have seen the way in which her family has come to terms with that situation. Initially there is hope that the disease is not present at all. This is followed by hope that some cure or procedure may be found to overcome the problem. The next step is coming to terms with the progressive degeneration which occurs presenting needs to be addressed. This involves assistance in schooling and the installation of railings around the home. It progresses to the provision of an electric wheelchair and assistance in dressing and putting the child to bed involving various splints and the like. One can only admire families with such problems.

Another example is a family with a member diagnosed with intellectual disabilities at an early age. The initial concern was how the child would be cared for when the mother became too old to do so and the child reached adulthood. However, lo and behold, as that child reached adulthood he spent two years in a sheltered workshop situation, at the conclusion of which he was able, with support and assistance, to apply for a job in what was then the Public Works Department's sewage section. In the 30 years since, this person has not only held a job - he is into his fourth lot of long service leave - but also he has been appointed foreman and takes care of himself in a flat. This person still has an intellectual impairment. If it had not been recognised that something could be done for him as a young adult, and if he had not been given the opportunities and support, he may have been sentenced to a life of dependency and constant care.

The third case involves a child with cerebral palsy born to a school teacher. Obviously, this parent wanted to ensure that the child had every educational opportunity, as far as possible, and for every education support to be provided with access to classrooms and beneficial lessons. That involves an enormous amount of negotiation at schools with changing teachers and dealing with the needs peculiar to that child.

Also, enormous consequences are entailed in marriages in which one party is suffering from Alzheimer's disease and the other is not. One person must care for and protect the other on a daily basis. It is known that the person suffering from this disease will not improve, and that at some stage the hard choice must be made about surrendering the role of the carer and sending that person for institutional care.

Another issue is the problem involved with the Commonwealth policy of "normalisation". It is the Commonwealth's desire to recognise that people with disabilities, intellectual or otherwise, are more capable than others would believe. As far as possible, the Commonwealth policy is that such people should be placed in situations in which they can work and live within the community. However, often the parents in such situations, who are the prime care givers, find that the daily routine - often seen by them as security - is interrupted by the objectives of the program. Such people may have found that the workshop the disabled child was attending was under threat of closure and the child's support benefits were under jeopardy because the child or the parent was not willing to let the child go out and compete in the broader employment environment. The support system established by parents of disabled children was often broken down by the change of direction by the Commonwealth. This made all involved insecure, particularly in country areas where the range of services was not as broad and easily accessed as is the case in the metropolitan area.

The final case I will deal with is a group in the south west known as Pledge, which has been dealing with primarily children with intellectual disabilities in the belief that a daily routine of intensive physiotherapy has the capacity to improve substantially the social development and ability of those children to be independent as they grow up. One of the problems in country areas is that one is not dealing with a broad group of individuals who could be described as disabled, but with individual cases and families who have specific conditions. Every family is different. Not every person whose child is diagnosed with a disability, or whose spouse is diagnosed with a developing disability, is able to make the

personal self-sacrifice that is required if one is to undertake the care of that person. We should not criticise those who opt for different types of care because they either do not have the personal characteristics which are necessary to achieve it or the range of support services is not available in their area to enable them to achieve it. Apart from the fact that one deals with very different cases and the nature of the problems that presents to the extended family, one also is dealing with a variety of individual characteristics in managing those different problems and circumstances and managing the support services in the community.

One of my concerns both with the change in the Commonwealth's attitude and this Bill is that the variety of cases continues to attract a range of different services and theories about what is best in various circumstances. The truth is that what is best is very often a question of judgment. One must allow the people who are the primary care givers or who have the primary responsibility - especially the people with the disabilities - to make their own judgments about what their child can do, or where it is the person with the disability, what they can do. One of my concerns is that when we come to a period of change, we reach the stage in that area of service provision and in the legislative framework to which these people resort, when explaining why that legislative change is necessary, of saying things which reflect adversely on people who have been working hard as professionals in providing services. We reflect on neighbours and on volunteers for particular services who, in the process of doing their work, have developed a belief about what should be done in that area. Suddenly, after years of service and confidence in what they are doing or the service being provided they find that people are viewing what they have been dedicating their life to in negative terms. In the implementation of this review and structure we must be sensitive to the fact that everybody in this area has been working from the position of best intent and from the most marvellous of human objectives about providing for or supporting others - or themselves if they are able to live independently and well. In the end result, it should not be for us to second judge their judgment or be in any way critical.

It is true that when Government money is scarce and resources cannot be scattered about it must make some judgments about what it will fund and provide, but that should not allow us to be negative about those people or the service they are providing without Government support. If it comes to the conclusion that the level of Government support should be changed, or the way in which it is offered, or the service that is offered in the future, it should be understanding and diligent in making sure it does not give any offence in its description of the particular services which are not funded or supported. I make a special plea to the Minister simply to understand that he is dealing with an enormous variety of situations. The best situations of all are those people who despite their disability are real achievers and can in every way enjoy a normal life. We should give them every encouragement and support to the extent that they require it. We should never think of them as being disabled in any sense, but as people in our community who need a particular level of support in order to attain the maximum potential for the community and themselves. Some people by reason of their disability must face up to the prospect that they will progressively deteriorate and need more and more care in a variety of services. In particular we must be conscious that in country areas one cannot work on static models.

The problem in the past has been that we developed models of service based on efficiency, accountability and a range of other things. That is fine when one is dealing with numbers, but not when one is dealing with people in very different situations and locations - between Perth and Bunbury, Bunbury and Burekup and Burekup and Meekatharra. When people accept the responsibility for caring for a person with a disability it should not become a sentence which requires them to give up their preferred place of living, their occupation, and move to Perth where they may not have the support of the extended family for no other reason than it is the only place the service could be provided. I plead with the Minister to ensure, firstly, that whatever committees are established as a result of this new legislation are given more than adequate country representation, and that they are representative of the variety and range of disabilities and

family situations which are found both in metropolitan and country areas. In that way we can have a proper appreciation of the different models that might best serve in country areas. In the main, country areas require non-specialised services, which should be the primary objective. Often, disabled people require a range and variety of services whether they are intellectually impaired or not. We must ensure that stand alone services such as physiotherapy, speech therapy and the like, are available to almost everybody with those disabilities rather than have the notion that one must have specific categories or labels which enable some people access to those non-specialist services and not others. The most critical need for every family is daytime care, daytime activities and relief care. We should be aiming for a system in those day and relief care centres that caters for people with a variety of situations. Country people in particular should have priority of access to relief care services. The services are required, whether they are in metropolitan or regional centres or in smaller country towns, where different models of relief care are available and provided for. We should not just go for cost efficiency.

The final point I make about city and country people is that we recognise that quite often in the management of particular problems, the one thing that should always be encouraged is hope. Too often new services and new ideas are denigrated because they do not really comply with some professional's idea of what is required. They are often criticised because it is said that charlatans are raising false hopes and expectations and that such people need to be quickly brought to book and never given Government funding. However, my view is that with such a huge variety of causes of disability and of different levels of incapacity, we should be open minded in receiving new ideas and approaches, especially if they apparently give new hope to the carers and families of the disabled. People often worry that it gives false early hope which is later dashed; however, that is not my experience. My experience is that people at the back of their mind have come to terms with the fact that there is probably no answer. Nevertheless, hope springs eternal and whenever a new opportunity arises it gives them a new lift and new outlook. However temporary that is, and however uncertain it may be, we should not be in the business of knocking and depriving people of those hopes. Wherever possible we should be meeting them with an open mind. We should especially be doing that if people in country areas, in particular, suggest new alternatives and services that people in the city may not readily accept as precisely what is required in that case.

I sometimes feel that in an area where the current level of research and the detailed analysis of what is the cause of the problem and how it should be managed is something which is not comparable to the strong opinions which some professionals hold, we should be open in accepting the new range of services. On that score, one of the concerns I had with the member for Floreat's speech was her emphasis on accountability and performance auditing; that one wants to ensure that services provide outcomes which are clearly identified and which should be funded for outcomes rather than necessarily funding what appears to be a well organised and well run service, where the effectiveness of the outcomes can not always be proved. In many cases people are unfairly dealt with when external auditors try to examine what is occurring and try to apply city based judgments on what is happening in the service area, whether there are enough numbers, and whether in terms of effective dollars, proper results are being obtained across the State. It is always unfair for country services, and it frustrates new development which, with the results of future research, may provide extra knowledge and support.

The Bill represents a bipartisan approach where the incoming Government has largely adopted most of what was to be included in the original Bill by the former Government. I express concern to the Minister about two aspects of the Bill: Firstly, clause 4 of the Bill is clearly rather uncertain in its outcome, especially when it is compared with some of the other provisions which seem to provide some legal rights to enforce entitlements. I do not see the need for clause 4 at all. If we are passing legislation which is intended to have some benefits we should not leave people unable to enforce their right to those benefits, and should not have these sorts of clauses which aim to exclude legal enforceability of them. One must make the value judgment: People should be given the right - the capacity to sue for and endorse their entitlement to that service - and

provisions such as clause 4 should not be included. I will deal with that matter further when we come to the Committee stage of this legislation.

The second major concern I have is about the question of fees. This matter has largely been covered by other members. As I have said, where disability occurs has nothing to do with one's personal circumstances and financial resources. Fees are always discriminatory. They always build a barrier between those who need services and the services provided. In an area such as this, where we are dealing with people's disabilities, we should not be the least bit restrictive, nor should we be constructing artificial barriers, financial or otherwise, for access to various services. I will not go into the other issues such as the dual role of the commission and clause 9 which deals with some of the staff issues. I am sure they have been covered well by other speakers in this debate and I am sure that we will deal with them in greater length in Committee.

I return to what I said about it being extremely disappointing to find that after my nearly 11 years as a member of Parliament my impression is that of the people who come to my office complaining about services or seeking to establish services in Bunbury - I am not talking about a remote country town - more than half have moved to Perth for no other reason than they eventually gave up arguing with a Government agency or non-government agency, or with other authorities or schools, and simply decided that to secure services they felt were required for the person for whom they were caring, they should move to Perth. That means giving up their home, jobs and extended family. That is a huge additional penalty and stress. We should be overcoming that in the major regional centres. We should also be overcoming that in every country situation in Western Australia.

My other concern is that I have tended to dwell in my speech tonight on those with disabilities who need services and care providers. It would be remiss of me not to note that this legislation in many respects is not about that category of people alone. It is very much about the enormous number of people with disabilities who do not need service provision, carers, or a range of other things. They live in the community as absolutely normal, good citizens, contributing substantially to the community and to family life in raising children of their own and doing all the things that we ourselves would want to do. The fact that a person has a disability does not mean anything about his or her capacity to do things, to achieve, or to be regarded in any way as an admirable person with admirable qualities.

The thrust of this Bill and its new philosophy is identifying that large group of people in that situation. They need very limited statutory rights and consideration in terms of accessing buildings, workplaces and the like. This legislation and the equal opportunity legislation recognise that. Both pieces of legislation ensure that, in our concern for those who are most in need of care, we do not treat those people who do not need any care at all as somehow subhuman and not having the rights we expect. That should not be the case; every person, regardless of the extent of his disability, should be encouraged to have aspirations to live as a normal member of the community. I hope the philosophy of this legislation and the equal opportunity legislation will ensure that that occurs.

