# Legislative Council

Wednesday, 10 August 1994

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## EASTON, BRIAN

*Director of Public Prosecutions - Tabling of Documents*

The President tabled a letter from the Director of Public Prosecutions, together with a legal opinion, concerning the petition of Brian Mahon Easton in response to an order of the House made on 22 June 1994.

[See paper No 236.]

## MOTION - URGENCY

*Road Trains, Midland Saleyards*

**THE PRESIDENT** (Hon Clive Griffiths): Members will be delighted to know that I have received a letter dated 10 August 1994, which reads as follows -

> Dear Mr President
>
> At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1994 for the purpose of discussing the threat to the safety of road users of the increased traffic of road trains to and from the Midland Saleyards with no immediate prospect of this threat being relieved having regard to the extended timing of the road train trials.
>
> Yours sincerely
>
> Nick Griffiths MLC
> East Metropolitan Region

In order for this matter to be discussed, it must be supported by at least four members who indicate their support by rising in their places.

[At least four members rose in their places.]

**HON N.D. GRIFFITHS** (East Metropolitan) [2.36 pm]: I move -

> That the House at its rising adjourn until 9.00 am on 25 December 1994.

My reason for so moving is as set out in the letter just read by the President. Three matters pertaining to road trains are raised in that letter. The first relates to the increased volume of road train traffic to and from the Midland saleyards; the second, to the indefinite duration of that trial period; and the third, of course, to the paramount issue of safety. Yesterday I asked the Minister for Transport the following question about the volume of road train traffic -

> (1) How many permits have been issued for the movement of road trains through the Swan Shire?
>
> (2) How many road trains have travelled through the shire since the beginning of the trial period and what was their destination?

The Minister advised in response to the first part of the question that 21 permits had been issued. In response to the second part of the question he said 174 trips had been made to and from the Midland saleyards. That is a dramatic increase in volume. On 12 April 1994 I asked the Minister question on notice 1651, which is recorded at page 11916 of *Hansard*, as follows -

> (1) How many road trains travelled to the Midland saleyards in December 1993?
>
> (2) How many road trains travelled to the Midland saleyards in January 1994?

(3) How many road trains travelled to the Midland saleyards in February 1994?

The Minister responded -

(1)-(3) Because the movement of livestock to the Midland saleyards has been small since the trial commenced in December, only one operator has applied for a permit. The operator involved, Marley's Transport, has a permit for two of its road trains. Each vehicle travelled to the Midland saleyards once during January 1994. Main Roads will issue permits to other transport companies in April/May in time to accommodate the increase in livestock movements in mid 1994 and beyond.

In response to a question I asked on 31 May 1994, recorded at page 493 of *Hansard*, the Minister for Transport gave his then view of the volume of traffic. I asked the Minister -

Can the Minister state the number of road trains which have travelled in the Shire of Swan during the pilot trial period?

The Minister responded -

I am not aware of the specific number of road trains as of today, but I know that as of a couple of weeks ago it was in the vicinity of 20 to 30.

The Minister's reply was that as of a couple of weeks ago it was in the vicinity of 20 to 30. That has dramatically increased to 174. This increased volume of traffic has a substantial impact on the safety of road users, as does the increased duration of the trials.

Hon E.J. Charlton: Has it, Mr Griffiths? How would you know?

Hon N.D. GRIFFITHS: Yes, it has.

Hon E.J. Charlton: Are you going to tell us about road safety?

Hon Mark Nevill: He knows more about Tammin than the Minister.

Hon N.D. GRIFFITHS: I have worked in Tammin; I do not know about the Minister.

Hon E.J. Charlton: Is that right? What has that got to do with safety?

Hon N.D. GRIFFITHS: It was not that safe when the Minister was there.

The question of duration is of great significance to this question of road trains. Members may recall the pilot program which was run last year, and the considerable opposition to it. The Minister gets upset when the issue of road trains is raised. I do not want to upset him, I just want to point out to the House why this matter should be considered and dealt with in an appropriate fashion in due course.

Yesterday I asked the Minister a precise question on the road train trials: When will these trials cease? The response was, "Permits have been issued to 31 December, 1994. The trial will be reviewed before that date." The volume of road train traffic has no limitation. The duration of the trials is open ended - that is, if "trials" is the right word; perhaps this is more a matter of policy set in bitumen. As we are aware the Minister is very keen on the promotion of road trains, so much so there may be reasonable doubt that he is concerned not with trials but with having the road trains travel on regardless, and that he will keep road trains operating irrespective of whether trials are taking place or otherwise. I refer to the Minister's response in *Hansard* on 12 April 1994 to question 1651. The Minister said -

Main Roads will issue permits to other transport companies in April/May in time to accommodate the increase in livestock movements in mid 1994 and beyond.

It is interesting to note that recently the Minister for Police was asked about the road trains by the shadow Minister for Police, the member for Balcatta. The conversation between Mr Catania and the Minister for Police, a member of the same party as the Minister for Transport, went along these lines, "Does the Minister for Police have the support of the Police Department for these road trains bearing in mind they are fairly long?" My understanding of the response of the Minister for Police to this query -

bearing in mind this conversation took place some time last week - was that the issue was irrelevant as he understood the road train trials had ceased. That the Minister's colleague, albeit in another place, does not know that road train trials are being pursued with vigour, says something for the lines of communication between the Minister for Transport and the Minister for Police. I am concerned on behalf of my constituents, and obviously on behalf of other road users in the metropolitan area. It was never the understanding of people who take an interest in these matters that the duration of road train trials would be so open ended.

Hon E.J. Charlton: You called it a failure.

Hon N.D. GRIFFITHS: On 31 May 1994 in answer to question 44 -

Hon E.J. Charlton: I would hate my life to depend on a lawyer like Mr Griffiths.

Hon T.G. Butler: We do not like our lives depending on your judgment about road trains.

Hon E.J. Charlton: I would not worry if I were you.

Hon N.D. GRIFFITHS: The Minister will get his chance to respond in due course. The Minister said on 31 May this year in answer to my question, "Has the pilot trial of road trains in the Shire of Swan been extended?" -

> There has been an extension of the pilot trial period, as has been publicised, for at least another six months in order to provide proper time for evaluation of the operation of road trains in that area.

I will read the Minister's response in full in so far as it is relevant on this point as I would hate him to accuse me unjustly of misleading members, as he knows I would not do. The Minister went on to say -

> The Shire of Swan was advised about the extension. It was consulted initially, and I met with the shire on a number of occasions, and the point was made that until such time as a number of road trains had gone through the trial, no-one would be in a position to evaluate the situation.

I wonder if that time will ever be reached? Will we ever get to the stage of enough being enough? I have strong doubts that what the Minister is carrying out is a trial at all.

Hon E.J. Charlton: Do you think enough trains have gone through already to have a fair trial?

Hon T.G. Butler: The Minister is touchy.

Hon N.D. GRIFFITHS: The Minister is trying the patience of my constituents by subjecting them to this unsafe procedure.

Hon E.J. Charlton: You did not even know any road trains had been through.

Hon T.G. Butler: Order! Throw him out!

Hon N.D. GRIFFITHS: I am enjoying the Minister's interjections but I wish he would enunciate them a little more clearly because I wish to make a number of points that I trust he will take on board. My concern about the duration of the trials increases when I consider what the then opposition parties said to the people prior to being elected.

I refer to a document entitled *Transport: Western Australian Coalition Policies* which at page 3 under the heading "Coalition Transport Policy" states -

> Further develop the trunk system to safely cater for heavy transports, including road trains. We will enable access of road trains to city terminals via gazetted roads and during restricted times. This access will be for a trial period only and then subject to a full public review,

Those words seem somewhat more guarded than what the Minister has put into operation. The document goes on -

> Further designate land freight routes, particularly in Perth's suburbs, to minimise pollution and maximise road safety when heavy vehicles use suburban roads;

Those words seem to be somewhat inconsistent with what the Minister is proposing to do. The legitimate concerns of my constituents - these road trains travel, in part, through my electorate - are made worse when one considers the reaction of local Liberal members on this issue. The member for Swan Hills, in particular, has a difficulty. I refer to an article in the *Hills Gazette* of 24 October 1993 which under the headline "MLA in a Dilemma over Road Trains" states -

> Swan Hills MLA, June van de Klashorst, has confessed the road train issue has left her in an awkward situation. Mrs van de Klashorst said she was torn between her loyalty to the people of Swan Hills and her responsibility to the Government.
>
> "I understand that Eric Charlton is keeping an electoral promise, and I support him but I also promised to promote the Swan Hills area", Mrs van de Klashorst said.

Hon T.G. Butler: I think the Whip will take her into the party room, hit her with a zombi needle and she will vote for what the Government is doing.

Hon N.D. GRIFFITHS: Hon Tom Butler has raised the question of conflict of loyalties by the member for Swan Hills and has suggested that her representation of people in my locality -

Hon E.J. Charlton: She does not need your help. No-one would want to have that handicap.

Hon N.D. GRIFFITHS: The National Party does not even rate in my electorate. I am surprised that its candidate even managed to get back his deposit.

Hon E.J. Charlton: He did more than that; you didn't win it.

Hon N.D. GRIFFITHS: I seem to have tickled a nerve of the Minister. I find it is quite interesting that the Minister is lacking restraint, so much so that he has difficulty in sitting down properly. He is usually such a gentleman. Perhaps only this issue gets him excited. The dilemma of the member for Swan Hills, as suggested by Hon Tom Butler, maybe resolved by the Liberal Party Whip administering a zombi needle to her. I do not think that is necessary. From my reading of the extract in the *Hills Gazette*, she had no difficulty in putting the perceived interests of her party and the Minister for Transport above the obvious interests of her constituents. That is why I am very concerned about the duration of these road train trials.

Hon W.N. Stretch: She is a very conscientious member, and you know it.

Hon N.D. GRIFFITHS: At this stage it is appropriate that members dwell on the failure of the member for Swan Hills to represent her constituents properly on this issue. It is a matter of great regret to me - I am sure it is to all of those who use the same roads as these road trains, as do many of my constituents -

Hon E.J. Charlton: How do you know which are yours?

Hon N.D. GRIFFITHS: - that the Minister has failed to heed the words of wisdom from one of his Liberal Party colleagues who provided profound advice.

Hon T.G. Butler: She is doing the best she can.

Hon N.D. GRIFFITHS: Hon Tom Butler again refers to the member for Swan Hills; but I do not want to deal with her today. She can wait.

Hon E.J. Charlton: It will take more than you to deal with her.

Hon N.D. GRIFFITHS: When he considers the duration of the trials, I want the Minister to take note of the words of advice in a speech made last year by Hon Bruce Donaldson. He moved an Address-in-Reply to the Governor's speech at the opening of Parliament last year. I had the honour and privilege of sitting in the seat adjacent to mine, and I listened to what he had to say. I found the words that I am about to quote to be profoundly wise, and I regret very much that the Minister failed to take them into account with respect to this issue of road trains.

Hon E.J. Charlton: He is my chief adviser.

Hon N.D. GRIFFITHS: Hon Bruce Donaldson may well be the chief adviser on this, but I regret that his advice is not being taken. On page 10 of the *Hansard* of 17 June 1993 he states -

> My involvement as a local government councillor, first as the President of the Country Shire Councils Association -

I see Hon Bruce Donaldson is nodding his head in agreement -

> - and then with the Western Australian Municipal Association, has given me an insight into community expectations not only in Western Australia -

The PRESIDENT: Order! I advise the people in the gallery that they cannot carry on audible conversations while this House is in session.