MR MINSON (Greenough - Minister for Disability Services) [11.31 pm]: I thank members opposite for their contribution to the debate on the Disability Services Bill. It was my intention to address each comment raised by speakers who participated in the debate, but the depth of the comments make that almost impossible. Many of the comments made relate to clauses of the Bill and will be covered much more adequately during Committee. Bearing in mind that I have had the benefit of 24 hours to consider my approach to my reply to this debate, I considered it appropriate to group the members' concerns into sections and I will comment generally on each section. I acknowledge that this course of action will not fully answer the concerns which have been raised. However, I may have to depart from my proposed course of action because of the contribution made by the two speakers tonight. The member for Floreat, who is as well qualified as any member in this House to speak on this issue, raised a range of topics that were not raised by other members and if I have time I will refer to some of them.

In his opening remarks the member for Kalgoorlie referred to the fact that one in eight Western Australians suffer from a disability and that translates to between 190 000 and 200 000 people. This figure gives some indication of the importance of this Bill and it will highlight that the people who require a service are those whom we acknowledge have a disability. The best way we can assist those people who have a minor disability is through community awareness.

This Bill is a brave effort because it purports to be a single answer to a multiplicity of problems. Obviously, when one puts forward a model like this Bill, it is almost impossible to adequately address every issue. I unashamedly aimed this Bill at those people who are most in need of services. I acknowledge that when one has to consider a huge range of disabilities, and adds to that the personality differences and the various means by which disabled people approach their disabilities, it is difficult to address them all in a single Bill. The Government has tried to put together a Bill which will provide a tailor-made service and will take into account the range of disabilities.

I could not help noticing the comments of the member for Belmont, the previous Minister for Disability Services. It appears he felt a little miffed because the only piece of legislation which passed through this House when he was a Minister is being repealed by this Bill. I do not want the member to feel upset or insulted, because he will notice that most of the legislation he introduced remains intact and this Bill builds on to the work he did. While the record may not show that this Bill was introduced by him, I will give praise where it is due because, as he rightly pointed out, last year's Bill received wide support not only in this place, but also in the other place.

I note that members desire to ensure that this legislation provides further benefits to people with disabilities. A major concern expressed during the debate was the need for a balanced view across the whole spectrum of services provided to disabled people. It is true that when dealing with a large group of people who fit into a category there is a danger that that group, being a large group, will be better organised and better resourced, and perhaps will dominate the field. Comments were made that the Authority for Intellectually Handicapped Persons focuses its attention on adults and not children. One member quoted that 60 per cent of the AIHP's clients are adults.

In formulating this Bill I tried to specifically acknowledge that people with disabilities are individuals. I have already alluded to the fact that despite trying to categorise disabilities one need only multiply the number of different disabilities and the differing approach disabled people have to their disabilities to understand the problems involved. We have tried to put together a board which is as varied as possible without becoming too big. We could have put in place a board which had more members than the number of members in this Chamber and still would not have encompassed the full range of people who suffer from disabilities. However, in ensuring that developmental, intellectual, physical and sensory handicaps and disabilities are catered for, we have tried to create a body which has within it inbuilt checks and balances, and if the commission starts to go off on a tangent, those people will bring it back onto a sounder footing.

The question of diagnostic labels was mentioned by a number of people, in particular the member for Floreat. In making reference to diagnostic labels, I have tried to express my hope that the disabilities field and we as a society have arrived at a point of maturity where, while not ignoring the labels, we can start to broaden the horizons a bit and draw the field together to reduce duplication. However, I am more than happy to go on record as saying that where the labelling of a particular classification of disability helps in diagnosis and in some way in delivering a service or ensuring that people are catered for, it is quite in order for labels to be used. It was my intention not to force labels to be used or not used, but rather to express a frustration that I felt as an Opposition spokesman when people came through my door to talk to me about disability services. I found that while the people who came through my door were leaders in their field and tended to be more outspoken, they always expressed to me that their particular section of disability services was hard done by and was not properly resourced, and often, quite understandably, they even expressed the view that their need was greater than that of someone else. I can understand that and I certainly have no argument with it, but now

that I am Minister for Disability Services and am trying to deliver a service, my aim is to try to correct some of that so that people will not have to go to a Minister or a shadow Minister to complain and then have nothing done about it but can go to the commission, which can ensure that those who represent the larger numbers, or those who perhaps are perceived to be receiving more of the resources, are brought into line. I sincerely hope that history will prove that to be the case.

Several members mentioned clause 4 and the right of people with disabilities to receive a service. I will not go into that matter in great depth because I know that clause will be debated at some length in Committee. However, I suggest that there is some misunderstanding among members in regard to the purpose of that clause, which does not in any way remove a person's right to complain about a service or the absence of a service. The definition of "disability" in the Bill is extremely broad, and intentionally so, in order to ensure that no person who deserves a service is made ineligible. However, the fact that the definition is intentionally broad may give rise to a problem in that if there is a legal entitlement to a service, people who have a minor disability may resort to legal means to try to get a service which perhaps they do not need. I do not wish to belittle those people, but from time to time in society we need to set priorities, and we should direct most of our efforts to the people who have the greatest need. The intention of clause 4 is not to try to duck out of providing a service, because the object of this Bill is to ensure that services are provided, but, bearing in mind the broad definition of disability, we do not want to give a licence to people to get carried away. The intention is to improve the quality of life of people with disabilities, whether that be by direct service provision, the provision of individual grants, the education of the public, or the commission's work with public authorities to ensure that their services are adapted to meet the particular needs of people with a disability.

Some members asked why have a Disability Services Commission rather than the two tiered structure that we currently have, and suggested that perhaps the formation of a commission would be of no benefit. I guess only time will tell whether the establishment of a commission was a positive move, but I believe it will be a positive move. The mix of the board of the commission is intentionally broad in respect of the representation of people with disabilities, and at the Committee stage we will address an amendment which will ensure that the mix is broad. I have shied away from nominating particular disabilities wherever possible because I want to get away from the question of labelling someone who goes onto the commission, because that person may then think that his or her specific task is to represent that group of people.

Mr Ripper: I agree with that.

Mr MINSON: We debated this matter some days ago in regard to the Board of the Environmental Protection Authority and discussed the possibility of people representing particular interests. I believe it is a mistake to put on a board such as this people who represent a particular interest group because then they tend to be biased in that direction - not that they are incapable of being unbiased, but rather because they fit into the board with that role or label. For that reason, while people who occupy places on statutory boards may have an interest in a group with a particular label, they should not be put there with that label on them. I believe that the commission will remain in touch. It will work with people with disabilities. It will not be isolated. It will be in touch with both providers and consumers.

It will support the mainstream changes in the disability services plan and will practically assist those agencies. The non-government sector is very strong in the disability services field. While a large body of staff from the Authority for Intellectually Handicapped Persons is working with the commission, there will be flow of information from both sides of the equation. There will be staff with experience in the AIH field and people from other disability services areas. I am hopeful that we will be able to create a positive flow of information and an interchange that will lead to a better understanding across the field. I have spoken to a number of AIH staff about this matter and many of them are looking forward to working in a larger organisation with a greater breadth to it. They will rise to the occasion, as I hope all staff in the field will. I note that the member for

Kalgoorlie referred to the innovations displayed by the AIH in the delivery of services in the Kalgoorlie area.

In future we will try to bring people together rather than create separate agencies. In no way do I wish to create a generic service that does not take into account the differences between disabled people. That would be a huge mistake. I am the first person to admit that when we look back in a few years if we find we have created a commission which regards everyone as "home brand" we will have failed dismally. The commission will have failed also. It is my fond hope that this will not happen.

The Bill provides for an appeal to the Minister. I will be addressing an amendment foreshadowed by the member for Kenwick in respect of appeals because at the moment the Bill allows appeals only by corporate bodies, not by individuals. That provision was to specifically exclude the multitudes who may complain on a mischievous basis. On reflection, the member is correct and I will accept that amendment because to give the right of appeal to a body corporate but not to an individual would be a denial of justice. We would be forcing people to adopt a label and that would be against the very situation I am trying to achieve.

Many members waxed lyrical about the McCarrey report. For a while I had the impression that the debate was being used by one or two members as a vehicle to have a shot at the McCarrey report.

Mr Ripper: I think you agreed with our shot at the McCarrey report.

Mr MINSON: I only agree with members' rights to have a shot at it. I will comment on the McCarrey report but I do not want to go into detail.

Dr Watson: It is based on wrong figures and wrong mathematics.

Mr MINSON: I will not be drawn into a long and specific argument on the McCarrey report. Most people acknowledge the need for efficiency in Government. The positive part of the McCarrey report is that it provides a valuable range of suggestions which the Disability Services Commission can consider and adopt or reject as it sees fit.

Dr Watson: Returning people to their families!

Mr MINSON: I will not be drawn into the specifics of the McCarrey report. I will explain why: Any Government would not be attempting to meet its mandate if it did not look for new ways to deliver services more efficiently. While I cannot deal with all the questions, and I do not particularly want to, members should understand that a Cabinet subcommittee is looking at the McCarrey report. I have called for all the chief executive officers to comment and to deliver their perceptions of the report. They will cover the positive, negative or inaccurate aspects. I have received the reports and I am currently in the throes of writing a report for submission to the Cabinet subcommittee. What that subcommittee will come up with, I do not know. That may lead us to some innovations.

Dr Watson: You do have reservations about the McCarrey report.

Mr MINSON: One cannot help having reservations about a broad brush statement that says that a service should be closed down or provided by the non-government sector. While I understand what the commissioners meant, we need a balance. That aspect will be addressed. The important point we must bear in mind is that we simply should not proceed with a blinkered approach; we should examine everything placed before us. It may be that the suggestions by McCarrey are rejected; some may be adopted and some may lead us to make decisions about our future directions and result in a positive outcome. It is certain that while we must have compromise - a balance between quality and efficiency - quality must be paramount. We should aim for a system which delivers that situation.

Mr Ripper: People will be alarmed that you are unable to reject the recommendations on accommodation, when the recommendations are patently wrong.

Mr MINSON: As a former Minister, the member for Belmont knows that one can put a point of view in Cabinet. I have points of view, some of which may surprise members,

but it would be silly of me, on my reading of the McCarrey report, to reject it completely, as the member thinks.

Mr Ripper: On the accommodation aspect, I do.

Mr MINSON: The matter needs a great deal of research. I will be meeting with the commissioner to go through some of the figures that were produced. I think they are interesting and thought provoking but at the same time they are puzzling. It is not easy to understand why some recommendations are made, but there must be some reason.

I turn to the importance of public attitudes to services available to public authorities. These were concentrated on particularly by the Bureau for Disability Services and received a mention by many people. Several members mentioned the importance of ensuring that public services are accessible to and suitable for persons with a disability. Access to buildings, transport and integrated services have all been detailed. In the area of transport, in particular, direct funding of people with disabilities may well lead to a number of them banding together in local areas to buy suitable transport for themselves. That possibility has been explored. When I mentioned it to people with disabilities they seemed to be excited about it. I would now like to raise something that has not been raised: Hostel equipment for disabled people.

Dr Watson: The Industry Assistance Commission recently reviewed the costs of appliances.

Mr MINSON: What did it say?

Dr Watson: It raised some concerns and it is doing a further review.

Mr MINSON: I have not seen that report. I can well understand that it might be concerned. I have been quoted a figure of about \$15 000 for a hoist to get a wheelchair from ground level to bus level, without fitting. I speak from my vast experience as a farmer-engineer. Quite frankly, I think that is ridiculous. I am exploring ways to create incentives for people in small, innovative engineering businesses in Perth to come up with designs that are not only suitable for the local market but which may also eventually lead to the development of export markets. The price for some of the equipment I have seen would seem to me, not just bordering on but, well and truly outrageous.

Dr Watson: I referred to the paper by Christopher Walker in my speech last night. I will see that you have a copy of that if you would like it.

Mr MINSON: I probably missed that.

Mr Marlborough: The whole question of aids for the disabled is a matter that needs to be looked at, not just simply ramps going into vehicles. Some of the problems are Federal. We have to find ways and means by which we can look at minimising those costs. I agree with you that some of the costs for aids that have to be bought as a complete unit from the marketplace are absolutely exorbitant.

Mr MINSON: I have never failed to be amazed at the cost of a whole range of equipment. Unfortunately it seems to be regarded as medical equipment and anything with the word "medical" in front of it seems to send up the price. It is a bit outrageous to visit that on the disabled. We find that they have been saving for years and years to buy a piece of equipment and they are not even keeping up with inflation. It angers me a little. It may well be that a thorough analysis may show that the cost is not as outrageous as I think it is. There is room for considerable improvement and if some of our more innovative engineering shops were given the task and the incentive, I cannot help but feel that we would be doing a lot better for these people than we are.

The Bill attempts to see that discrimination, whether direct or indirect, is not practised and, in fact, is actively discouraged. In relation to public attitudes the member for Kalgoorlie, in particular, raised the issue of town planning schemes and the need to ensure that local authorities did not exclude members of disability groups, for example, when housing is approved. I agree with the comments that he made. I guess that it would be fair to say that education is part of the process.

Many members raised the question of fees and charges for services. I made some comments about this, as the member for Floreat mentioned in her speech. I felt as though I had explained it reasonably well. I think there will be further debate on this matter in the Committee stage. I assure members that no secret agenda exists in this matter and no wholesale user pays scheme will be introduced. I will be moving an amendment later to ensure that fees and charges are laid before Parliament. This is something that the member for Kenwick has mooted in one of her motions. The Parliamentary Counsel has redrafted it and I will be taking up that initiative. Where fees and charges are set or altered, they must be laid before the Parliament following the approval of the Minister.

I believe the other major area that people spoke of was just the plain need for services. Nobody in this Chamber could possibly have failed to notice that a couple of big meetings were held last year dealing with accommodation. Almost every member who rose to his or her feet mentioned the problem - the provision of accommodation of the children of ageing parents.

Dr Watson: That is the major reason that we are so distressed about McCarrey.

Mr MINSON: I do not think the member needs to be distressed. She must understand that the Report of the Independent Commission to Review Public Sector Finances, the McCarrey report, was a private industry look at the workings of Government. Some findings were made. They will be the starters, the catalysts, and a whole lot of things. Members should understand that a lot of good will come out of the melting pot that will be created by the McCarrey report. Even if nothing changed in an area, at least there would be a lot of thought - and there cannot be too much wrong with that.

I assure members that I am aware of the problem with accommodation services. I am aware for the need for respite and I am certainly aware of the need for accommodation for children of elderly parents. I recently announced commitments that will vary between a minimum of \$1.25m and \$1.5m, depending on resources that are available, to expand accommodation services. I did deliver that information in a speech in July in the same venue as the previous meetings which were held last year. If members would like a copy of that speech, I will ensure they get one; it details the best we can do for the moment. Other members mentioned local area coordination and said that it should be taken up nationally. It is an excellent program and has been well accepted in the field. People now expect it. I intend to build on that and to use it as the vehicle for direct funding for people with disabilities.

I refer to some areas mentioned by the member for Floreat and the member for Mitchell, in particular, services to country areas. It is widely acknowledged that although one cannot provide a complete range of services for people in every country area, a much greater effort needs to be made toward that end. I direct members to schedule 1 of the Bill introduced last year, wherein I added - it was accepted by the Government of the day - provision for people with disabilities who reside in country areas to have a right, as far as is reasonable to expect, access to similar services provided to people with disabilities who reside in the metropolitan area. It will be one of the commission's tasks to address that. As I demonstrated by that amendment I successfully moved last year, I have some commitment to it.

I have discussed the aspect of complaints with one member outside this Chamber. It is the intention that if a person were to complain about a service provided in the disability area that person would be able to complain to the Equal Opportunity Commissioner. If it is provided by a health service on a health matter, the complaint may be made through the official complaints mechanism which is being set up under the Bill currently being drafted by the Minister for Health, of which some notice has been given. It is true, that, I think, four institutions are funded by the Health Department which provide a disability service. They tend to be something of an anomaly. I intend to take up with the Minister for Health whether those services could not be transferred, obviously with their funding, to the Disability Services Commission.

In summary, the intent of this Bill is to provide choice and cooperation and to draw together the elements of the disability services field. It reflects the position of society

and the disabilities fields. We are now at the point of maturity where we can draw together the many groups with many labels, without discarding those labels, and, while still acknowledging why they have those labels, perhaps lead to a service which will give better coordination and efficiency and a general understanding of all those other areas of disability services, rather than its being smaller and having many groups. I look forward to the Committee stage of the Bill and to the debate that will no doubt accompany it.

Question put and passed.

Bill read a second time.

House adjourned at 12.16 am (Thursday)

QUESTIONS ON NOTICE

POLICE - COUNTRY TRAFFIC REVIEW REPORT
Recommendations Adoption; Regionalisation Implementation

458. Mr CATANIA to the Minister for Police:

- (1) In relation to the comprehensive report on country traffic review, would the Minister advise if he intends to adopt the recommendations in the report?
- (2) If not, why not?
- (3) Does the Minister intend to implement regional traffic policing?
- (4) If not, why not?
- (5) Does the Minister intend to address the housing problem that country police face?
- (6) If not, why not?
- (7) Does the Minister intend establishing a career path for country police officers?
- (8) If not, why not?

Mr WIESE replied:

- (1) The country traffic review was an internal review carried out by the Commissioner of Police. The Commissioner of Police is already implementing many of the recommendations of the report.
- (2) Not applicable.
- (3) See answer to (1).
- (4) Not applicable.
- (5) Officers will be relocated in applicable areas as housing becomes available. I have commenced discussions with the Minister for Housing and the chief executive officer of Homeswest with a view to improving the supply of GEHA housing for police officers.
- (6) Not applicable.
- (7) A career path already exists for country officers in the current police promotional system.
- (8) Not applicable.

TRIGG ISLAND SURF LIFE SAVING CLUB (INC) - REDEVELOPMENT

568. Mr STRICKLAND to the Minister representing the Minister for Lands:

- (1) With respect to my question on notice 448 of July 1993, parts (2) and (3), would the Minister confirm the answers supplied in the light of the letter of 15 October 1992 from the City of Stirling which refers to the submission of a "location plan showing the siting of two replacement buildings for the club and associated public cafe/restaurant in the areas shown hatched on the plan?"
- (2) Will the Minister table the plan referred to in part (1)?
- (3) What support documentation or argument was presented at the 2 April 1993 meeting between Department of Land Administration and City of Stirling officers to justify that the proposed commercial development - restaurant - was required to satisfy the real need of reserve users, if any?
- (4) With respect to the document "Guidelines for the Administration of Land Act Reserves", is DOLA aware that in response to a question (No 11) on

notice to the City of Stirling on 6 July, the following answer was supplied -

Responsibility for the administration and implementation for the guidelines rests with DOLA. DOLA approved the redevelopment including the restaurant?

- (5) How does DOLA ensure that appropriate consideration of the real needs of reserve users is undertaken and assessed as is required when consideration of endowment requirements occurs?

Mr LEWIS replied:

The Minister for Lands has provided the following reply -

- (1) The answer provided to question on notice 448 parts (2) and (3) were given on the basis that they were related to part (1) and meetings held between DOLA and the City of Stirling; however, the city did subsequently outline the intention to utilise the redeveloped surf club buildings for a mixture of club and associated public cafe/restaurant purposes by letter dated 15 October 1992 received by DOLA on 16 October 1992. One of the locational plans provided by the city indicated the proposed redevelopment building "footprints" without detailing the areas allocated for each facility.
- (2) Yes. [See paper No 315.]
- (3) No support documentation other than development plans or a verbal outline of the proposal were presented at the 2 April 1993 meeting. Separate justification was not given nor sought by DOLA for the restaurant/kiosk as the matter was discussed in terms of the total redevelopment of which the commercial facilities were a component part only, the majority being surf club related or community orientated consistent with DOLA policy.
- (4) Inquiries with DOLA officers that have had input to this matter confirm that no-one was aware of question on notice 11 to the City of Stirling dated 6 July 1993.
- (5) Each case is considered on its merits and flexibility is available to DOLA for exercise of its discretion. Depending upon the circumstance it is open for DOLA to request that a local government invite public comment on proposals if it believes justification for certain uses outside the normal planning approval processes are required.

TRIGG ISLAND SURF LIFE SAVING CLUB (INC) - REDEVELOPMENT

569. Mr STRICKLAND to the Minister representing the Minister for Lands:

- (1) Is there a facsimile message from Mr B. Dimond of the Department of Land Administration sent to the City of Stirling on 27 April 1993?
- (2) Will the Minister confirm his answer to my question on notice 381 part (1) of 1993 in the light of the response to (1)?
- (3) Does this document constitute an agreement with the city?
- (4)
 - (a) when did the Minister first have the matter of the redevelopment of the Trigg Island Surf Lifesaving Club and restaurant brought to his attention;
 - (b) by whom?
- (5) Did any officers from DOLA refer this matter to the Minister for any consideration of -

- (a) support for an agreement;
 - (b) consideration of conditions which might be required;
 - (c) if so, in either case, when?
- (6) What are the normal procedural steps undertaken by DOLA when requests for the creation of commercial developments on Crown reserves are made by local authorities?
- (7) (a) Do these allow for input by members of Parliament or the public generally;
- (b) if so, under what conditions and on what occasions?