Hon N.D. GRIFFITHS: - but also in the Eastern States.

I trust that the Minister is taking note of these wise words of Hon Bruce Donaldson because I know the Minister for Finance is. The speech continues -

> I have been pleased to see an erosion in the long held view that differences exist between city and country councils.

Hon Max Evans: It is a serious subject.

Hon N.D. GRIFFITHS: Of course it is serious. I hope Hon Ross Lightfoot will pay attention to these words. The speech continues -

> In reality, it is a scale of relativity existing between the delivery of services to meet specific community needs - these are not differences. I often wonder whether the Darling Range has created an artificial barrier between the country and the city over which metropolitan residents cannot see to understand the problems that exist in country areas - and vice versa, as it maybe that country people do not see the problems facing people in the metropolitan area.
>
> Seeing those barriers broken down, at least in local government, was a most rewarding period of my life.

I very much regret that the Minister for Transport seems to suffer from these barriers and I trust Hon Bruce Donaldson will have an even more rewarding period in his life by seeing, at the level of state government, these silly barriers between country and city being broken down. However, one of the great barriers of understanding is that being put in place by the Minister for Transport by this absurd introduction of road trains to the metropolitan area of Perth. The Minister should be well aware of the Pearson report. I have referred to it on prior occasions when the issue of road trains has been raised in the House. Today I propose to deal with the report in greater detail than I have previously. It is appropriate -

Hon E.J. Charlton: We are waiting with bated breath.

Hon N.D. GRIFFITHS: I think the Minister has taken a bait somewhere along the line. He is having difficulty breathing and as a result his enunciation has gone astray.

Hon Mark Nevill: His nickname is Brumby.

The PRESIDENT: Order! Let the member proceed with his comments. I think the interjections are unnecessary and quite rude.

Hon N.D. GRIFFITHS: For the benefit of members, I am quoting from the August 1990 final report of "A Study of the Practicality of Allowing Double Bottom Road Trains into Metropolitan Perth". It is referred to as the Pearson report. I trust the Minister will agree with me. If he does not, so be it.

Hon Derrick Tomlinson interjected.

Hon N.D. GRIFFITHS: As I understand it, the report was prepared for the Commissioner of Main Roads. I will read out the first two paragraphs of the introduction so that interested members can be aware. Under the heading "Executive Summary" the introduction" reads -

> Double bottom road trains carrying freight and livestock between Perth and the northern areas of Western Australia presently assemble and dis-assemble at Apple Street, Upper Swan, 26 kilometres north east of the centre of Perth.

Hon Mark Nevill: What is the difference between double bottom and double deck road trains?

Hon Derrick Tomlinson: It all depends on maximum bloopers!

Hon E.J. Charlton: Let the speaker answer it.

Hon N.D. GRIFFITHS: The Minister belongs in another place, I am afraid.

Hon E.J. Charlton: What is the answer?

The PRESIDENT: Order! I have already indicated that questions without notice will be at 5.00 pm.

Hon John Halden: With any luck we might get an answer today.

Hon N.D. GRIFFITHS: I will be happy to answer questions without notice in two and a half years, Mr President.

Hon E.J. Charlton: You will need more practice than that.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: I am dealing with a matter raised by Hon Derrick Tomlinson because it is important. He is asking about the Pearson report. The document goes on to state -

> The Commissioner of Main Roads in Western Australia commissioned a consortium of expert consultants to undertake a study of the practicality of the operation to and from specific transport terminals in Perth of double bottom road trains.

At page IV of the report, the executive summary goes to the kernel of what is at stake. Under the subheading "Operational characteristics of road trains" the report states -

> The operational characteristics of road trains were compared to the alternative of separate shuttle using a block truck.

That is the issue. It says further -

> There is no difference between the steady state rollover characteristics of the alternative vehicles as the dog trailer is the critical vehicle for both cases.

Hon Eric Charlton: What is a dog trailer?

Hon Mark Nevill: I will tell you later. As Minister for Transport you should know that.

Hon E.J. Charlton: I want to know if Hon Nick Griffiths knows.

Hon N.D. GRIFFITHS: I do indeed.

Hon P.R. Lightfoot: It is a trailer that keeps dogs in it.

Hon N.D. GRIFFITHS: It is a trailer where Hon Ross Lightfoot belongs sometimes.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: This is the crucial part of the report -

> In emergency avoidance manoeuvres, the results indicate that the road train is significantly less stable than the block truck with dog trailer.

Hon John Halden: I am sure I have heard contrary to that from the Minister.

Hon N.D. GRIFFITHS: Hon John Halden suggests he has heard to the contrary. If that is so, those comments were not made with the appropriate degree of stability one should have when considering matters of important public policy.

Several members interjected.

Hon N.D. GRIFFITHS: The report was comprehensive and as a result of its findings, the

previous government would not countenance this question of road trains operating in the metropolitan area. However, the matter of road trains operating in that way is being pursued now for reasons known only to the Minister for Transport, whatever they are - he has chosen not to enlighten us. The report bears consideration. It compared literature in existence at the time and at page 13 had this to say -

> Although road trains are widely used throughout Australia, their use is almost exclusively confined to roads which are lightly tafficked and to areas with very low population density. There is no prior example of their use in metropolitan areas of the size of Perth, and their use in urbanised areas is limited to rural towns with generally low populations and low traffic densities. Darwin is probably the largest population centre allowing road trains.

Further on in the document reference is made to precisely what goes on in Darwin. Just in case the Minister thinks Darwin is a justification for what he is inflicting on my constituents, at page 27 under the heading "Experience in Darwin" the Pearson report states -

> The largest urban centre in Australia to allow road train operations is Darwin. Discussions were held with the Director of Land Transport at the Department of Transport and Works to establish any relevant factors for the Study.

This is the relevance of Darwin -

> Road trains generally terminate in depots on the outskirts of Darwin, but access is allowed to the port area via one fairly straightforward route about 10 kilometres in length.

It has nothing in common with what the Minister for Transport is inflicting on my constituents. The matters reviewed by the Pearson report dealt with experience in the United States. It is important to note, that although there are road trains in the United States, substantial differences exist between those road trains and the road trains that this Minister is inflicting on my constituents. The second last paragraph at page 13 states -

> In particular, American experience with the use of larger combination vehicles may be helpful in providing some insights into the sorts of issues to be faced in Perth, and ways in which they may be resolved.

It is important in considering many areas of public policy to see what has taken place in other countries. Members travel to assess for themselves the impact of what has occurred elsewhere. Therefore, it is significant that the Pearson report takes into account the American experience. It states -

> The American experience derives from the Federal Surface Transportation Assistance Act of 1982, . . .

The report refers to that Act as STAA. It states -

> which permitted the use of wider and longer vehicles on a designated national network of interstate and other major highways.

At page 14 the report states -

> It must be recognised that dimensions of the US vehicles are in most cases less than the double-bottomed road trains to be considered in this Perth study . . . The double bottom, or "twin" combination vehicle mandated in the US Federal legislation has two 9.2 m trailers. It has a typical overall length of 24.6 m.

Members should appreciate that what the Minister is proposing with road trains and what has been done with road trains travelling to and from the saleyards concerns road trains of a substantially bigger dimension. The report states -

> Previous limits for US vehicles were about 16.8 m for articulated vehicles and 20m for twins. Thus both previous and 1982 STAA vehicles are considerably less than the Western Australian double bottom road train of around 33 m.

The Minister does not appreciate the distinction between the American experience and

what is proposed in Western Australia. I will proceed further on this American experience so that he can understand. If he does not understand, perhaps some of his backbenchers may appreciate it. The document further states -

> While much of the following discussion relates to the general American experience with the use of "twins" in urban areas and impacts on the Western Australian road trains would be generally more severe than these, the issues to be addressed would be similar.

If one compares the American experience with what the Minister is proposing, one sees that the effect on safety in Western Australia is more severe than in the United States. That is according to the Pearson report. The document deals with a number of aspects and they are listed on page 15 of the Pearson report. The aspects include overtaking, braking, grades, horizontal curvature, lane width, shoulder width, roadside, level crossings, splash and spray, buffeting, driver vision, intersection geometry, intersection site distance, and intersection capacity. I do not propose to comment on all those matters. It is important to note in this discussion that the Pearson report decided some matters were not of great concern and I will not deal with them. Some of the areas are very significant, and I will refer to overtaking.

People who have driven in the country areas of the state will understand the experience of overtaking a road train if they are not used to it. Some difficulties of judgment may be experienced. The point is made in the Pearson report under the heading "Overtaking" -

> The greater length of road trains will have an effect on overtaking lengths. Australian research has found that overtaking behaviour by drivers was not related to the length of the overtaken vehicle, suggesting that drivers cannot discriminate between trucks of various lengths. This means that "drivers may proceed (to overtake) without being cognisant of the increased time required to overtake (a longer) vehicle."

My concern relates to those using metropolitan roads. Those who frequent non-metropolitan roads do not have the same degree of difficulty that the drivers that I am concerned with have. The report makes an interesting observation of this question of splash and spray. Splash and spray is not restricted to the manner of some members interjections. It states -

> In wet weather, all larger trucks generate splash and spray which reduces the vision of drivers of passing and overtaking vehicles.

It is obvious, but needs to be stated, as it is a matter of concern. Longer vehicles with more axles will aggravate this phenomenon, thus tending to degrade quality of traffic flow with potential safety consequences.

The report comments on buffeting. All Western Australians who have driving experience will be aware of the phenomenon of buffeting. I know some do not seem to worry about it too much, but it is another safety factor. At page 19 it states -

> The aerodynamic forces acting on a vehicle are changed when that vehicle passes or overtakes a larger truck, tending to cause lateral displacement.

Buffeting is not a problem if people are not speeding, and the Pearson report recognises that. Members know that notwithstanding speed limits people do speed. There can be no guarantee that the driver of a road train will not speed, in the same way that there can be no guarantee that drivers of other vehicles will not speed.

The report makes an obvious point about driver vision. These points should be made because it is all very well to engage in rhetoric as do the apologists for road trains, but at the end of the day we must reflect on practical considerations, minor though they may appear to be to some people. With respect to driver vision the report makes the following observation -

> Larger trucks tend to block the vision of drivers of other vehicles, with the effect they may miss seeing important traffic control and directional information, such as signs and signals.

This comes down to basic driving, but it is a matter of great concern. All members have heard recent announcements made about what is regrettably a devastating road toll. We should all be cognisant of these matters so that people are able to drive in a reasonably safe environment. Unfortunately, the Minister is removing that reasonably safe environment from my constituents. On the question of driver vision the report refers to the following proposition -

> . . . a long vehicle stopped in an (Australian) right turn lane waiting to turn blocks the vision of a vehicle in the opposite right turn lane, with effects on intersection capacity and safety.

To be fair, the report also states -

> However, the impact is generally less if fewer vehicles are required for the same transport task.

The Minister's argument on previous occasions has been that because road trains are used there are fewer vehicles on the road. At best that is an arguable proposition advanced by the Minister. The report deals with the question of intersection geometry; again, not a particularly exciting area of public policy, but one which merits consideration by the House. The report states -

> Possibly the greatest single factor to be considered in relation to the use of road trains in urban areas is the need to alter intersection geometry to take account of the greater swept path of turning vehicles.