Mr LEWIS replied:

The Minister for Lands has provided the following reply -

- (1) Yes.
- (2) When answering question on notice 381 the existence of the handwritten facsimile message to the City of Stirling was not brought to my attention by the Department of Land Administration. Having since been provided with a copy of the facsimile and having now read its contents, the answer to question on notice 381(1) given on 6 July 1993 was incomplete.
- (3) Yes.
- (4) A memo was forwarded on or about 24 May 1993 by DOLA and on or about 26 May 1993 a letter from the member for Scarborough dated 25 May 1993 was received. I am unaware which was sighted by me first. The member may also have raised the matter with me verbally on the day or days preceding his letter.
- (5) DOLA requested my approval for Reserves Bill action by memo dated 24 May 1993, not in terms of an agreement but by way of an outline of a proposed multimillion dollar arrangement between the Trigg Island Surf Life Saving Club and the City of Stirling to redevelop the club's existing facilities. The request outlined the project and stated DOLA's support for the council and club initiative but stated that, in order for it to proceed, changes to various reserve boundaries and the purpose of the current surf club reserve would have to be effected. No conditions were outlined though DOLA had indicated to council officers at the meeting of 2 April 1993 that revenue from the proposed restaurant sublease should be used towards the upkeep of the beach area.
- (6) The department considers requests from a land administration perspective having regard to relevant departmental policies in the case of reserved land - "Guidelines for the Administration of Land Act Reserves" - and the provisions of the Land Act. DOLA approval may be subject to approval by other authorities together with necessary planning approvals at both the local town planning scheme, and, where appropriate, metropolitan region scheme levels.
- (7) DOLA's current procedures remain directed to the land administration or tenure issues and do not involve the department seeking input from members of Parliament or the wider public to proposals referred to it.

ORGANOCHLORINS - ALTERNATIVES, NON-CHEMICAL

618. Mr McGINTY to the Minister representing the Minister for Health:

- (1) In reference to the reply given to question on notice 296 of 1993, does the

Minister accept that alternatives to organochlorines can be non-chemical; for example, physical barriers or building modifications?

- (2) What is -
 - (a) the Minister's definition of "reasonable cost";
 - (b) the range of prices the Minister considers "reasonable"?
- (3) What is the Minister's definition of -
 - (a) "effective";
 - (b) "cost-effective"?
- (4) Who will determine what is -
 - (a) "effective";
 - (b) "cost effective"?
- (5) On what basis and how will it be determined what is -
 - (a) "effective";
 - (b) "cost effective"?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Yes. However, health legislation has no power to require or control the particular barrier chosen.

(2)-(5)

It is not my position to define words. I use them in their normal meaning.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - SHOPPING CENTRE OWNERS ON-SELLING ELECTRICITY TO TENANTS

621. Mr HILL to the Minister for Energy:

- (1) Is it the practice of some Perth shopping centre owners to on-sell to their tenants, at a profit, electricity purchased from State Energy Commission of Western Australia at a reduced rate?
- (2) Is that both unfair and undesirable?
- (3) Will the Minister amend the State Energy Commission Act 1979 to prohibit this practice?
- (4) If no, why not?
- (5) If yes, when?

Mr C.J. BARNETT replied:

- (1) Neither SECWA nor the Government are privy to the commercial arrangements struck between shopping centre owners and their tenants.

(2)-(5)

Not applicable.

GENEVIEVE 1000 - STATUS

643. Mr RIPPER to the Minister for Tourism:

What is the status of the Genevieve 1000 car race?

Mr C.J. BARNETT replied:

I assume that the member is referring to the Genevieve 500 car race and the status is that Mrs Terry has said that the race would not be going ahead, but there has been interest shown by other parties who may be interested in running the race with Mrs Terry's approval.

HEALTHWAY - GRANTS TO PILBARA ORGANISATIONS

654. Mr GRAHAM to the Minister representing the Minister for Health:

- (1) What are the total amount of grants made to organisations in the Pilbara region of the State since the inception of Healthway?
- (2) What is the percentage of the State total that amount represents?

Mr MINSON replied:

The Minister for Health has provided the following reply:

- (1) Healthway has awarded 20 grants and sponsorships totalling \$160 128 direct to Pilbara based organisations.
- (2) This represents 0.6 per cent of Healthway's allocated funding to date.

MAMMOGRAPHY - NORTH WEST MOBILE MAMMOGRAPHY UNIT
Accurate Diagnosis

693. Mr GRAHAM to the Minister representing the Minister for Health:

- (1) Is the north west mobile mammography unit provided by the Health Department of a quality that will allow an accurate diagnosis to be made?
- (2) If so, why does the Health Department insist on patients in remote areas being referred to Perth under the Patients' Assisted Travel Scheme when the unit is available in a town?
- (3) If not, what purposes does the screening program serve?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3) The screening program detects breast abnormalities which then require further investigations to arrive at a diagnosis.

RED RIVER GUM TREES - AIDS SUFFERERS, FUNGUS WARNING

696. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Is there a recent report in the *Medical Observer* warning AIDS sufferers and others whose immune systems may be oppressed, to stay clear of the red river gum, one of the most widespread of Australia's eucalypts?
- (2) If yes, will the Minister -
 - (a) follow-up on this research;
 - (b) if considered appropriate ensure that adequate publicity is given to the dangers from the fungus on the tree during its flowering period?

Mr MINSON replied:

The Minister for Health has provided the following reply -

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

TUBERCULOSIS SCREENING - FOLLOW-UP ARRANGEMENTS

697. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Has the Minister been able to make appropriate arrangements with the Federal Government for adequate follow-up of immigrants and longer stay visitors in relation to tuberculosis screening?

- (2) If not, why not?
- (3) If yes, what are the details of the follow-up and screening arrangements that have been put in place?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Not finalised yet - only recommended at the recent Health Ministers' Conference.
- (2) Not applicable.
- (3) Not yet available.

DEPARTMENTAL STAFF - MINISTER FOR RESOURCES DEVELOPMENT
Staff Numbers, Classifications; Programs Funded - Port Hedland, South Hedland, Tom Price, Paraburdoo, Telfer, Shay Gap, Marble Bar, Nullagine

728. Mr GRAHAM to the Minister for Resources Development:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland
 - (ii) South Hedland
 - (iii) Tom Price
 - (iv) Paraburdoo
 - (v) Telfer
 - (vi) Shay Gap
 - (vii) Marble Bar
 - (viii) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Premier's control?

Mr C.J. BARNETT replied:

(a) Nil

(b)-(c)

Not applicable.

DEPARTMENTAL STAFF - MINISTER FOR HEALTH
Staff Numbers, Classifications; Programs Funded - Port Hedland, South Hedland, Tom Price, Paraburdoo, Telfer, Shay Gap, Marble Bar, Nullagine

734. Mr GRAHAM to the Minister representing the Minister for Health:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland
 - (ii) South Hedland
 - (iii) Tom Price
 - (iv) Paraburdoo
 - (v) Telfer
 - (vi) Shay Gap
 - (vii) Marble Bar
 - (viii) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Premier's control?

Mr MINSON replied:

The Minister for Health has provided the following reply -

Health Department of WA - see attachment 1

Alcohol and Drug Authority - see attachment 2.

[See paper No 316.]

DEPARTMENTAL STAFF - MINISTER FOR THE ENVIRONMENT
*Staff Numbers, Classifications; Programs Funded - Port Hedland, South Hedland,
 Tom Price, Paraburdoo, Telfer, Shay Gap, Marble Bar, Nullagine*

737. Mr GRAHAM to the Minister for the Environment:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland
 - (ii) South Hedland
 - (iii) Tom Price
 - (iv) Paraburdoo
 - (v) Telfer
 - (vi) Shay Gap
 - (vii) Marble Bar
 - (viii) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Premier's control?

Mr MINSON replied:

Department of Aboriginal Sites

- (a) Port Hedland Three
- (b) Port Hedland staff:

Heritage Officer	Level 5
Assistant Heritage Officer	Level 3
Typist Receptionist	Level 1
- (c) The Department of Aboriginal Sites operates a program to record and protect Aboriginal sites and assist developers with heritage clearance. This program is in operation throughout the State and the Port Hedland office services the Pilbara region.

Authority for Intellectually Handicapped Persons

- (a) The Authority for Intellectually Handicapped Persons has an office in South Hedland with one full time officer (level 5) who covers Port Hedland, South Hedland, Telfer, Shay Gap, Marble Bar and Nullagine as well as Newman
- (b) The officer at South Hedland is classified at level 5.
- (c) The officer is employed under the authority's local area coordination program which provides needs analysis, information, funding, service coordination, discretionary funding and monitoring services to 70 plus eligible people with intellectual, physical and/or sensory disabilities - and/or their carers - living in the relevant area of the Pilbara.

None of the other agencies responsible to the Minister for the Environment, Aboriginal Affairs and Disability Services portfolios employ staff in the towns listed.

DEPARTMENTAL STAFF - MINISTER FOR TOURISM
*Staff Numbers, Classifications; Programs Funded - Port Hedland, South Hedland,
 Tom Price, Paraburdoo, Telfer, Shay Gap, Marble Bar, Nullagine*

740. Mr GRAHAM to the Minister for Tourism:

What are -

- (a) the number of departmental staff in departments under the Minister's control located in the following towns -
 - (i) Port Hedland
 - (ii) South Hedland
 - (iii) Tom Price
 - (iv) Paraburdoo
 - (v) Telfer
 - (vi) Shay Gap
 - (vii) Marble Bar
 - (viii) Nullagine;
- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Premier's control?

Mr C.J. BARNETT replied:

- (a) The Western Australian Tourism Commission has no staff in the towns listed.
- (b) Not applicable.
- (c) Funding programs for 1992-93 were -

	Tourist Centre Support	Capital Works
Port Hedland	\$19 436	\$13 450
Tom Price	\$6 687	\$5 000

Funding for 1993-94 is currently under review.

WOMEN'S INTERESTS, OFFICE OF - RESTRUCTURING

741. Dr WATSON to the Minister for Women's Interests:

- (1) Given the Minister's statement of commitment on the restructure of the Office of Women's Interests will the Minister inform the Parliament -
 - (a) why the plans for restructuring have not been implemented;
 - (b) why the position of director has not yet been filled;
 - (c) why interviews for this position were arranged twice then cancelled with little notice?
- (2) Is there a newly created women and justice policy position in the Ministry of Justice?
- (3) If yes -
 - (a) does the incumbent have any experience in policy development in this field;
 - (b) if so, what particular expertise does she have;
 - (c) at what level is the job classified;
 - (d) at what level was the incumbent previously employed;
 - (e) was the position advertised;
 - (f) was the incumbent invited to fill the position;
 - (g) if so, by whom was she invited?

- (4) Is the Minister rethinking the Minister's commitment to restructuring the Office of Women's Interests?
- (5) How many people are currently working at the Office of Women's Interests?
- (6) How many full time equivalents did the review recommend participate in the restructured Office of Women's Interest?

Mrs EDWARDES replied:

- (1) It was considered that the next six to 12 months should be viewed as a continuing review period in effect, a post review examination of the "next stage" of re-establishing the OWI with a new direction. For this reason a decision was made not to make a permanent appointment to the position of Director.
- (2) No.
- (3) Not applicable.
- (4) See (1).
- (5) Nine.
- (6) See (1).

THE WESTERN AUSTRALIAN ECONOMY JUNE 1993 - PROJECTS
Electricity and Gas Requirements

775. Dr GALLOP to the Minister for Energy:

With reference to the publication *The Western Australian Economy June 1993*, (Department of Commerce and Trade) what will be the electricity and gas requirements for each of the projects listed in Table 5.4 (pp. 21-22) and Table 6.3 (pp. 29-30)?

Mr C.J. BARNETT replied:

This information is not publicly available for each project and what information is available depends on the stage of development and can vary with development options for a particular project. Hence, a simple listing is very likely to be misleading.

ANREPS - REAL ESTATE AGENT, OPERATIONS

776. Mr PENDAL to the Minister representing the Minister for Consumer Affairs:

- (1) Is there an organisation, ANREPS, which assists home owners to sell their properties privately?
- (2) Does ANREPS charge a selling fee?
- (3) What difference is there between ANREPS and an orthodox real estate agent who can operate only under licence from the Real Estate and Business Agents' Supervisory Board?
- (4) Is the Government planning any action in this matter?
- (5) (a) Has it had any adverse comment from the Real Estate Institute of Western Australia regarding the ANREPS organisation;
(b) if so, what is the nature of such comment?

Mrs EDWARDES replied:

The Minister for Consumer Affairs has provided the following reply -

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

- (3) ANREPS charges for the hire of a kit to assist home owners to sell their own homes. Licensed real estate agents introduce purchasers and charge a commission on sale.
- (4) No. Legal advice indicates that ANREPS are not breaching the Real Estate and Business Agents Act.
- (5)
 - (a) Yes.
 - (b) REIWA alleged that ANREPS is operating as a real estate agent without the licence required under the Real Estate and Business Agents Act.

HEALTH PROFESSIONALS - OSTEOPATHS, REGISTRATION

777. Mr PENDAL to the Minister representing the Minister for Health:

- (1) Has the coalition committed itself to registration of health service professionals as a means of ensuring practitioners reach a given level of education and competency?
- (2) Has it specifically committed itself to the registration of osteopaths in Western Australia?
- (3) Prior to the State general election was such registration for osteopaths promised as a matter of priority?
- (4) If yes to (1), (2) and (3), will the Minister issue a timetable for the legislation to be introduced and passed?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The coalition policy with respect to the registration of health professionals is that the registration of a particular health profession should only occur where there is clearly substantiated support for registration based on the grounds of public health and safety. The coalition endorses self-regulation of health professions where statutory registration is not warranted on health and safety grounds. It is considered that self-regulation can fulfil the necessary role of maintenance of practice and education standards among unregistered health professional groups.
- (2) The coalition is committed to the registration of osteopaths in Western Australia. This is consistent with national mutual recognition initiatives. In April 1992, the Australian Health Ministers' Conference endorsed mutual recognition arrangements for osteopaths based on the maintenance of statutory regulation on health and safety grounds. This was confirmed by Ministers at the Australian Health Ministers' Conference on 7 July 1993. Osteopaths are registered in all States and Territories except Western Australia.
- (3) Registration of osteopaths was not promised as a matter of priority prior to the State general election.
- (4) Cabinet approval is required for the introduction of the proposed legislation concerning the registration of osteopaths. The timetable for the legislation to be introduced and passed will depend upon the priority allocated to it by Cabinet.

WITTENOOM - HEALTH THREAT

781. Mr GRAHAM to the Minister representing the Minister for Health:

- (1) Does the town of Wittenoom constitute any threat to the health of individuals living in or visiting the town?

- (2) If yes -
 - (a) what is that threat;
 - (b) is a similar threat present in any other location in Western Australia?
- (3) If not, is the Minister prepared to issue an unqualified public statement to the effect that visitors face no threat to their health as a consequence of living in or visiting the town?

Mr MINSON replied:

The Minister for Health has provided the following reply -

This is a question seeking an opinion.

TOURISM - PILBARA LAND AND OFFSHORE ISLANDS

785. Mr GRAHAM to the Minister for Tourism:

- (1) Has the Minister or the Minister's department any plans to release, for tourism development, land and/or offshore islands in the Pilbara?
- (2) If not, why not?
- (3) If so -
 - (a) what are those plans;
 - (b) when will those plans be implemented;
 - (c) what land and/or islands does the plan relate to?

Mr C.J. BARNETT replied:

- (1) Not in immediate time scale.
- (2) Offshore islands have been discussed and looked at - the Dampier Archipelago in particular. The environmental issues and cost of infrastructure are constraining factors. To date the tourism strategy has been to concentrate on the mainland development prior to consideration of the offshore islands.
- (3) Not applicable.

AIRLINES - NORTH OF WESTERN AUSTRALIA, OPEN AIR POLICY

786. Mr GRAHAM to the Minister for Tourism:

What actions has the Minister or the responsible department taken to ensure the adoption of an open air policy for the north of Western Australia to ensure entry and exit by overseas airlines?

Mr C.J. BARNETT replied:

I am advised that -

- (1) This is not controlled by the State Government.
- (2) Broome airport now has a regular passenger traffic international licence and is currently building the international terminal. When finished - late October - customs will be installing on-line computers for immigration and the airport can commence regular passenger traffic international flights. Port Hedland airport has the ability to accommodate all aircraft up to and including Boeing 727s and A310 airbuses. Port Hedland has established customs, immigration and quarantine facilities and also has air traffic control facilities.
- (3) It is hoped that Ansett will be flying Broome to Denpasar by late this year.

- (4) The WA Tourism Commission has been working with a number of carriers to encourage them to schedule Broome, Port Hedland and Learmonth as international gateways.
- (5) There are plans for the extension of the Kununurra runway but this is being delayed until accommodation capacity is addressed.
- (6) There are new Tradewind Charters - a subsidiary of Singapore Airlines - commencing in the Gascoyne region in November.
- (7) Qantas is currently undertaking a major feasibility study on routes into WA.
- (8) The WA Tourism Commission is negotiating for charters to occur between Singapore and the Pilbara.

TOURISM - HAMERSLEY RANGE GORGES AREA, LAND RELEASE

789. Mr GRAHAM to the Minister for Tourism:

- (1) Has the Minister or the Minister's department taken any action to identify and commence making land available adjacent to and south of the Hamersley Range gorges for the development of tourist facilities and services?
- (2) If so, what action has been taken?
- (3) If not, why not?

Mr C.J. BARNETT replied:

- (1) No.
- (2) Not applicable.
- (3) Not at present as the viability of development has yet to be demonstrated. Such land release matters are normally handled by the Department of Land Administration.

TOURISM - PILBARA PROMOTIONS IN SOUTH WEST

791. Mr GRAHAM to the Minister for Tourism:

- (1) Has the Minister or the Minister's department taken any action to aggressively promote Pilbara holidays for people in the south west?
- (2) If so, what action has been taken?
- (3) If not, why not?

Mr C.J. BARNETT replied:

- (1) Yes, the matter has been addressed.
- (2) The south west is just one market for the Pilbara. The metropolitan Perth market is by far the largest market. There are programs in conjunction with the Pilbara Travel Association to tap both these markets.
- (3) Not applicable.

TOURISM - PILBARA CIRCULAR AIR SERVICES PROMOTION

792. Mr GRAHAM to the Minister for Tourism:

- (1) Has the Minister or the Minister's department taken any action to "promote circular air services" within the Pilbara region?
- (2) If so, what action has been taken?
- (3) If not, why not?

Mr C.J. BARNETT replied:

- (1) Yes.

- (2) Discussions have taken place with Ansett on movement of traffic between areas of the Pilbara and the Gascoyne region. Ansett undertook research and the viability is not there. These opportunities are monitored. Other proposals have been made by smaller operators; however, given the commercial nature of these, it would not be appropriate to disclose details at this stage.
- (3) Not applicable.

TOURISM - PILBARA RESORTS DEVELOPMENT, RED TAPE REMOVAL

796. Mr GRAHAM to the Minister for Tourism:

- (1) Has the Minister or the Minister's department taken any action to encourage the development of resorts in the Pilbara by removing red tape surrounding the provision of suitable land and services?
- (2) If so, what action has been taken?
- (3) If not, why not?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) There is a tourism development plan for the Pilbara that identifies development opportunities for accommodation throughout the region. Approaches from the private sector for "resort style" development have yet to materialise.
- (3) Not applicable.

CONSUMER AFFAIRS, MINISTRY OF - INDUSTRIAL RELATIONS, DEPARTMENT OF

Towns North of the 26th Parallel, Staffing Level

805. Mr GRAHAM to the Minister representing the Minister for Consumer Affairs:

- (1) Does the Minister consider that the provision north of the 26th parallel of two staff with responsibility for industrial relations and consumer affairs is an adequate staffing level?
- (2) If so, what are the means by which the residents of all towns north of the 26th can best access all the services of the two departments?
- (3) If not, what steps will the Minister take to increase the resources in the region?

Mrs EDWARDES replied:

The Minister for Consumer Affairs has provided the following reply -

- (1) Residents north of the 26th parallel have access to industrial relations and consumer affairs advice from two regional centres. The Geraldton office of the Department of Productivity and Labour Relations caters for the area from Cervantes to Exmouth and inland to the State border. This is staffed by two officers. The Karratha office of the Ministry of Consumer Affairs is also staffed by two officers. In effect, therefore, four staff provide direct services to the region north of the 26th parallel. In addition, a number of consumer affairs services are delivered from central office in Perth. The workload of regional offices is monitored regularly and at this stage staffing levels are considered to be adequate.
- (2) Industrial relations and consumer affairs services can be accessed by telephone, fax, in writing or by personal contact with the Karratha or Geraldton offices. Staff from these offices make regular visits to other regional centres in the course of their duties.

Staff from the Ministry of Consumer Affairs in Perth travel to the north west as required to deal with trade measurement issues and prosecutions. Residents of the north west in need of advice or information about fair trading matters can also contact the Ministry of Consumer Affairs' telephone advice service in Perth on weekdays between 8.30 am and 5.00 pm by telephoning 008 199 117. The Department of Productivity and Labour Relations also has a 0055 telephone service providing information on 33 awards and statutory public holidays. The service operates 24 hours a day, seven days a week.

(3) Not applicable.

BHP IRON ORE - PILBARA ENERGY PROJECT, NEGOTIATIONS

806. Mr GRAHAM to the Minister for Energy:

- (1) Has the Minister completed his negotiations with Broken Hill Proprietary Co Ltd on its Pilbara energy project?
- (2) If so, what has been the outcome of those negotiations?
- (3) If not, are negotiations continuing?

Mr C.J. BARNETT replied:

- (1) These negotiations are not yet concluded.
- (2) Not applicable.
- (3) Yes.

BHP IRON ORE - PILBARA ENERGY PROJECT, TIMING

807. Mr GRAHAM to the Minister for Energy:

What is the project timing for the Broken Hill Proprietary Pilbara energy project?

Mr C.J. BARNETT replied:

BHP Iron Ore has advanced in its consultative environmental review document a target commencement date of 1996.