The counter argument may be that the roads are being changed to allow for this to occur.

[Quorum formed.]

Hon N.D. GRIFFITHS: The Pearson report makes the obvious and exciting point that -

> Very large kerb radii are required if the turning vehicle is not to encroach in the opposing traffic lane, or even for the turn to be accommodated within two lanes.
> . . .
> The swept width is defined as the difference in paths between the front-most and the rear-most inside wheel of a vehicle as it negotiated a turn -

I am reminding members of that so that if they find themselves travelling in my electorate they are conscious of the dangers which they and other road users face when they travel on the route to and from the Midland saleyards. The alternative is for members to stay away from my electorate, although I would not like that. It would be better if members opposite visited my electorate a little more often because my support will continue to boom!

Under the heading of "Computer Simulation" the Pearson report points to perhaps one of the most significant attributes of road trains. I am obliged to Hon Tom Helm for his action in making sure members are present while I make this point because it is important. The report states -

> The critical rearward amplification factor for each simulation was considered to be that likely to have the greatest effect on rollover of the rear unit, taking into account the frequency of steering input and the vehicle speed.

I will make the following point because I do not know whether members, including the Minister, know what the "rearward amplification factor" is.

Hon E.J. Charlton: I will get you to explain it to me.

Hon N.D. GRIFFITHS: If the Minister listens to me carefully he might understand what it is. The report continues -

> . . . the rearward amplification factor is the ratio of peak lateral acceleration at the rear unit to that of the towing unit, for a particular frequency of steering manoeuvre and vehicle speed. Therefore, the higher the ratio, the less stable is the unit in an emergency manoeuvre.

The Minister appears not to have read the Pearson report and if he has, he does not seem to care about it.

Hon E.J. Charlton: I am waiting for you to explain it to me.

Hon N.D. GRIFFITHS: The Minister should reflect on my remarks, so that he can have an appreciation of the important area of public policy which, unfortunately, he presides over. The report goes on to state -

> These results show that the double bottom road train has significantly higher rearward amplification than the block truck with dog trailer.

That does not seem to bother the Minister; he took advice from none other than those very few owners of road trains who live in his electorate.

Hon E.J. Charlton: Is that who I took advice from?

[Debate adjourned, pursuant to Standing Order No 195.]

## ACTS AMENDMENT (PERTH PASSENGER TRANSPORT) BILL

*Report*

Report of Committee adopted.

## STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

*Report*

On motion by Hon Murray Montgomery, resolved -

> That the report of the Standing Committee on Estimates and Financial Operations in relation to the review of the consolidated fund estimates of 1994-95 do lie upon the Table and be printed.

[See paper No 237.]

## OFFENDERS COMMUNITY CORRECTIONS AMENDMENT BILL

*Second Reading*

Resumed from 1 June.

**HON N.D. GRIFFITHS** (East Metropolitan) [3.32 pm]: The substance of the Bill is to amend section 50X of the Offenders Community Corrections Act 1963. The proposed changes to subsection (2)(b) concern work release orders. The section presently reads -

> A work release order maybe made in respect of a prisoner only if each of the following conditions is satisfied -
>
> (a) the prisoner is not less than 17 years of age;
>
> (b) the prisoner has served not less than 12 months' imprisonment;
>
> (c) the prisoner is entitled to be discharged from prison or released from prison on parole or is eligible to be considered for release on parole within 6 months of the day specified for the prisoner's release in the work release order;
>
> (d) the prisoner has been rated by the chief executive officer under a rating system approved by the Minister as a prisoner whose absence from the prison would impose a minimum risk to the security of the public; and
>
> (e) the chief executive officer has referred the case of the prisoner to the Board for consideration whether a work release order should be made.

The wording of section 50X provides for a number of other circumstances relating to work release orders, particularly with respect to persons in strict custody or in strict security life imprisonment. Those matters are not relevant to the matter before the House. It is proposed to amend section 50X(2)(b) to make it read "the prisoner has been

in custody under sentence for a continuous period of not less than 12 months". The rationale behind that is set out in the Minister's second reading speech, where he states that the proposed section 50X(2)(b) simply inserts the word "continuous" into the subsection as it exists now. That is not the case at all. I will demonstrate that by reading what the section says now, and what it will say if this proposition is carried. Subsection (2)(b) now says -

> the prisoner has served not less than 12 months' imprisonment;

Proposed subsection (2)(b) would say -

> the prisoner has been in custody under sentence for a continuous period of not less than 12 months;

It is quite misleading to suggest that the proposed section 50X(2)(b) simply inserts the word "continuous" into the section as it stands now. The author of the Minister's speech should be castigated. The measure goes further than inserting the word "continuous"; it brings into play the proposition that the 12 months' continuous imprisonment be in custody under sentence. In other words, a person who is imprisoned for 12 months in part on remand and in part under sentence would not have that remand period covered. It seems to me, and to the Australian Labor Party Opposition, that no good reason exists that a period of remand should not be counted as part of a continuous period, given particularly the constraints set out in the other parts of section 50X as it now is. For that reason I foreshadow on behalf of the Opposition that we will seek to amend the provision to delete the words "under sentence".

**HON T.G. BUTLER** (East Metropolitan) [3.38 pm]: I support the comments of Hon Nick Griffiths because the present wording of the Act provides, along with some other matters, that a prisoner must serve a period of not less than 12 months' imprisonment before being eligible for a work release program. The Minister's second reading speech highlighted the benefits for prisoners who have served substantial terms of imprisonment and may be at risk if released into the community without suitable accommodation, employment support and adequate social skills. That would probably be right. The person would be at some risk unless those benefits were available. The Minister stated that such problems are addressed by community-based work release programs which provide intensive supervision and systematic resocialisation for prisoners approaching the end of their sentences.

My problem with this change is that the present wording invites alternative interpretations of the legislation. It appears that one of the reasons for the change is that prisoners are becoming a little wiser. In prison they learn about the law and its fallibility because anyone can put alternative interpretations on some sections of the Act. Although it was never envisaged as a provision of the Act, their interpretation was that they could aggregate sentences and terms of remand to make up the 12 months' imprisonment. The Government seeks to block that loophole and to clarify the Act by providing that the prisoner must have been in custody under sentence for a continuous period of not less than 12 months. Hon Nick Griffiths has foreshadowed an amendment. I will support that amendment because it provides that remand can be included in the interpretation of sentence.

I return to the you-beaut type of provisions available to prisoners who have served 12 months but not available to prisoners who have served a lesser time. I refer to the provision of suitable accommodation, employment support and adequate social skills for prisoners serving less than 12 months when they are put back into the community. The provisions are not available to a person who has served nine months but that person has an equal need for that support on release, given that prisons do not rehabilitate prisoners. On release, these people are sent out to fend for themselves; they lack any sort of post-release programs or support. It appears the Act is fallible because it does not provide similar benefits for people who serve less than 12 months. Were those benefits made available to people who have served less than 12 months in prison, it is very likely that they would not re-offend and return to prison.

I have a warm and fuzzy feeling about the alternative interpretation. If they aggregate lesser sentences they probably are entitled to the same provisions as a person who serves a 12 month sentence. I will support the amendment foreshadowed by Hon Nick Griffiths.

**HON A.J.G. MacTIERNAN** (East Metropolitan) [3.45 pm]: I take on board the comments made by Hon Tom Butler.

*Sitting suspended from 3.45 to 4.00 pm*

Hon A.J.G. MacTIERNAN: Two quite separate issues are dealt with in this legislation. Firstly, the legislation seeks to prevent an aggregation of custody before the threshold for work release is met. Secondly, it seeks to prevent the period in remand being aggregated with other periods spent in custody, even if that remand and custody period is continuous. Although I understand and sympathise with the comments made by Hon Tom Butler on that first point, the aggregation of sentence, it seems that the legislative intent of the original Act - the Offenders Community Corrections Act, which this Bill seeks to amend - was that there be a 12 month threshold before one was eligible for work release. It was certainly not the intent of the Legislature that a prisoner be entitled to aggregate a collection of smaller sentences into the 12 month period. Although we may all be concerned about the appropriateness of a prison sentence as a penalty in many circumstances, much greater review than has been undertaken at this time would be required before we could overturn that principle on work release. The Opposition is prepared to support the clarification contained in this Bill which would prevent any aggregation of smaller periods of sentence to reach the 12 month threshold before a prisoner was entitled to it. The amendment makes it clear that the 12 months required for eligibility for work release is 12 months' continuous imprisonment. That is the first issue on which the Opposition supports the Government.

The second issue relates to the nature of the period of continuous imprisonment. As it is now, the Bill is entirely silent on whether this refers to time in remand or imprisonment served under sentence. The second reading speech provides some insight as to why this work release program has been implemented. It states -

> Prisoners who have served substantial terms of imprisonment may be at risk if released into the community without suitable accommodation and employment support and adequate social skills. Such problems are addressed by the community based work release program, which provides intensive supervision and systematic resocialisation for prisoners who are approaching the end of their sentences. It is aimed at successful reintegration into the general community.

I put it to the House that it makes no difference whatsoever whether the term that has been served has been served under remand, entirely under sentence, or part under sentence and part under remand. The sorts of problems of alienation and institutionalisation that can occur over that period of 12 months are the same regardless of whether the period is served under remand or under sentence. No meaningful justification has been given by the Government for making this change. Members should consider the reason the work release scheme was put in place in the first instance. It is complete nonsense to seek to make the distinction between remand and imprisonment under sentence. The only attempt at that was the line in the second reading speech which began -

> The distinction between remand status and service of a sentence of imprisonment may be blurred with prisoners claiming remand periods in qualifying for community based work release . . .

That is complete nonsense. As the Opposition has said, the need for resocialisation is as great following a period of 12 months or more of imprisonment whether that imprisonment has been entirely under sentence or in part under remand. The Opposition is very much opposed to that second aspect of this amendment. Consequently, our party proposes that our amendment to eliminate "under sentence" be put before the Parliament so that a totally unjustified consequence of this amendment is avoided.

**HON TOM HELM** (Mining and Pastoral) [4.07 pm]: I accept that there is no reason

the period of remand cannot count as being the 12 month period. A positive aspect of the Bill is that rather than incarcerating people for a time, the people could carry out work under community based work release schemes, which have proved successful throughout the state. They are a measure of the rehabilitation aspects of offenders and their ability to return to society and take their proper role as contributors, rather than as people who take away from the resources of society, such as in the building of prisons and remand centres. This is a view I have held for some time and of which I have been a strong supporter. In the north west, for instance, the ability for people to serve out their time on a community based service order is quite successful and sensible. It must be recognised that an offender from a remote region serves a double sentence compared with most other people in almost every case unless the person happens to live near a regional prison. That person's ability to be supported by the family unit is quite limited owing to the distance the family must travel to visit that prisoner. I see this as being a positive step with people serving out their time in a more sensible and productive way than has happened in the past.

It is a simple Bill and provides for a similar amendment to the parent Act. It sends out the right kind of message to the community; that is, that we are turning away from the hang-them, flog-them brigade and from those people who want to see offenders incarcerated with no possibility of taking their rightful place in our community and serving a useful role. Prisoners incarcerated in Roebourne Prison come from as far away as Halls Creek and Fitzroy Crossing. Their families find it difficult to travel to the prison and provide them with the support they need.