MINING UNIONS ASSOCIATION - GOVERNMENT FUNDING

808. Mr GRAHAM to the Minister for Resources Development:

- (1) Has the Mining Unions Association received any Government funding since February this year?
- (2) If so -
 - (a) on what dates was funding made available;
 - (b) for what purpose was funding made available;
 - (c) is the funding continuing;
 - (d) does the Government have any obligation to continue funding;
 - (e) is the funding matched by the Federal Government?
- (3) If not, why not?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2)
 - (a) Funding was made available on 7 April for the period up to 30 June 1993.
 - (b) Funding was made available as part of an existing contract to assist the Mining Unions Association in employing a research/liaison officer.

(c)-(d) No.

(e) Yes.

(3) Not applicable.

HANCOCK RESOURCES LTD - HOPE DOWNS DEVELOPMENT

809. Mr GRAHAM to the Minister for Resources Development:

On what date did Hancock Resources Limited first approach the Government with a proposal for the development of Hope Downs?

Mr C.J. BARNETT replied:

Development of Hope Downs is subject to the Hope Downs agreement and no proposal has yet been lodged under that agreement.

AGREEMENT ACTS - LOCAL GOVERNMENT ACT, PROVISIONS EXCLUSION

Building Works, Tom Price and Paraburdoo Townships and Minesites

810. Mr GRAHAM to the Minister for Resources Development:

- (1) For the purposes of building works, do the State agreement Acts applicable to the townships, and related minesites, of Tom Price and Paraburdoo exclude the provisions of the Local Government Act 1960?
- (2) If so -
 - (a) in what particular areas are the Agreement Acts applicable;
 - (b) in what particular areas does the provisions of the Local Government Act have application;
 - (c) by what process are the building codes of the local authority preserved on a minesite?

Mr C.J. BARNETT replied:

- (1) Generally yes but subject to the terms of the relevant agreement.
- (2) (a) Approved development proposals under the Iron Ore (Hamersley Range) Agreement Act, No 24 of 1963, constitute statutory approval for works to be undertaken by virtue of section 3 of that Act, similar sections in Acts approving amending agreements and the Government Agreements Act 1979.
- (b) Other relevant provisions of the Local Government Act apply.
- (c) It is the policy of this Government to continue the practice which has been in force for a number of years to circulate proposals for consideration by relevant local authorities prior to their approval under the provisions of agreement Acts.

PILBARA-KIMBERLEY LIFE EDUCATION CENTRE - FUNDING REDUCTION

817. Mr GRAHAM to the Minister representing the Minister for Health:

- (1) Has the Minister or the Minister's department any plans to reduce funding to the Pilbara/Kimberley Life Education Centre?
- (2) If so, why?

Mr MINSON replied:

The Minister for Health has provided the following reply -

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

DAWESVILLE CUT - EFFECTS MONITORING

821. Mr McGINTY to the Minister for the Environment:

- (1) What arrangements have been made for monitoring the effects of the Dawesville cut after it opens in March 1994 on the following factors -
 - (a) nutrient levels;
 - (b) marine life;
 - (c) algae;
 - (d) erosion?
- (2) What obligations does the Government have under the environmental review and management program for the Dawesville Cut to provide ongoing monitoring?
- (3) Are the arrangements referred to in question (1) above, sufficient to satisfy the obligations in question (2) above?
- (4) What funding is to be provided to meet those obligations?

Mr MINSON replied:

- (1) The Government is currently considering a comprehensive submission to monitor the effects of the Dawesville Channel.
- (2) Conditions set by a previous Minister for the Environment under the Environmental Protection Act, require that the performance and effects of the Dawesville Channel be monitored.
- (3) The Government's eventual course of action will comply with the environmental conditions.
- (4) The level of funding will be determined following consideration of the submission mentioned in answer to the first question.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - TREE PRUNING, LETTERS BY CERTIFIED MAIL; CHARGES COMPARISON

831. Dr CONSTABLE to the Minister for Energy:

In relation to letters sent by the State Energy Commission of Western Australia by certified mail to residents asking them to prune trees growing too close to power lines -

- (a) how many letters have been sent;
- (b) at what cost;
- (c) is it common practice by SECWA to send such letters by certified mail;
- (d) why was it decided it was necessary to send these letters by certified mail;
- (e) how do the SECWA charges for pruning trees (of \$160 for the first hour or part thereof and \$100 for each additional hour) compare with hourly rates charged by -
 - (i) Telecom and the Water Authority of Western Australia for services to customers requiring attendance at a residential property;
 - (ii) private professional tree contractors?

Mr C.J. BARNETT replied:

I am advised that -

- (a) Typically about 16 000 per year in the metropolitan area.

- (b) \$1.85 per letter for certified mail.
- (c) Yes, it is necessary under SECWA's legislation to formally notify the occupier of the land with a notice in writing requesting the occupier to arrange for trees to be trimmed.
- (d) Due to a large number of people claiming they have not received notice in writing when letters were sent by normal post, SECWA now send letters by certified mail.
- (e)
 - (i) It is not practical to compare the Water Authority or Telecom costs as the nature of the work and equipment required to carry it out are very different.
 - (ii) SECWA's charges compare favourable with private professional tree contractors. SECWA has additional heavy duty equipment capabilities to handle jobs in specialised circumstances. SECWA prefers people to arrange private tree contractors to carry out the work.

**WATER AUTHORITY OF WESTERN AUSTRALIA - KALGOORLIE-
BOULDER RESIDENTIAL WATER CHARGES INCREASE**

854. Mr TAYLOR to the Minister for Water Resources:

- (1) What would be the additional average cost to a domestic consumer in the City of Kalgoorlie-Boulder if, as suggested in the McCarrey report, the second taper charge for country consumers was increased from 34.7¢ to 51.9¢?
- (2) Is it the intention of the Minister to accept this recommendation?

Mr OMODEI replied:

- (1) The real increase for the average residential property would be \$34.40 or 11.9 per cent.
- (2) No decision has been made.

**GOLDFIELDS GAS PIPELINE PROJECT - STATE BENEFIT ECONOMIC
MODELS**

863. Dr GALLOP to the Minister for Resources Development:

- (1) Has the Department of Resources Development created any economic models to determine State benefit in relation to bids for a mandate to build, own and operate the goldfields gas pipeline?
- (2) If yes, what factors are included in the assessment?
- (3) If not, how is State benefit to be determined?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) The "net value added" computer model utilised assessed gross value added to the State under a variety of energy price scenarios. Costs of the major inputs such as construction materials, labour etc, are deducted to give net value added. This was found to be positive for the project contemplated. Nine selected consortia were interviewed and they provided written response to a large range of questions, structured to enable the project team to evaluate their bids against a range of State benefit criteria. These criteria included -
 - . Energy cost savings to WA
 - . accessibility - to suppliers and consumers
 - . Security - technical and financial
 - . Economic stimulus

- . Social benefits
- . Minimised requirements of Government.

(3) Not applicable.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - GAS
WATER HEATERS DANGER CAMPAIGN, INSPECTIONS**

864. Dr GALLOP to the Minister for Energy:

- (1) How many residences have been inspected since the State Energy Commission of Western Australia commenced its public awareness campaign in 1992 to highlight the dangers of certain instantaneous gas water heaters installed indoors?
- (2) How many water heaters have been disconnected as a result of the campaign?
- (3) Has the awareness campaign been completed?

Mr C.J. BARNETT replied:

I am advised that -

- (1) A total of 9 687 houses, flats and other units were inspected between January 1992 and February 1993.
- (2) The total number of unsafe gas appliances disconnected as a result of the inspections was 734 comprising 605 water heaters, 55 space heaters, 48 coolers and 26 other appliances.
- (3) The awareness campaign which included advertisements in the daily newspaper, local community newspapers, literature sent to SECWA customers with their energy accounts and other displays has been completed.

TIMBER INDUSTRY - FOREST RESIDUE UTILISATION LEVY
Pulp and Paper Mill Project, Feasibility Study

865. Dr GALLOP to the Minister for Resources Development:

- (1) What is the forest residue utilisation levy?
- (2) When was the levy established?
- (3) How much revenue has been collected by the levy?
- (4) How has the revenue collected been utilised?
- (5) Would the Government consider it appropriate for revenue collected from the levy to be utilised for the purposes of conducting a feasibility study into the proposed pulp and paper mill?

Mr C.J. BARNETT replied:

- (1) The forest residue utilisation levy is referred to in clause 6(2)(b) and clause 6(3)(a)-(e) of the Wood Chipping Industry Agreement Act 1969. Its purpose as specified in the Act is to fund studies and programs which will lead to adding value to wood residues.
- (2) The levy was established as a condition for the extension of the principal agreement by way of an amendment dated 27 July 1990.
- (3) From and including July 1990 to April 1993, the levy has raised \$1 057 063.10.
- (4) The levy has been utilised in the funding of studies and programs, under the direction of the successive Ministers administering the Act, which add value to forest residues including the -

Pulp and paper mill project;
information gathering and pre-feasibility studies;

seeking international expressions of interest in the project;
project promotion; and
implementation of a public information program.

- . Funding support for the fine wood industry project.
 - . The State's contributions to the national pulp mills research program.
- (5) Government has already announced that it will contribute \$200 000 over two years toward the pulp and paper mill feasibility study as this meets the criteria for the use of the levy.

LIQUEFIED NATURAL GAS TASK FORCE - EXPORTS, NORTH EAST ASIA, SOUTH KOREA

866. Dr GALLOP to the Minister for Resources Development:

- (1) Has the Government set up a task force to investigate export liquefied natural gas potential into north east Asia, including South Korea?
- (2) If yes -
 - (a) what are the terms of reference;
 - (b) who is on the task force; and
 - (c) when is it expected to report its findings?
- (3) If not, when will the task force be set up as indicated by the Premier, *The West Australian*, 24 May 1993, and the Minister for Resources Development, *Hansard*, 8 July 1993, p 1496?

Mr C.J. BARNETT replied:

- (1) The Government has set up an LNG task force to address those things the State can do to assist the private sector to bring about further LNG development at an early date.
- (2)
 - (a) See (1) above.
 - (b) Chairperson is the Minister for Resources Development and Energy. Membership is senior people from the Department of Resources Development, the Department of Minerals and Energy and the State's overseas representative offices.
 - (c) No specific reporting requirements are yet decided.
- (3) Not applicable.

GOLDFIELDS GAS PIPELINE PROJECT - SHORT, KIM, COMMENTS

867. Dr GALLOP to the Minister for Resources Development:

- (1) Are there comments made by Mr Kim Short from Transfield Construction Pty Ltd in the *Kalgoorlie Miner* on 20 August, 1993?
- (2) Is the Minister concerned at Mr Short's claims that the bid by Transfield and the Commonwealth Pipeline Authority has been hindered by "the brush off" it received from Western Mining Corporation when wishing to talk about gas requirements?
- (3) Is the Minister concerned at Mr Short's claim that Western Mining Corporation "has used all the political clout it can" and "will get the contract along with someone else"?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) Commercial interaction within the private sector during the preparation of expressions of interest phase was a matter for the companies/consortia to progress.