As I said, I congratulate the Government for taking this step. I hope it is an indication that we will deal with matters relating to amendments to juvenile crime legislation with the same sort of compassion. Community based work orders are more important for young people. There have been some problems in this matter which I think have been addressed by the second reading speech although not by the Bill. Although the second reading speech refers to prisoners being given community work schemes, if those schemes are not properly funded and staffed they can be counterproductive and the community will then feel that prisoners are receiving soft treatment. If they are not supervised correctly or are not given work that is useful, and instructions or advice about rehabilitation and how to take part in the community, the thrust of the legislation will be lost. It is important that the Government recognises that it is not good enough just to put people back into the community in dead-end jobs such as the ones they are usually given under community service orders or work release orders; that is, cleaning the verges of roads and other such menial tasks. They can do other things successfully. In fact, a person could be returned to his former place of employment with the appropriate supervision and with the appropriate checks and balances, as laid down in the second reading speech. If that happens, the success of this legislation is assured.

We support the thrust of this legislation. However, we also support the placing of a person back into the community as a useful member of the community. That can happen only if the orders are supervised, maintained and funded in the best possible way. With those words I support the Bill.

**HON PETER FOSS** (East Metropolitan - Minister for Health) [4.14 pm]: I thank members opposite for their very positive and helpful comments on this Bill. I thank them in particular for their support of part of the amendments suggested by the Bill. I accept the criticism by Hon Nick Griffiths that, in reading the passage from the second reading speech that he read out, one would not know that other alterations are proposed. However, it is clear when one reads the rest of the second reading speech with the Act that, although it is a little obscure, the intention of the Bill is to deal with the difference between remand and non-remand sentences. The sentence in the second reading speech that deals with Hon Nick Griffiths' concern is as follows -

> Policy has required service of a continuous 12 months' imprisonment following sentence, interrupted by any other status as a prisoner - for example, remand - or any period of conditional release - for example, parole or bail.

The point made by Hon Nick Griffiths does require a better answer. I will therefore propose at the end of this debate that we deal with the Committee stage at a later date to enable me to provide a proper answer. I fully understand, without having to obtain further information, why an interruption by a period of parole or bail would not be appropriate in taking this into account. I accept that the question of remand, although quite plainly intended to be covered by this Bill, is something I should probably try to provide a better explanation of to this House.

I understand Hon Tom Butler's concerns although I do not agree with them. I thank Hon Alannah MacTiernan who addressed some of those points and the philosophical difference between them. Hon Tom Helm picked up on two difficult points, the first of which was the situation in the north west. It is always harder to deal with aspects of life in the north west. I think that is one of the reasons it is hard to attract people to the north west. It is certainly remote, and many facilities and services are concentrated in the southern half of this state. He also picked up quite rightly on the point that there are basic social matters that have to be dealt with, including the opportunity for meaningful employment and the need for the public to not see this as a soft option but as a real opportunity for rehabilitation. We must offer something worthwhile if we are to satisfy the needs of the person in custody and satisfy the wishes of the community who want to see people who have been sentenced serve that sentence, even if part of it is in a work release program.

The point that arises from his comments is that employment is a need throughout the community. There are difficulties, of course, with oiling the squeaky wheel. Sometimes people feel we spend more time oiling the squeaky wheel than we do with the non-squeaky wheel. There are many people who do not have employment and who also have not offended. They are also a priority of government. We owe it to people who experience disasters but who do not go out and offend to look after them, and not just look after the ones who squeak by offending and come under the notice of the authorities. There is no easy social answer to that point. Obviously there has to be a balance so that we look after those people, but also do not neglect the people who do not bring themselves to the attention of the Government. It was a useful debate and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

## MOTION - METROPOLITAN REGION SCHEME AMENDMENT No 932-33

*North West Corridor (Alkimos-Eglinton), Disallowance*

**HON J.A. SCOTT** (South Metropolitan) [4.20 pm]: I move -

> That the Metropolitan Region Scheme Amendment No 932/33 - north west corridor (Alkimos-Eglinton) - published in the *Government Gazette* on 10 May 1994 and tabled in the Legislative Council on 10 May 1994 be, and is hereby, disallowed.

I move this motion due to a number of major concerns regarding this amendment. The initial concern relates to the planning overview which is occurring in Perth today; namely, the Government's reluctance to face up to the fact that urban sprawl is not the way to develop our city. At the moment we have 170 kilometres of coastal sprawl in the city of Perth; the sprawl is completely out of control. Little environmental or social impact assessment is done in the early stages of the planning process - if it can be called a process - and a great deal of emphasis is placed on providing more land on which developers can build houses.

Last night we discussed legislation in which the Government was grappling with the problems of a failing public transport system. The Government must realise that the reason for the failure of that system is due not solely to a lack of competition in service provision, but more importantly to the layout of the city. It is extraordinary that, with all the available knowledge about what happens in car-based cities, Perth is allowed to expand to a size greater than London, a city with a population many times that of Perth.

In fact, this is a major tragedy. Instead of this continual expansion north and south along the coastline, any proper planning process should consolidate areas which have already been urbanised in this state. Many submissions were made on the Alkimos-Eglinton amendment supporting this view which called for an overview of the planning principles in this city. The submissions which supported the amendment were generally based on people wanting more money for land through urban zoning.

In considering the way land is divvied up and the way people are compensated for land, a major problem can be seen in the planning process. I do not blame landowners who want to obtain the most value for their property. That is a perfectly natural human aspiration. However, I now refer to some of the submissions, which I will number so as not to name the authors. Submission 44 "objects to the inclusion of the land within proposed parks and recreation reservation between Wanneroo Road and the future Mitchell Freeway extension". It considers that land is worth more than its present value.

Submission 49 has a similar objection. Submission 40 was "concerned about building a home on the property because of the proposed reservation of land for parks and recreation". This person is currently living in a caravan on the property with short term approval from the City of Wanneroo. The submission requested that the State Planning Commission purchase the property as a matter of urgency at full market value. Again, this expressed a concern about the money the individual would receive.

Submission 34 "objects to inclusion of land within proposed parks and recreation reservation between Wanneroo Road and the future Mitchell Freeway extension" as it considered this will devalue the land, reduce bank security leading to foreclosure, and delay an early sale with only one buyer.

I read those submissions because they all indicate the concerns people have about obtaining proper value for their property if this land is taken by the Ministry of Sport and Recreation. Obviously, if the Government wants to maximise the planning potential of its departments, and if it does not want to be pressured by this type of concern, it must pay equal value to landowners no matter what zoning the land may be. If the landowners received the same money regardless of whether the land was zoned parks and recreation or urban deferred, the same pressure would not apply on the planning process currently experienced. This would save a great deal of work within those departments. That idea must be considered for the sake of good rational planning. This is a vital point.

Returning now to the planning overview, the people who consider the good of the city rather than individual concerns also made submissions. Submission 38 was concerned about the continued growth of the metropolitan area and the attendant problems with the planned waste water treatment plant at Alkimos with ocean discharge and further demands on limited water supply. The submission contends that Perth has exceeded its optimal size with regard to pressure on coastal environment, and development in regional centres is essential to redress the imbalance.

At the moment the Government appears to have no end in sight regarding planning for the city of Perth. If the population were to increase five-fold during the next 10 years, the Government would merely facilitate the expansion of the city and continue to provide land on the outskirts of the city. Nothing appears to be done about ensuring that people live in other parts of the state. We cannot continue this crazy idea that we can develop one city centre in this way. Also, some of the proposals in Mandurah indicate that the 170 kilometres coastal sprawl may be extended to 200 km. An area will be excised from the A class reserve on land by the Harvey-Peel estuary, and this wall to wall housing will extend suburbia even further.

The other factor the Government should consider is that we continue to push out the frontiers of our city, and these new areas are not able to provide the infrastructure needed for the lifestyle people expect. The Education Department is working on the rationalisation of schools, and it is doing so because young families can no longer afford to live in inner suburban areas. As they move to outer suburbs, so must the schools.

Hon N.F. Moore: They are choosing to move out.

Hon J.A. SCOTT: They are choosing to do so because it costs too much to live closer to the city. Of course, some are choosing to do so because they enjoy a rural lifestyle, but the Government immediately fills in the rural land with more houses. We need to examine not only the social impacts but also the economic impacts. It is very costly to move schools into outlying suburbs. It is also very expensive for those families forced to live in outer suburbs because they do not have financial resources on the same level as those of some members in this place. It means they must spend a great deal of their money travelling to and from jobs because in those areas generally no work is available. A concern was expressed by a citizen whose interest was disabled people and how they would cope with this extension of the city, and the lack of facilities for those people. The document states -

> The main purpose of the amendment is to provide the statutory regional zoning framework for the Alkimos-Eglinton area. The detailed planning of future employment locations, residential suburbs, public transport services and pedestrian networks is outside the scope of the amendment. A series of forums might be useful to help build up a picture of the needs of people with disabilities in this specific area, but it is outside the scope of this amendment.

I would have thought planning was about providing for the needs of people, and did not just involve chunks of land out of which developers could make a quid. I disagree with the sentiments in the answer to that submission. The Government should consider the needs of the community when it sets up a new area. It should make those areas self-sustaining, so that people can live, work and recreate in those areas without the need to travel great distances into the city to carry on a normal lifestyle. At the moment we are providing long corridors, and people living in Alkimos may need to travel to work in Kwinana, for example, because the Government wants to locate all industry in that area rather than spread industry throughout other areas. As a result, Perth will be, and may already be, the most inefficient city in Australia, because we are forcing the residents to use fuel at a much higher rate than residents of other major cities. Perth has the highest car use per capita in Australia and for very good reason; that is, the planning in this state is very poor. It cannot be blamed on the public transport system, as the problem arises because the system cannot cope with the urban sprawl. In 10 years' time when there is no reasonable chance of ordinary people filling up their petrol tanks, how does the Government propose that people travel from their homes in Alkimos to their jobs in Kwinana, for example? They will have a great deal of difficulty. Australia is faced at the moment with a bill of approximately $7.6b for imported fuel because the gap between our oil reserves, the anticipated discovery of oil in this area and the use of those fuels is growing rapidly. This sort of planning will also impinge on the country electorates of some members opposite. Their constituents will be competing with residents in the urban sprawl for fuel to run their agricultural businesses. They will be in a great deal of strife. We need to put in place planning that has some direction. At the moment a mindless spread is going on with no objectivity at all.

I also have some lesser general concerns about this amendment. I will read a letter sent to me by Mr David Wake of the Quinns Rocks Environmental Group, that encapsulates some of those concerns-

> Dear Mr Scott
>
> The Quinns Rocks Environmental Group is concerned about the Alkimos-Eglinton Metropolitan Region Scheme amendment which has been presented to State Parliament. The rezoning was poor to begin with but has become worse having gone through the State Planning Commission process.
>
> The Environmental Group made a substantial submission on the proposal, I think a copy of which was supplied to you in December, and I represented the Group at public hearings in February.
>
> The Alkimos amendment will rezone over 1600ha of land, most to urban, meaning the continuation of urban sprawl up the metropolitan coast and loss of remnant bushland. Points raised by the Group were largely ignored including the

> need to realign transit routes and expand conservation areas. The proposed Parks and Recreation link between Yanchep and Neerabup National Parks has been dropped, the only opportunity for a conservation corridor between these reserves now appears lost.