- (3) The detailed assessment of all of the 16 expressions of interest received and the recommendations to Government has been undertaken by a project team directed by the Department of Resources Development. The Government has accepted and supported the department's recommendations.

NORTH WEST SHELF GAS PROJECT - STATE ENERGY COMMISSION OF WESTERN AUSTRALIA, JOINT VENTURE PARTICIPANTS NEGOTIATIONS

868. Dr GALLOP to the Minister for Energy:

- (1) What is the current status of negotiations between the State Energy Commission of Western Australia and the joint venture participants over the North West Shelf gas contract?
- (2) Should agreement not be reached, when could arbitration under the price re-determination principles be brought into play?

Mr C.J. BARNETT replied:

- (1) Negotiations have been in progress for two months and are progressing satisfactorily.
- (2) Arbitration under the price redetermination principles can be brought into play at any time either party decides that a satisfactory negotiated settlement cannot be achieved.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - GAS BUSINESS, LOSSES

869. Dr GALLOP to the Minister for Energy:

- (1) Does the State Energy Commission of Western Australia's electricity business subsidise its gas business?
- (2) Is the price of natural gas being charged to residential, commercial and industrial customers artificially low?
- (3) If not, why is SECWA's gas business losing money?
- (4) How does SECWA's gas business determine a price of gas to be charged to SECWA's electricity general section?
- (5) What is the price of natural gas used in SECWA's gas-based power stations?

Mr C.J. BARNETT replied:

- (1) In 1991-92 SECWA's electricity business made a profit of \$154.1m and the gas business made a loss of \$83.3m. The gas business is anticipated to make a similar loss in 1992-93. Both businesses generate significant surpluses before the allocation of interest expense.
- (2) No. The price is established to ensure gas is competitive with alternative energy forms in the domestic, commercial and industrial markets.
- (3) Interest costs associated with the level of debt borne by the gas business adversely affects the profitability of this segment of SECWA's operations.
- (4) For reporting purposes the price is calculated as the average cost of gas delivered to SECWA power stations.
- (5) The average transfer gas value assigned to power station gas use in 1991-92 was \$3.82/GJ.

POWER STATIONS - COAL FIRED, QUEENSLAND, NSW, VICTORIA
Size; Coal Consumption; Electricity Price

870. Dr GALLOP to the Minister for Energy:

With reference to the three new coal-fired stations commenced in

Queensland (Stanwell), New South Wales (Point Piper) and Victoria (Loy Yang B) -

- (a) what size and how many generating units are involved in each station;
- (b) how much coal will be consumed by each power station;
- (c) what will be the price of the electricity produced by each station in cents per kw hour averaged over the life over the station?

Mr C.J. BARNETT replied:

I am advised that -

With respect to Stanwell in Queensland -

- (a) It has 4 x 350 MW units with the approximate commissioning dates 1992, 1993, 1994 and 1995. It is mid-merit plant.
- (b) It is expected that under normal mid-merit operation with all four units in service it will consume between 3.5 and four million tonnes of coal per year.
- (c) The price of electricity is commercially sensitive information, particularly in view of the impending operation of a national grid on the eastern seaboard and it has not been possible to obtain a figure.

With respect to Mt Piper in New South Wales -

- (a) It consists of 2 x 660 MW units reaching commercial operation in 1993 and 1994, operating second in the merit order at a capacity factor of about 70 per cent.
- (b) On this basis, it will burn approximately three million tonnes per year when both units are in operation.
- (c) The price of electricity is commercially sensitive information, particularly in view of the impending operation of a national grid on the eastern seaboard and it has not been possible to obtain a figure.

With respect to Victoria - Loy Yang B.

- (a) It consists of 2 x 500 MW units, one commissioned in 1993 and one scheduled for 1996. It is base load plant.
- (b) It is estimated that it will consume approximately nine million tonnes of brown coal per annum when fully operational - the heating value of brown coal is much lower than black coal and therefore higher tonnages are required.
- (c) The price of electricity is commercially sensitive information, particularly in view of the impending operation of a national grid on the eastern seaboard and it has not been possible to obtain a figure.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - GASWORKS SITE AGREEMENT

871. Dr GALLOP to the Minister for Energy:

- (1) Has the State Energy Commission of Western Australia entered into an agreement with the East Perth Redevelopment Authority to vacate the gasworks site?
- (2) If yes, when and under what conditions does SECWA propose to leave the site?

- (3) Has SECWA developed a management plan for the site which meets with the approval of the Environmental Protection Authority?
- (4) If no agreement has been reached between SECWA and the East Perth Redevelopment Authority and SECWA and the EPA, what steps are being taken to resolve the differences?

Mr C.J. BARNETT replied:

- (1) No.
- (2) Not applicable.
- (3) No.
- (4) Discussions are continuing between representatives of the East Perth Redevelopment Authority, SECWA and the Environmental Protection Authority, and it is anticipated that agreement will be reached between all parties in the near future.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - RENEWABLE ENERGY PURCHASE SCHEME, TWO CONTRACTS

872. Dr GALLOP to the Minister for Energy:

- (1) Can the Minister provide details of the two contracts that the State Energy Commission of Western Australia entered into under the renewable energy purchase scheme (see question on notice 70 of 1993)?
- (2) Who is selling electricity to SECWA?
- (3) How is the electricity being generated?
- (4) What price is SECWA paying for the electricity?
- (5) Have any more contracts been entered into since 22 June 1993?
- (6) If yes -
 - (a) with whom;
 - (b) under what terms and conditions?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2)
 - (i) Venco Products/Westind Turbines.
 - (ii) Landfill Gas and Power Pty Ltd - previously Landfill Gas Development Pty Ltd.
- (3)
 - (i) Wind Turbine.
 - (ii) Combustion engines fuelled on landfill gas.
- (4)
 - (i) SECWA purchases power at the minor producers' purchase rate of 4.07c/kWh, in accordance with SECWA's published renewable energy purchase rate.
 - (ii) Currently in accordance with SECWA's published cogeneration buyback rates, with special arrangements applying for the first six months. Arrangements are being finalised to transfer this supplier to the renewable energy purchase rates - which provide a 10 per cent premium for renewable energy sources - which are as follows -
 - (a) Summer and winter on peak,
capacity factors from 70 per cent
to 100 per cent 6.17 to 11.89c/kWh
 - (b) Summer and winter on peak, capacity
factors less than 70 per cent 6.17c/kWh

- (c) Autumn and spring on peak periods 6.17c/kWh
- (d) Shoulder periods in all seasons 3.72c/kWh
- (e) Off peak periods in all seasons 3.30c/kWh

For this customer only, payments for the summer and winter on peak is assumed to have a capacity factor of 100 per cent for the first six months.

(5) No.

(6) Not applicable.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - POWER PURCHASE SCHEME, ELECTRICITY CONTRACT, 2MW PURCHASE

873. Dr GALLOP to the Minister for Energy:

- (1) With reference to the Minister's answer to question on notice 69 of 1993 -
 - (a) with whom, has the State Energy Commission of Western Australia entered into a contract to purchase 2MW of electricity under the power purchase scheme announced in December 1991;
 - (b) how is the electricity generated;
 - (c) what price is SECWA paying for the electricity?
- (2) Have any more contracts been entered into since June 1993?
- (3) If yes -
 - (a) with whom;
 - (b) under what terms and conditions?

Mr C.J. BARNETT replied:

- (1) (a) The contract referred to in the answer to question on notice 69 of 1993 is a contract with Landfill Gas Development Pty Ltd. The contract is being modified to bring it under the renewable energy purchase scheme.
- (b) Combustion engines fuelled on landfill gas.
- (c) Currently in accordance with SECWA's published cogeneration buyback rates, with special arrangements applying for the first six months. Arrangements are being finalised to transfer this supplier to the renewable energy purchase rates - which provide a 10 per cent premium for renewable energy sources - which are as follows -
 - (i) Summer and winter on peak, capacity factors from 70 per cent to 100 per cent 6.17 to 11.89c/kWh
 - (ii) Summer and winter on peak, capacity factors less than 70 per cent 6.17c/kWh
 - (iii) Autumn and spring on peak periods 6.17c/kWh
 - (iv) Shoulder periods in all seasons 3.72c/kWh
 - (v) Off peak periods in all seasons 3.30c/kWh

For this customer only, payments for the summer and winter on peak is assumed to have a capacity factor of 100 per cent for the first six months.

(2) No.

(3) Not applicable.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ABORIGINAL
AND TORRES STRAIT ISLANDER COMMISSION, POINT OF CONTENTION**

875. Dr GALLOP to the Minister for Energy:

- (1) What is the point of contention between the Aboriginal and Torres Strait Islander Commission and the State Energy Commission of Western Australia as reported in the *Sunday Times* of 5 September 1993?
- (2) What steps are being taken to resolve the differences?

Mr C.J. BARNETT replied:

- (1) ATSIIC has accepted the terms and conditions of the contract offered by SECWA to install electricity supplies in Aboriginal communities. Four projects are proceeding under this fee for service contract agreement.
- (2) Not applicable.

**FREEDOM OF INFORMATION COMMISSIONER - "VOTE CHERYL
EDWARDES" SIGN**

910. Mr RIPPER to the Attorney General:

- (1) Did the home of the Freedom of Information Commissioner display a "Vote Cheryl Edwardes" sign during the 1993 State election?
- (2) If so, was the Attorney General aware of this when she made the appointment?

Mrs EDWARDES replied:

I refer the member to my media statement dated 16 June 1993 a copy of which is available in the Parliamentary Library.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - PINJAR GAS
TURBINE POWER STATION, SALE**

921. Dr GALLOP to the Minister for Energy:

- (1) As reported in the *Australian Financial Review* 8 September 1993, is the Pinjar gas turbine power station "being packaged for possible sale to private enterprise"?
- (2) If yes, who has been involved in providing advice to Government on the terms and conditions of such a sale?
- (3) Has the State Energy Commission of Western Australia been involved in any discussions concerning the future of Pinjar?

Mr C.J. BARNETT replied:

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

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ASEA BROWN
BOVERI**

Collie 300 MW Power Station Bid

922. Dr GALLOP to the Minister for Energy:

- (1) Has the State Energy Commission of Western Australia laid down any terms and conditions to Asea Brown Boveri in respect of its sole right to bid for the contract to build the 300 MW coal fired power station at Collie?
- (2) If yes, what are those terms and conditions?
- (3) Is SECWA working to a timetable to finalise a contract with ABB on this matter?

(4) If yes, what is that timetable?

Mr C.J. BARNETT replied:

(1)-(4)

The State Energy Commission and Asea Brown Boveri are discussing arrangements and timetable for Asea Brown Boveri to bid for a turnkey construction contract for the 300 MW coal fired power station. These discussions are not finalised.