That is extraordinary, considering the great hoo-ha this Government made prior to the election, and even afterwards when the Premier rushed to save the bushland in his electorate. He quickly jumped up and down about the prospect of bushland disappearing in that area. The Government promised that belts of green would link the city from north to south, with conservation corridors all over the place. As soon as it had the opportunity to put that in place, it gave in to pressure from certain groups. We know that prior to this amendment, the Government planned to establish a conservation corridor in the Alkimos-Eglinton area. However, pressure was applied by a group of people who were concerned that they would not get proper value for their property. It forced the Government to give up good planning principles and to cater to this populist idea that it must look after those individual concerns in that area, because otherwise it might lose votes. Money equals votes. If the same amount of money were paid for land, whether it were zoned rural or urban, the problem would not arise.

The letter continues -

> The media release issued recently summarises concerns over the finished amendment, a copy is enclosed for your information.

I will go through that media release and some of the concerns. It is entitled "Bad plan for Alkimos made worse". The media release states -

> The major rezoning for the Alkimos area north of Perth has been made worse by the State Planning Commission.
>
> The Quinns Rocks Environmental Group is critical of the amendment recently finalised by the Commission and now before state Parliament.
>
> "The amendment was bad to start with but "it has become worse," said Group spokesperson David Wake.
>
> "The planned link between Yanchep and Neerabup National Parks will not happen. The opportunity for a conservation corridor between these reserves appears lost forever after the Commission's decision to exclude private land from the Parks zoned.
>
> "We sympathise with landowners but with major urbanisation planned it was the only chance to connect these important conservation areas and provide a continuous belt of open space at the east of the North West Corridor.
>
> "We urge the City of Wanneroo and the State Government to now implement planning controls for the private land to try to protect landscape amenity and ensure urban development doesn't occur east of the freeway."
>
> Other concerns raised by the Environmental Group were ignored.
>
> "The Freeway should have been realigned to minimise impact on conservation areas but it remains unchanged in the rezoning, the Eglinton greenbelt should be broadened but won't be and the significant Alkimos dune complex will largely be lost to urban development.
>
> "The thin coastal reserve remains so despite concerns over its adequacy for conservation and recreation uses.
>
> The Alkimos - Eglinton amendment means that Perth's urban sprawl will continue to race up the coast consuming natural areas and adding to our environmental problems," Mr Wake said.
>
> Despite an appeal to the Environment Minister, the Alkimos rezoning was not subject to review by the Environmental Protection Authority.
>
> "The State Government's urban bushland strategy seems meaningless if it allows

hundreds of hectares of bushland to be zoned for urban without environmental assessment.

These matters might seem to be raised from a small group who might be thought to be far out greenies; however, we should look at what the council says about this. The Town Clerk of the City of Wanneroo made quite a few comments about this proposal. In submission No 33, in part, he states -

6. Considers amendment raises sufficient environmental concern to warrant formal environmental assessment prior to finalisation, in particular -

- impact of the Mitchell Freeway extension and east-west roadlinks on Yanchep and Neerabup National Parks in areas to the north and south, and on Pipidinny Swamp;
- loss of native vegetation as a result of land development;
- adequacy of the coastal foreshore reservation as a buffer to Karli Spring and to protect the ethnographic significance of the wetland;
- hydrological impacts of urban development on Pipidinny Swamp.

7. Comments that EPA may be contemplating formal assessment later in the development process which is not consistent with Hon Minister's intentions that MRS Amendment stage is time when EPA should come forward with concerns.

The idea of this Government about environmental matters is to go ahead and do the planning, see where the houses will be put and then find out what is left. It will then give some of the remaining land as bushland and will allow existing wetlands to remain. That is not how the process should happen. It should be done at an early stage in the procedure. It is no good bringing in the EPA to patch up the errors that have been made in the past. We should learn from the sort of thing that happened in Kardinya where the Minister decided that development could go ahead despite all the objections about clearing the land and the problems that might be inherent in the ground water. I understand that the Minister at the time - I will not name names, because I frankly cannot remember who it was - decided that it would be up to the developer to pay for whichever method of sewerage to the property the developer felt was best. Of course, the developer did not do that and the watertable rose alarmingly. The Water Authority and the EPA had to pump out all of the water at huge expense. It was pumped into the wetlands system which killed off the fringe vegetation. A decision was then made that the excess water would have to be moved to another wetland.

These are the sorts of things that can happen with these amendments if proper assessments are not carried out at the appropriate stage. This Government promised good management; but we cannot have good management without having all of the facts at hand when a development is being planned. The Government does not seem to share this idea. The council of the City of Wanneroo agrees with my proposal. A person who put in submission No 32 was not entirely on the side of the conservationists and wanted to have a commercial native species flora growing enterprise on the property. Point 7 of this submission is interesting and states -

Contends proposed amendment should not be considered until all stakeholders have been identified and a social impact assessment conducted. Considers public consultation must be given higher priority.

That high level of consultation did not take place. In point 12, this person contends that there is a need for an environmental impact study in the area which should include a complete survey of endangered species of flora and fauna and give high priority to the conservation of dune systems, banksia woodlands and coastal heathland.

Ordinary citizens can see the need for social impact and environmental impact studies to be done early in the piece; but the Government does not seem to be awake up to that yet. It charges ahead in its rush to buy more urban land for its mates in the development industry and is quite happy to override State Planning Commission proposals for the area to bring about that development.

Hon P.R. Lightfoot: Who are the Government's mates in the industry for whom we are rezoning this land? You have made this statement, so why don't you tell us who they are?

Hon J.A. SCOTT: I have seen some of the mates.

Hon P.R. Lightfoot: Who are they?

Hon J.A. SCOTT: In Neerabup a proprietor of a concrete batching plant was allowed to put it on a reserve, even though half a kilometre away -

Hon P.R. Lightfoot: It was an old limestone quarry. How many endangered species will we find there?

Hon J.A. SCOTT: This mate was allowed to proceed despite the ruling of the State Planning Commission.

Hon P.R. Lightfoot: Is he a mate? What do you mean by "mate"? What you say implies corruption.

Hon A.J.G. MacTiernan: As you do on a daily basis.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon J.A. SCOTT: Hon Ross Lightfoot says that it implies corruption. A very easy way for this House to ensure no corruption occurs would be to proclaim that Act, which I said yesterday should be proclaimed, which exposes all donations to political parties. This Government will not proclaim that Act. It will say that it will do it one day, but one day before it goes out of office is probably what it means.

Hon Peter Foss: This ignores the fact that the more land released the less profit is to be made. One of the reasons the Government is keen to make land available is because it stops profits being made on the subdivision of land. The less the supply of land the more the profit. So you have your economic facts wrong.

The DEPUTY PRESIDENT: Order!

Hon J.A. SCOTT: Where Hon Peter Foss is wrong is that the sort of development he proposes and supports sets up main centres of commerce, industry and housing around which property values increase at a furious rate. What would bring values down is an egalitarian city where we have an even spread of industry.

Hon P.R. Lightfoot: Let's socialise the land!

Hon J.A. SCOTT: That is right. It could be done. It is not forcing the poor to live in industrial buffer zones and cough up the smoke of Hon Ross Lightfoot's mates in industry.

Several members interjected.

The DEPUTY PRESIDENT: Order! All members not only should have the decency to listen but also must listen.

Hon J.A. SCOTT: Unlike Hon Peter Foss I would prefer to see our city designed in a way which optimises its efficiency fairly to all the people who live here and is not subject to continual urban sprawl where all the land is used for housing in a hungry, overuse of that resource but where -

Hon Reg Davies: You have different classes of people.

Hon J.A. SCOTT: That is correct.

Hon P.R. Lightfoot: Your argument is lost when you say that we subdivide land to the benefit of our mates.

Hon J.A. SCOTT: That is exactly so when we look at some of the land release proposals going ahead at the moment. I would like to have in front of me a clipping from the newspaper, which I was to bring up at a later date, in which David Hatt talked about the university at Alkimos and also Port Kennedy. The argument by David Hatt and others in that article is that pushing for proposals for the university and projects like Port Kennedy,

where there was to be the development of a resort in an area which had very cheap land, forced all the land prices to rise. It was very good for the owners there, but I thought it was a travesty. I thought LandCorp was there to provide cheap land, not to force up the price.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon J.A. SCOTT: In fact, projects where developers are sold tracts in order to push up the value in order to sell other land around them at a higher price, provide one of the reasons we have much higher land prices round Perth.

Hon P.R. Lightfoot: You are talking about the previous government.

Hon J.A. SCOTT: To add to the economic knowledge of Hon Ross Lightfoot and Hon Peter Foss, the cost of infrastructure in outer urban blocks two years ago at least was about $53 000 per block for the provision of electricity, sewerage, roads, etc. An amount of $53 000 per block multiplied by the number of new blocks as our urban sprawl continues becomes a huge amount of money. It is very costly. If one redevelops a similar inner area of the city the cost is somewhere around $2 000, because most of the infrastructure is already in place.

Hon B.K. Donaldson: Have you seen the application of standards document that has been published this week? That shows a sensible land use level. Have a look at it.

Hon J.A. SCOTT: I will look at it. This proposal does not fit with sensible land use management but is purely and simply encouraging urban sprawl along the coast with no respect for the value of the land chewed up under urban sprawl. The Government needs to realise that it is tying the city of Perth into a very expensive way of life and into being less economic than the other cities in Australia. When it costs more for people to live in the city, it means they have to be paid higher wages.

Hon E.J. Charlton: You should have stayed in Doodlakine.

Hon J.A. SCOTT: I would have stayed in Doodlakine, but I heard that Hon Eric Charlton was here so I thought I had better counteract him.

Hon B.K. Donaldson: You have to convince people about their quarter acre blocks.

Hon J.A. SCOTT: Hone Bruce Donaldson says I have to convince people who want a quarter acre block. If the Government were serious it would look at the people who do not want the quarter acre block. There are a lot of people who want a quarter acre block, and that is okay, but there are also a lot of people who would be prepared to live in more intensive situations, like young people in urban areas close to public transport.

Hon P.R. Lightfoot: The Government's infill sewerage will achieve that.

Hon Peter Foss: Is sewerage important?

Several members interjected.

The PRESIDENT: Order!

Hon J.A. SCOTT: Hon Peter Foss asks if sewerage is important. Of course, sewerage is important, and it should have been started years ago.

Hon Peter Foss: Your government did nothing.

Hon J.A. SCOTT: The problem with the Government's infill sewerage program is this -

Hon Peter Foss: It was not done 10 years ago.

Hon J.A. SCOTT: It is based on the grand scale of about 300 000 residences' sewage disposal by pumping it out to sea eventually. In doing so it is also taking huge volumes of valuable water.

Hon Peter Foss: Otherwise it goes into the ground and you cannot have it there.

Hon J.A. SCOTT: Hon Peter Foss has not heard of the processes that clean water up to the point where it can be put into wetlands and be reused.

The PRESIDENT: Order!

Hon J.A. SCOTT: I hope he finds out more about those processes, because they will be very valuable to this city in the future. He is missing out on a few chances, because in other places it is used for commercial enterprise. In other parts of the world, water, once it is cleaned, is being considered for use in nitrogen and phosphorous for hydroponic agriculture.

[Questions without notice taken.]

Hon J.A. SCOTT: An overview of the Alkimos-Eglington plan in the metropolitan regional scheme, which I oppose, should take into account that the urban sprawl of the City of Perth exceeds that of London. It is said that in planning terms a city's optimum size to operate in a socially adjusted way is a population somewhere between 1.2 million and 1.5 million. At the moment nobody has the courage to look at Perth and say, "This is enough." Many people are now very concerned at this uncontrolled spread. I am contacted constantly by people who are under pressure socially and environmentally by this continuous spread of the city. For example, the very unwise Minister for Planning is putting on pressure for further housing on the Jandakot water mound. Perth could well do without that sort of stupid development. The policy of continuing to develop every bit of space because it is not now commercially used will get us into a lot of trouble. It will cost us a lot more money in the long run than the few quick bucks which can be made from selling off land which is not appropriate for housing property.

I pointed out earlier that the submissions were made by three different groups: Firstly, by people who were concerned with the value of land taken for parks and recreation as opposed to urban land; secondly, by people who wanted to retain their semi-rural lifestyle; and, thirdly, by people who were looking at the planning in overview for the city's good. The individual's interest has been upheld in these submissions, not the overview of what is good for the city. Most of the submissions based on profit were marked with notations like: Upheld; the amendment will be modified to delete the proposed parks and recreation reservation; and upheld in part. Submissions which looked at the conservation imperatives were marked with notations like: Noted or dismissed. The town clerk's concerns about the environment and social aspect were largely "noted" or "dismissed". The proper planning processes have not been implemented, and the planning processes are not looking after the good of the city. Individual concerns have been looked after, and I respect those concerns, but the Government is supposed to ensure that proper planning processes are in place for the good of the many not the few.

Hon N.D. Griffiths: Do you mean this Government?

Hon J.A. SCOTT: That is what is supposed to happen. This would be all right if the area was tabula rasa and nothing was in place, but the present and previous governments were happy to have a link between the Yanchep and Neerabup national parks. That link was very important to provide a wildlife corridor and contiguous open space; however, this Government has discarded that link.

The retained areas are in smaller units sufficient to preserve the ecological integrity of that land for the most part. It has happened because the proper studies have not been done before the planning process took place. The criticism of the town clerk and others, that there should have been environmental and social assessments at the beginning of the process, is valid. The Government should go back to basics and make sure those processes take place before this or any other amendment is accepted by this House.

Until those proper studies are done and until the interests of all the people of Perth are taken into account in these respects and there is some end point to the planning processes of this city, where we are looking at some ultimate outcomes for its size and shape, I will be opposing any such amendments.

**HON A.J.G. MacTIERNAN** (East Metropolitan) [5.42 pm]: The Opposition supports the disallowance motion moved by Hon Jim Scott. Like Mr Scott, we are very concerned about the very abbreviated processes of environmental assessment that have been undertaken in relation to this amendment. The State Planning Commission has quite

rightly acknowledged that the scale of this amendment is such it must be classified as a major amendment and so go through the process of being put before the Parliament. We commend that. However, we also believe that a proposal of this scale requires more environmental assessment than this has been afforded. The amendment will provide approximately 1 630 hectares of further urban land for housing development. This need for an extra 1 630 ha of virgin land is predicated on an estimated increase in the population of the city of Perth from 1.2 million to two million in the next 30 years. It has been assessed by the planning commission proposing this amendment that there will be an increase of some 800 000 people in 30 years. There is no doubt that while we have such a population growth, short of a change in community values we will have a demand for more housing development.

I appreciate the traditional response of conservationists in Perth - and it is reflected to some extent by the comments of Hon Jim Scott - has been that we should encourage urban consolidation and regional development, as this is a far more desirable course than allowing for an increasing sprawl in Perth. Those arguments have a certain intrinsic appeal. However, I am not sure they are the solution. We accept without doubt that the expansion of Perth's urban area is of major environmental concern and has led to the ongoing destruction of the natural habitat of the Swan coastal plain and a great diminution of biological diversity, both floral and faunal, and reduced the capacity of the citizens of Perth to enjoy their bushland heritage. Of course, these developments also have the possibility of impacting on our ground water supplies, on which we depend so heavily. Therefore, we acknowledge, as does Mr Scott, that urban sprawl is not desirable and has major environmental impacts.

However, I am not convinced that the solutions put forward of urban consolidation and regional development provide a realistic alternative to the great problems we have with the growth of population. Certainly in the 10 years of Labor government we saw a great deal of urban consolidation through the very enlightened policies of Labor implemented through the state housing authority, Homeswest. We saw a great deal of urban infill in inner residential areas. As has been pointed out by Minister Foss by way of interjection, the ongoing program of sewerage infill has also broadened the scope for further urban consolidation. However, that is not the cure it first seems. Although someone who was originally a great supporter of urban consolidation, I think there is material coming to light which throws doubts on whether urban consolidation is doing anything to contain sprawl. While it should be encouraged to provide a diversity of lifestyle opportunity, there is a great deal of doubt about its effectiveness as a sprawl controller. It is partly for this reason: Simply to increase housing density does not increase population. There is literature that suggests that where there is an increase in housing density often there is a diminution in the number of people in that area. I have an assistant researching the impact of urban consolidation in a number of different areas - for example, inner suburban areas, middle ring suburbs and some of the outer suburbs where there has been urban consolidation - to see whether there has been a population increase. Often there may be a large family home in a suburb such as Wembley which may house two parents and four children. When the house is demolished and two or three units are erected in its place, they each may have only a single person in them. Therefore, I feel that perhaps we have been a little naive about the supposed panacea that urban consolidation may offer to this problem of sprawl.

The other proposed solution is a recurring theme among the submissions made on this amendment by various environmental groups. It is the need to encourage regional development; that is, decentralisation. During the 10 years that Labor was in government it made enormous efforts to put into effect decentralisation and regional development. Notwithstanding our best endeavours and programs, such as Bunbury 2000 and Albany Tomorrow and the enormous optimism and the considerable resources that went into those proposals, we were not really able to achieve a major shift of population to those areas, certainly not sufficient to contain the growth of the city of Perth. There is of course one other solution; that is, the Pol Pot method! He managed to markedly reduce the population of Phnom Penh by forcing all the citizens at gunpoint into the countryside.

Quite a few perished on the way. I do not think the Pol Pot solution is one that we will be able to use to contain the urban sprawl and the concomitant destruction of our natural habitat.

Hon Tom Helm interjected.

Hon A.J.G. MacTIERNAN: It would certainly increase values in Manjimup and we would see as many interesting subdivisions such as are being created in Busselton.

Hon Bob Thomas interjected.

Hon A.J.G. MacTIERNAN: It is a chorus. Perhaps we are being a bit unfair to the Minister for Planning. Perhaps he is doing his bit for decentralisation, albeit not with the support of the local communities. It seems to me that the underlying issue is the number of people in the country - a problem we will not be able to export, but one we must control.

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: It seems truly extraordinary that at neither a federal nor a state level is there a policy on the country's population. Unfortunately there is enormous reluctance by politicians, environmentalists and many in the community generally to tackle the issue.

Hon Peter Foss: We are still encouraging immigration.

Hon A.J.G. MacTIERNAN: That is right, although the immigration policy has been wound back considerably.

Hon Peter Foss: Rich migration.

Hon A.J.G. MacTIERNAN: That accounts for a comparatively small percentage of our migration. In fact, the migration population we have sought to expand is in relation to family reunions.

Hon Peter Foss: Family reunions and refugees.

Hon A.J.G. MacTIERNAN: There is enormous reluctance on the part of politicians and environmentalists to take on this issue. One reason for this is the fear of being labelled racist any time the question of population and immigration is raised. Levelled at the person raising it is an accusation that they are simply masking their desire to cut back on non-European immigration. It is unfair to the debate to presume those two stances are in any way synonymous. In my case, for example, they are not. I certainly favour racial diversity within Australia even if for no more than biological purposes. Nonetheless, I am very concerned about our failure to seriously address the population levels we should be setting for this country.

The other main reason we have failed to address this issue is that we do not accept the importance of the issue of the population to environmental issues. However, without wanting to be unduly alarmist about it, any increase in population must necessarily affect existing habitats and our environment amenity.

Hon Peter Foss: It is nonsense to think otherwise.

Hon A.J.G. MacTIERNAN: I agree. We are at one - a classic example of great minds thinking alike! I am certainly glad that the Minister supports my view. I will not elaborate on it here today, but I would like to return to the issue in more detail during the life of this Parliament.

Putting that to one side, given the current population growth, the Opposition accepts there is a need for provision within Perth for more housing. However, we cannot simply say that regional development and urban consolidation provide the answer. The fundamental problem is one of population. If we cannot control that -

Hon Peter Foss: Is that a "C" or a "P"?

Hon A.J.G. MacTIERNAN: I do not get what the Minister means; I will have to read it in *Hansard* and enjoy the joke then.

It is our view there is a demand for increased housing lots and if we do not provide that increase land prices will escalate. That will certainly disadvantage people whom we on the Labor side of politics believe we represent. Notwithstanding the acceptance that in the short term a provision for further housing is necessary, we believe much greater attention must be paid to the environmental and social impacts of an amendment of this scale. We must consider the impact on natural environments and on the amenities of the existing local residents and residents throughout Perth.

Mr Scott has discussed in some detail those three areas about which we need to have considerable concern. As we have said, this is an amendment to the metropolitan region scheme of quite massive scale. It concerns 16 600 residential lots in an area in excess of 1 500 hectares in land which is environmentally sensitive and fragile and which, it appears from many of the submissions, contains some unique flora and fauna. The amendment will represent about seven per cent of expected metropolitan growth. That is an enormous change. To have that change predicated purely on an informal environmental review is most unsatisfactory.

The Environmental Protection Authority, unfortunately is now somewhat a creature of the Government.

Hon J.A. Scott: Every project which has gone before it has been approved.

Hon A.J.G. MacTIERNAN: It has lost much of its independence of spirit.

Hon Reg Davies interjected.

Hon A.J.G. MacTIERNAN: That is not a metaphor I would use. That piece of the anatomy is not crucial to strong performance.

However, following on from Mr Davies' analogy, the EPA has been emasculated and its independence -

Hon Peter Foss: That is sexism. Has that been feminated?

Hon A.J.G. MacTIERNAN: As I said, I was seeking to speak the language that Mr Davies would understand. He has indicated that he has a fairly old fashioned approach to these things. We are keen to have his support on this issue and if it is necessary to speak that language -

Hon Reg Davies interjected.

Hon A.J.G. MacTIERNAN: I am glad it is not necessary. Certainly the independence of that body has been weakened. We have previously set out in great detail the structural changes to the EPA that have led to that conclusion. The EPA decided that it was necessary to have only an informal environmental review on this amendment. Accordingly that review was not done with anywhere near the thoroughness of a higher level review. The Opposition, as with the vast majority of people who have made submissions to the State Planning Commission about this amendment, is not satisfied that a sufficiently detailed environmental report had been prepared to assess the impact of this massive project. Our first and major objection is that this massive amendment has not been subject to proper environmental scrutiny. That informal process is not an adequate process for a report of this scale.

*Sitting suspended from 6.00 to 7.30 pm*

Hon A.J.G. MacTIERNAN: Before the suspension for dinner I was saying that while the Opposition recognises the need to release more land for housing, it would not support this amendment because it has not been the subject of adequate environmental scrutiny. I was telling the House how the EPA - which is now a highly compromised body which has, as Mr Scott told us tonight, approved every development application that it has considered since its reformation - has deemed that an informal assessment procedure was sufficient. We do not agree with that. A more detailed study of a project of this size is required. We are supported in this view not only by myriad environmental groups that have made submissions to the State Planning Commission, but also by the Wanneroo City Council. The staff of the City of Wanneroo have made some very perceptive

comments and analyses of the Government's decision in this regard. In October 1993, the council formally appealed to the Minister for the Environment against the EPA decision to mandate only an informal review of this amendment. Not surprisingly, the Minister, given the lengths he had already gone to ensure that the EPA was his poodle, rejected the appeal in its entirety.