CRIMINAL JUSTICE - COORDINATING COMMITTEE OF CHIEF EXECUTIVE OFFICERS

928. Mr D.L. SMITH to the Attorney General:

- (1) Was the co-ordinating committee of chief executive officers established last December to coordinate the work of all criminal justice agencies?
- (2) How often has the committee met since 1 February 1993?
- (3) Who was on this co-ordinating committee when it was established?
- (4) Has it been replaced by any other committee?
- (5) If so -
 - (a) what is its name;
 - (b) who is on it?
- (6) How often has the new committee met?

Mrs EDWARDES replied:

- (1) I am advised that no such committee was established last December.
- (2)-(6) Not applicable.

MAGISTRATES' COURT, PERTH - RELOCATION

930. Mr D.L. SMITH to the Attorney General:

- (1) Is the Attorney General pursuing the plans of the previous Government for the relocation of the central city Magistrates' Court?
- (2) If so, what is the current timetable for implementation?
- (3) If not, what alternative arrangements are proposed to meet the current pressures of the Central Law Courts building?

Mrs EDWARDES replied:

- (1) All existing court accommodation plans are under ongoing review to ensure that the most cost effective options consistent with the provision of appropriate facilities will be pursued.
- (2)-(3) The Government will pursue the appropriate option for Magistrates' Court accommodation as expeditiously as possible in the context of overall priorities for the court system established in consultation with the judiciary and available funding.

CROWN SOLICITOR'S OFFICE - PRIVATE LAWYERS' ENGAGEMENT

934. Mr D.L. SMITH to the Attorney General:

- (1) When will the Attorney General announce the Government's decision, already part implemented, to cut back and at least partly privatise the Crown Solicitor's office by passing on the work to private lawyers?
- (2) Is this decision consistent with the Attorney General's statement on 21

February this year when the Attorney General said "we want to give a signal to the public service that we will promote public servants, not bring in outsiders"?

- (3) Will the Attorney name the private lawyers who have been engaged to do this work by the Crown Law Department?
- (4) Will the Attorney General advise the total amount of fees paid to each firm since 6 February 1993?

Mrs EDWARDES replied:

- (1) There has been no decision by the Government to partly privatise the Crown Solicitor's Office.
- (2)-(4) Not applicable.

**WATER AUTHORITY OF WESTERN AUSTRALIA - PORT-SOUTH HEDLAND
SEWERAGE SCHEME, EXPENDITURE; METROPOLITAN SEWERAGE, COST
RECOVERY**

942. Mr GRAHAM to the Minister for Water Resources:

- (1) What were the expenses incurred by the Port-South Hedland sewerage scheme during 1991-92 that totalled \$2.485 million?
- (2) Was this expenditure fully budgeted for?
- (3) If not, why not?
- (4) If so, why has the budgeted increase resulted in an increase in charges?
- (5) Are metropolitan sewerage areas required to operate on a cost recovery basis and be self contained and self supporting?
- (6) If not, why not?
- (7) If so, have increases to metropolitan customers been of a similar value to those levied in the Hedland area?

Mr OMODEI replied:

- | | | |
|-----|--|----------|
| (1) | Operating Expenditure | \$1.394m |
| | Replacement Cost Depreciation | \$0.506m |
| | Four per cent Return on the Written Down | |
| | Value of Assets | \$0.584m |
| | Total | \$2.484m |

- (2)-(3) Direct operating expenditure was specifically budgeted for at the scheme level. Operating overheads and depreciation - including the provision for asset replacement - are included in the authority's consolidated budget. The four per cent return on assets represents the opportunity cost of the capital funds used to provide the service and is not included in the authority's annual budget.
- (4) The increase in the sewerage charges for Port Hedland and South Hedland in 1993-94 is a step towards realigning revenue with the costs of individual schemes after many years when price increases for all country sewerage schemes were uniform Statewide.
- (5) Yes.
- (6) Not applicable.
- (7) Metropolitan sewerage customers already cover the cost of providing their services and the increase in their charges for 1993-94 was the standard 3.4 per cent.

ACCIDENTS - RECLAIMER, ROBE RIVER, CAPE LAMBERT

950. Mr RIEBELING to the Minister representing the Minister for Mines:

- (1) What was the age of the reclaimer involved in the fatal accident at Robe River's facility at Cape Lambert on 1 September 1993?
- (2) What was the rated capacity of the reclaimer when it was first commissioned?
- (3) What was the rated capacity of the reclaimer at the time of the accident?
- (4) Was the reclaimer operating within its tolerances at the time of the accident?
- (5) Has the machine ever been operated beyond its rated capacity level?
- (6) If so -
 - (a) when; and
 - (b) for what reason was the machine operated beyond its capacity?
- (7) Has this reclaimer been involved in accidents previously?
- (8) If so, when?
- (9) Has the Mines Department been given any information that would indicate that cracks or faults may have existed on the machine prior to the accident?
- (10) If so -
 - (a) what is that information;
 - (b) what action did the Mines Department take on receipt of that information?
- (11) Has the machine been crack tested over the past two years?
- (12) If so -
 - (a) when;
 - (b) what was the result of those tests?
- (13) If not, why not?
- (14) Were there any problems with the fluid drive thermal plug on the day of the accident?
- (15) If so, what were those problems?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following reply -

(1)-(15)

A comprehensive investigation is being undertaken into the circumstances of this accident with a view to determining the cause or causes. This investigation is expected to take at least six weeks and preparation of a final report a further three to four weeks. A coronial inquest into the death of Mr David Edmunds will take place after all of the investigating bodies have completed their tasks. The report prepared by the inspectors of the Department of Minerals and Energy will be made available to the Coroner to assist him in his inquiries. The Minister for Mines is not prepared to release specific details of the investigating inspector's findings other than to the Coroner prior to the Coroner's findings on the matter. Following the inquest, I will seek the Minister's reply to any specific questions which may be raised in the House regarding the inspector's or the Coroner's findings.

QUESTION WITHOUT NOTICE

PUBLIC SERVICE - JOB LOSSES

247. Dr LAWRENCE to the Premier:

I remind the Premier of his pre-election promise which was published in *The West Australian* on 9 January 1993 that, "I guarantee that no jobs will be lost." Further, I remind him of another pre-election promise which he made on radio station 6WF on 8 January 1993 that, "We will have a growing economy and with that growing economy it will be served by the existing levels of the public sector." Given these very clear commitments to maintain the size of the public sector and not abolish jobs, and the fact that the Government has axed 1 214 Westrail jobs, 220 jobs at Robb Jetty, 100 jobs in Homeswest and now 1 100 school cleaning and gardening jobs - the Premier said yesterday that no jobs would be lost as a result of the forthcoming Budget - when is the Premier going to display some integrity and apologise for his deceit in claiming there would be no job losses when he has already presided over that number?

Mr COURT replied:

Western Australia does have a growing economy. This Government is creating more than 20 000 new jobs this year. The Opposition, when in Government, did not create one new job.

Several members interjected.

The SPEAKER: Order!

Several members interjected.

The SPEAKER: Order! I call members to order. As the member for Cockburn is not sitting in his correct seat he should not be interjecting.

Mr COURT: Tomorrow the Opposition will see what the Government's plans are in relation to the size of the Public Service.

Dr Lawrence: You said there would be no job losses.

The SPEAKER: Order!

Several members interjected.

The SPEAKER: Order!

Mr COURT: In these difficult economic times the Government takes the view that the public sector cannot be immune from the expenditure discipline and the necessary rationalisation which is occurring in the private sector.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The overriding need to contain the operating costs of the Public Service is not peculiar to Western Australia; it is a challenge common to all States and to the Commonwealth.

Mr Taylor: Tell us about the job losses.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The remedy is essentially the same: The Public Service must become leaner and more efficient in the delivery of essential services. Do Opposition members agree with that?

Several members interjected.

The SPEAKER: Order!

Dr Lawrence: I do, because it is a direct quote from a statement I made.

The SPEAKER: Order!

Mr COURT: In 1991. Another statement the Leader of the Opposition made -
Several members interjected.

The SPEAKER: Order!

Dr Lawrence: I made no mention of job losses. You are dishonest.

The SPEAKER: Order! I formally call to order the Leader of the Opposition for failing to take notice of my calls for order. I did provide her with the opportunity to continue her interjection, but she was swamped by interjections from her colleagues. It is a pity when her colleagues are stopping her from interjecting.

Mr COURT: Members opposite know that if the Public Service is running inefficiently, changes must be made. I quote, "It is a prudent and sensible thing for the Government to do."

Several members interjected.

The SPEAKER: Order!

Mr Brown interjected.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Morley. I have called order far too often this afternoon and I now warn members that question time will be concluded if interjections do not cease.

Mr COURT: Who said, "If any member of this House complains about the voluntary redundancies offered to public servants to ensure a leaner and more efficient Public Service, they should be criticised for being totally inconsistent"? It was the Leader of the Opposition. Members opposite cannot have it both ways.

Several members interjected.

The SPEAKER: Order!

Dr Lawrence: You said there would be no job losses.

Mr COURT: We said there would be more jobs.

Several members interjected.

The SPEAKER: Order!

Mr Taylor: Where are the jobs?

Several members interjected.

The SPEAKER: Order! I formally call to order the Deputy Leader of the Opposition and that is my last warning about question time.

Mr COURT: This Government will create more than 20 000 new jobs this year and the Opposition, when in Government, did not create one new job. Better management and business confidence is being restored. This Government will provide a more efficiently run Public Service.

Several members interjected.

Mr COURT: We have a mob of reactionaries opposite. The Government has been negotiating with some of the Opposition's union colleagues to bring about a more efficiently run day labour force handling cleaning, and agreement on a number of those key issues has been reached.

Several members interjected.

The SPEAKER: Order! Questions without notice will cease.

Point of Order

Mr TAYLOR: I have a point of order.

The SPEAKER: There is no point of order about my calling off question time. Is it about some other matter?

Mr TAYLOR: The Premier was quite clearly baiting the Opposition and quite clearly using comments made by the Leader of the Opposition in this House and you, Mr Speaker, expect us to sit on this side of the House and say nothing. Just because you called for order four or five times, you think you can end question time.

The SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. It is not necessary for me to defend my position but -

Several members interjected.

Mr Taylor: It is disgraceful.

The SPEAKER: I formally call to order the Deputy Leader of the Opposition. I also formally call to order the member for Helena.

Mr Catania interjected.

The SPEAKER: I formally call the member for Balcatta to order.

Mr Taylor: You have lost control.

The SPEAKER: I have not lost control.

Mr Taylor: What a disgrace.

The SPEAKER: Members were given a clear warning. Notices of motion.

As to Dissent from Speaker's Ruling

Mr RIPPER: I wish to move dissent from your ruling that question time be finished.

The SPEAKER: The member cannot do that because question time is entirely in the hands of the Speaker. That is the practice of this House. The member cannot move any motion with regard to that matter.

Mr RIPPER: Mr Speaker -

The SPEAKER: The member must indicate on what basis he is on his feet. Does he have a point of order?

Point of Order

Mr RIPPER: While question time under the standing orders is conducted at your discretion, Mr Speaker, surely it is the case that the House can disagree with your exercising that discretion.

The SPEAKER: No, it cannot.