The staff of the City of Wanneroo identified a number of major areas of concern within the amendment and submitted that those very real problems would be addressed only if the amendment was subjected to a full scale formal environmental review. Their first concern related to the alignment of the Mitchell Freeway reserve in the area covered by the amendment. The staff was particularly concerned that the way the freeway had been aligned in the amendment area would have potential consequences for the Yanchep national park and the Neerabup national park and also for the proposed additions to the Neerabup national park.

Hon J.A. Scott interjected.

Hon A.J.G. MacTIERNAN: That is a handy little addition to Neerabup's environmental quality. The freeway reserve affects the areas destined to be affected under the System 6 recommendations.

On receiving the submissions, the Minister agreed that there could be concerns in this area and said that further referral to the EPA would be needed when the time comes to design the detailed engineering works for these roads. He said that that would ensure that any potential environmental impact would be properly managed. This highly flawed approach has been adopted by the State Planning Commission, the EPA and by the Minister. Its inherent inadequacy has been set out by the Wanneroo City Council. I want to quote a report prepared by the Wanneroo City Council's chief planner because it sets out well the difficulty with this sort of approach. The approach is to acknowledge that there are problems, but to say, "We will fix them up when we get to the detailed drawings." The city planner said -

> The approach adopted ... is in fact dependent upon managing environmental impacts to reduce their severity rather than the environmentally preferable approach of planning to avoid such impacts. The Minister's position is also premised on an assumption that best management and planning practices will achieve an environmentally satisfactory outcome in relation to the amendment.

The next paragraph is a telling one in the context of things that have been going on in the last six months. He said -

> However, in this context the Minister apparently overlooks the point that, historically, best management and planning practices have not always been pursued -

We would have to say that that is right in the case of the City of Wanneroo. He continued -

> - and that often achievements of such practices will require a change of attitude at a number of levels, yet there is nothing to indicate that the necessary change will occur.
>
> The Minister also indicates his belief that environmental issues arising from the amendment can be satisfactorily addressed through the land use planning and management processes. Given that the City of Wanneroo has a key role in these processes, yet is advocating formal environmental impact assessment as the only means in this instance of ensuring an environmentally satisfactory outcome, his decision to dismiss the appeal seems rather incongruous.

The theme that runs through the report of the State Planning Commission and the advice given by the EPA and the statements by the Minister in dismissing the appeal is characterised in this way: "Yes, we recognise there may well be problems and we know these problems have not been sorted out. However, we will go ahead and all these small matters will be addressed later through very specific references to the Department of

Environmental Protection." The City of Wanneroo has explained why that approach is farcical. It said that the approach is predicated on minimising impacts rather than trying to avoid them and presuming that best management will come out of all local authorities and other government agencies. It said that, historically, that is not a premise on which one could rely. Morevoer, it has given practical examples to us to demonstrate the point it made; that is, that it is totally inappropriate in a matter like this to approach environmental protection in such a piecemeal way and wait for the small aspects of the amendment to be independently assessed and then managed. The report of the city planner of the City of Wanneroo provides this example -

> This point is readily demonstrated by recent experience at Mindarie, where an occurrence of the declared rare species Eucalyptus argutifolia (Yanchep mallee) has been sterilised as a small, isolated pocket of bushland surrounded by recontoured urban lands.

We are saying positive things about the City of Wanneroo at the moment. Its planner at least is a most astute person! The quote continues -

> The existence of the mallee was not recognised until late in the planning process and the opportunity to sufficiently modify development plans to ensure retention of the mallee within a substantial, undisturbed vegetated buffer (desirably forming an extension of the coastal foreshore reserve) were simply not available. However, had the existence been identified in the earliest stages of planning for the Mindarie urban development, realistic options for preservation could have been explored.

This is a clear example of how the piecemeal approach to planning does not work. It is simply not good enough for the State Planning Commission, the Environmental Protection Authority and the Minister to claim that all those environmental issues will be looked at later on seriatim when dealing with the extension to the freeway or the decision to make certain areas residential or public open space. It simply does not work. The problems should be solved now, before the amendment is made.

Hon Peter Foss: Do you think that we should pass our legislation? The current amendment, necessarily as part of the statutory process, should have a formal environmental process.

Hon A.J.G. MacTIERNAN: It would depend upon the size of the amendment.

Hon Peter Foss: Obviously.

Hon A.J.G. MacTIERNAN: In developments of this scale, that certainly should apply.

Hon Peter Foss: We should have a large scale inquiry. If it is a small scale amendment, it would be a small scale inquiry.

Hon A.J.G. MacTIERNAN: There is a lot of merit in that principle being adopted.

Hon Peter Foss: It happens to be coalition policy.

Hon A.J.G. MacTIERNAN: It is not one that the coalition is putting into effect.

Hon Peter Foss: We obviously have to amend the Act.

Hon A.J.G. MacTIERNAN: This Government has amended many Acts.

Several members interjected.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: If that is coalition policy, the Minister has dismissed its spirit out of hand.

Hon Peter Foss: The EPA can keep coming back time and time again under the current system.

Hon A.J.G. MacTIERNAN: If the Minister has a commitment to that policy and he believes that a proper environmental assessment is warranted, he surely would have upheld the council's appeal.

Hon Peter Foss: No; under the present system the EPA continues to assess throughout the process - even right to the last minute.

The PRESIDENT: Order! The Minister has far too much to say and the member is trying to wind up her comments.

Hon A.J.G. MacTIERNAN: No, I have 14 minutes and 10 seconds left, Mr President; I have a little more to say. I am not uninterested in the Minister's comments, which support my concerns.

The environmental planning process adopted by the Government and government agencies is clearly inadequate. We have given a practical example of something which indicates that the approach adopted by the Minister and the State Planning Commission has been fraught with problems. This related to specific concerns regarding the freeway. It was stated that the problems would be taken into account at the design stage for the road, and that is clearly inadequate. The planner said -

> Clearly once the freeway alignment is "fixed" through the Alkimos-Eglinton MRS amendment, options for the alignment in adjoining areas are correspondingly constrained. While an incremental approach involving consideration of only an isolated portion of the freeway alignment is not environmentally sound, if such an approach is adopted (as is the case in this instance), safeguards to minimise consequent environmental risks are necessary. Formal environmental impact assessment of the proposed freeway alignment within the Alkimos-Eglinton locality affords the best opportunity of securing such safeguards.

The planners go on to list some of their specific concerns and indicate how they can only be addressed by the adoption of a formal environment inquiry. They mention concern about Karli Spring, a small freshwater wetland near the coastal zone. This is about 200 metres inland in the south west extremity of the Alkimos locality. Apparently, some evidence is available that it has some importance as an Aboriginal site. Under the proposed amendment it is included within the coastal parks and recreation reserve and it is buffered from up-gradient urban areas by a reserve. However, the adequacy of that buffer may not be enough to protect the Karli Spring from degradation. In the opinion of the planner, the only way in which these matters can be addressed is through a formal environmental impact assessment. In assessing that proposal the Minister has said, "Look, it is all okay. When you come to assessing the adequacy of the public open space we will have the capacity to deal with issues of this type." His comment on the site issue is that the Aboriginal significance of coastal wetlands should be addressed by the Department of Aboriginal Sites. No preparedness was evident to appreciate that one cannot rely totally on the planning process which will come later, because it may not have the flexibility at that stage to provide the protection required.

Much the same thing is required on the hydrological impact of Pipidinny Swamp. Unless the water resource management issues are properly addressed during the planning process, the problems will continue in the production of undesirable environmental consequences. This could lead to drowned wetlands and an increased requirement for expensive engineering solutions. Examples are given of this occurring at Lake Joondalup. If early in the long process these water resource management issues were addressed, it is very likely that the strategy to ameliorate the problems would prevent later problems. However, a formal assessment is required to enable that to happen. The Government says that it will put the amendment in place and then it will look at the problems down the track. The reality down the track is that the flexibility may not be available following other planning decisions and other developments under way, and the capacity may not be available to deal with the problems adequately and provide solutions. We do not accept that it is adequate to proceed with this amendment without a proper formal environmental assessment of the impact of the proposed amendment. We believe that the approach adopted by the Minister and the State Planning Commission has been demonstrated to be totally inadequate. It is a totally unacceptable approach for any government that claims to be environmentally responsible to say that it will deal with these matters later one by one.

The Opposition finds it extraordinary that the amendment has been altered to make the problem worse rather than better. Hon Jim Scott has demonstrated that any submission by those concerned about the broader environmental issues has basically been dismissed, and yet many of the submissions by private landowners, who are understandably anxious about their personal benefits, have been upheld. The changes to the amendment represent a reduction in the environmental protection provided. That makes it doubly unacceptable. The Opposition recognises the need at this stage for more housing, but the Government cannot proceed in the particularly amateurish way it has chosen.

**HON KIM CHANCE** (Agricultural) [7.52 pm]: It was not originally my intention to speak on this motion, but I am prompted to do so by the interjections from Hon Ross Lightfoot and the Minister for Health. They challenged Hon Jim Scott's contention that the Government's practice of releasing large areas of land for development was essentially giving the Government's mates a free kick. Of course, Hon Jim Scott is right. When land is released at a late stage of the holding phase, that transfers the capacity to make a large profit from the public sector to the private sector. That can be described as a free kick.

Hon Peter Foss: It is not a late stage.

Hon KIM CHANCE: Yes, it is. The low profit end of holding land for future development is the long term broadacre landholding function that LandCorp and its predecessors have performed.

Hon P.R. Lightfoot: Like Hepburn Heights. Not like Hepburn Heights.

Hon KIM CHANCE: I will touch on developments of that type later. LandCorp makes profits, but very little profit from that function we normally identify with it; that is, the long term broadacre landholding function. A number of things eat into a profit - time principally, because the investment must be held over many years. Also planning decisions made in anticipation of the land use pattern at the time the land is purchased may change totally in the years between the original purchase and the final development.

Hon Peter Foss: It is also reasonably low capital investment.

Hon KIM CHANCE: On a per unit basis that is true, but it would be inaccurate to describe LandCorp's broadacre landholdings in this state as a low capital investment. Changes also take place in the planning mechanisms which increase the area to be set aside for public purposes. Although the long term broadacre landholding is an important public function performed by LandCorp, it is not a high profit maker. Later in the time scale and closer to the final development of the land, the profits start to rise. That is how LandCorp balances its books - by making profits at that end of the process to compensate for the long term landholdings. The closer to the potential development, the greater the possibility of profit, and the shorter the time the capital must be outlaid.

Hon Peter Foss interjected.

Hon KIM CHANCE: It depends again on the unit scale.

The PRESIDENT: Order! We are not at the Committee stage. A motion is before the House and we are listening to Hon Kim Chance. I suggest that he does not have a discussion with the Minister, but rather that he speak to me.

Hon KIM CHANCE: I will do so, Mr President, because I am sure you will make more sense than members opposite.

The PRESIDENT: I will not say anything.

Hon KIM CHANCE: We now see in Western Australia the sale of broadacre locations to private developers. That in itself is not necessarily a bad thing, but these sales are not happening at the early stage in the low profit end of the landholding operation. Rather, they are happening in the later stages of this landholding; that is, within a few years of the development occuring. That is the high profit end of the business. Interjections from Hon Ross Lightfoot and the Minister for Health would lead people to believe that the release of these large areas of land is tending to put a downward pressure on the price.

That is a load of garbage. It cannot do that. The only thing that can reduce the price of land in the sustainable term - whether long or short - is the total number of developed lots available. Any fiddling around with the ownership of the broadacre lots means transferring the capacity to earn a profit from the public sector to the private sector.

Hon Peter Foss: Unless you rezone, you cannot have the lots.

Hon KIM CHANCE: Once those large locations are in the hands of developers, it is in not in their interests to release them at a rate that will guarantee the price of developed land will fall. On the contrary, it is in their interests to ensure there is a limit on the number of blocks available. That can be done with or without the collusive process, and it will force the prices higher. It remains in the power of the developers to convert undeveloped land to developed land. No matter how much land is in their hands, it will not affect the price of land to the home buyers.

Hon I.D. MacLean: You cannot have developed land without having undeveloped land first.

Hon KIM CHANCE: The point has been made by interjection that there must be undeveloped land before the land can be developed. Of course, that is true, but I do not believe anyone is suggesting rationally that we are short of undeveloped land to the extent that it is affecting the price of developed land in Perth. We have a problem, and I think the debate and the interjections between Hon Jim Scott, Hon Ross Lightfoot and the Minister for Health established some interesting facts about Hon Jim Scott's views on how a city should be developed.

Hon P.R. Lightfoot: You cannot assume that Hon Jim Scott's views are necessarily fact.

Hon KIM CHANCE: That point of view is one that needs to be expressed when we make planning decisions because we should do so knowing the outcome of the eventual decision on a planning matter. The only result of those releases is the transfer of profits from the public sector landholder - LandCorp, for example - to mates in the private sector, the white shoe brigade.

Hon P.R. Lightfoot: You mean the potential landholders.

Hon KIM CHANCE: I am not sure. I will not breach standing orders any more. I acknowledge that transfer of commerce and commercial opportunity from the public sector to the private sector is an entrenched icon of the conservative ideology, and that is something we expect of Liberal governments historically. It is not a trend that we -

Hon E.J. Charlton: You did it in the 1980s.

Hon KIM CHANCE: - will be ambushed on. An ambush is something more akin to the treacherous action by the Government in closing the Midland railway workshops which put the electors of Helena out of their jobs. When people say they will not do something and then they do, it is an ambush.

Hon E.J. Charlton: Is that a fact, or is it a gutter Labor statement?

Hon KIM CHANCE: At least we expected the Government to do that.

Hon Mark Nevill: The Midland Workshops are in that area.

Hon KIM CHANCE: It is all Perth. The metropolitan region scheme amendment No 932/33 is clearly one which will have some support from the people in the area. The Opposition acknowledges that our support for the disallowance motion will not please everyone in the area, but surely no planning decision ever pleases everybody. No planning decision that we make which so comprehensively affects values, the way people live and see their own local community developed by comparison with the picture they have in their minds of the area developing, will ever make everyone happy, but surely by now we must have learned from hard experience that planning decisions are made under formal environmental assessment requirements, and we should not compromise on that need.

How many times must we make mistakes which cannot be changed, mistakes which we

cannot say we will fix in another 20 years because they have been made and we are locked into them? Members opposite have even cited some examples of mistakes in respect of the provision of sewerage. It is a very good point. This is not simply a land planning issue; it is a matter of planning infrastructure. We have made mistakes by allowing development of areas with septic tanks that we should not have allowed. We have allowed our capital city to run wild over the area of land it occupies when we should have asked about sensitive medium density housing in the 1930s to the 1950s. We cannot undo those mistakes, but please, when we are making planning decisions of the size and importance of this amendment, let us make sure we get the facts right in the first place.

**HON P.R. LIGHTFOOT** (North Metropolitan) [8.04 pm]: Previous speakers have correctly recognised that issues of town planning particularly on such a significant scale as this proposed metropolitan region scheme amendment are exceedingly important. I would like to see, in the first instance, many Kings Park-style reserves set aside along the coast. I would like to see much more protection along the coast for that sensitive sand dune area that fronts the Indian Ocean and is subject to the pounding, and which has taken millennia to evolve into plants that bind the dunes together to prevent damage to the hinterland as a result. I would like to see many more green belts between developments. If we have not learned from the western suburbs of Sydney and the boredom of driving through them, we have learned nothing in the post-war years with these massive developments. In a perfect world we would have many more Kings Park reserves along the coast. We would not have direct beach front development because of the damage to the sensitive dune areas. We would have many inquiries into endangered species.

One thing that Greenpeace and other movements do - and Hon Jim Scott is as guilty as any - is detract from the debate and the bilateral support it could get, by bringing in furphies. One furphy that was introduced, as Hon Jim Scott is wont to do on many occasions, is that we subdivide a zone - he did not say it but he implied it - and give it to our mates. It is a suggestion of nothing but corruption. Accusations of that type are not just spurious; they are nefarious. They have no basis. Clearly it is bulldust, as the Minister said.

I recall the development of an area at Hepburn Heights which should not have been developed. It went ahead under the previous administration and the area was subdivided. It was a green belt and was becoming unique. It was an area of thousands of acres, or hectares, and that type of scrubland should have been left intact.

Several members interjected.

Hon P.R. LIGHTFOOT: In a perfect world it would, but to say that the land is subdivided and that the Government hangs onto it and at the last minute, instead of making it available, gives it to the private sector because of its mates, is mischievous and inaccurate. We are seeing now the sale of broadacres to developers. It is still a demand and supply situation. If we restrict supply, of course demand increases. It was never the intention of the Government to restrict the supply of subdivided blocks. Our business is about getting a balance, so that developers do not go broke and people who want their quarter or fifth of an acre are able to get it at a reasonable price; but because we demand in modern times that we have underground power, adequate sewerage, proper curbing and parks, proper roads and other infrastructure, of course it is a serious development that involves millions of dollars over the period.

It is not the responsibility of the Government to risk money in developing these sorts of enterprises. It is properly in the area of the free enterprise system. It has been proven time and again, in spite of the social experiments, that they are the best people to do it. In that way, we get the best value for money, and that is why private developers do it. It has nothing to do with corruption. However, I am concerned that the debate becomes lost when a red herring of the nature of Hon Jim Scott saying that developers are the mates of the Government and that is why they get the land rather than the Government developing

it, detracts from the situation of obtaining bilateral support. I would like to see many more green belts set aside, but we will not get bilateral support as long as members opposite antagonise government members. I can see one reason why the restriction of development should happen. That reason is the old socialist central control of people; that is, come back to the city, build high rises; build potential ghettoes, to the detriment of the people living in the northern, or even the eastern or southern suburbs that have become congested with reasonably cheap blocks. We should bring people back to the city because that extrapolates into votes that are so vital for the socialist side of the Parliament to regain power. That is not what Australians are about.

Hon Kim Chance: Is this the night of the long bows?

The PRESIDENT: Order! I am pleased that earlier Hon Ross Lightfoot pointed out to a speaker that he should be talking on the motion. I am wondering why he does not do that.

Hon A.J.G. MacTiernan interjected.

Hon P.R. LIGHTFOOT: The weight of numbers seems to be clearly against me and I will endeavour to be much more specific about Order of the Day No 3. However, in saying that, it would be remiss of me not to offer a reason for the antipathy towards developing further areas along the coast where warranted and which environmental impact reports clearly support. After all, everyone in this House has had the opportunity to live in the so-called leafy suburb. In most places overseas, for example - dismiss the western suburb of Sydney - there are few or no examples of where multistoreyed developments, such as units, have been entirely successful as long time habitation for people. It is a mistake to think that high rise accommodation can be developed and integrated successfully into modern society.

Hon A.J.G. MacTiernan: That is not even the argument.

Hon P.R. LIGHTFOOT: It is not an argument. I am speaking - I am not arguing with myself. The President is not arguing with me.

The PRESIDENT: He will be in a minute.

Hon P.R. LIGHTFOOT: The ulterior motive, at least partially, is to detract from development of what is, in terms of a percentage of annual income, quite reasonable prices of building blocks which are expensive to develop. People want underground power lines. Everyone in this House, not only Hon Jim Scott, who often shows a bent fetish for these subjects, wants underground power lines, deep sewerage and proper roads. They cost money, but that is what we are entitled to. A developed society is about offering these things. They should not be denied. If the flow of land available for development is restricted the price will rise.

Hon A.J.G. MacTiernan: We want an assessment of it now, not piecemeal assessments later. That is the essence of our argument.

Hon P.R. LIGHTFOOT: Surely the assessment that has been done on this subject is adequate. The Minister in charge of this area in another place is arguably the best and most professional this portfolio has seen for some decades. He is highly professional and very respected in his field. The state is lucky to have such a dedicated and professional man earning the type of money that ministerial salaries and stipends pay.

Hon Mark Nevill interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: In closing, if these sorts of motions come before this House - they will invariably - by sticking to specific points, the Opposition is more likely to attract the support of the Government without introducing red herrings as a token contribution for ulterior motives, furphies and nefarious statements like Hon Jim Scott made about the Government handballing development to its mates.

Debate adjourned, on motion by Hon Peter Foss (Minister for Health).

## MOTION - SALARIES AND ALLOWANCES TRIBUNAL

*Consideration of Recommendation to Parliament*

**HON TOM STEPHENS** (Mining and Pastoral) [8.14 pm]: I move -

> That this House give consideration to the recommendation to the Parliament of the Salaries and Allowances Tribunal contained within its determination of 3 June 1994 which recommends that Parliament clarify as soon as possible the confusion that currently exists as to the respective roles of the Executive Government, the Joint House Committee and the Salaries and Allowances Tribunal in determining the various entitlements of Ministers, members of Parliament and other parliamentary office holders.

This order has come on more quickly than I anticipated.

The PRESIDENT: It is Order of the Day No 4 and that comes after No 3.

Hon TOM STEPHENS: Mr President, you were not privy to discussions behind the screen about the order of the Notice Paper, therefore you will not have known there was agreement for Order of the Day No 5 to come on.

The PRESIDENT: I would not have any idea about that.

Hon TOM STEPHENS: Now that you know that, Mr President, you will understand why I am surprised that Order of the Day No 4 has come after No 3.

Hon Tom Helm: When I were a lad!

Hon Doug Wenn interjected.

The PRESIDENT: Order! I must try to follow this.

Hon Tom Helm: I would not bother, if I were you.

Hon TOM STEPHENS: You, Mr President, are one of the members of this Chamber who has left me encouraged to come forward with a motion such as this, not because of anything you have said to me about its specific terms and not because of the range of issues that can flow from this.

Hon P.R. Lightfoot: Is this a preamble to what you are going to talk about?

Hon TOM STEPHENS: Yes.

The PRESIDENT: Order!

Hon TOM STEPHENS: Over the years I have had a number of discussions on these questions that have led me to the view that this issue can be better dealt with than the way issues are currently dealt with in the administration of parliamentary affairs in Western Australia. This year the Salaries and Allowances Tribunal has again made a recommendation that was encompassed in its report that was gazetted on 3 June 1994, which, under the heading of Electorate Office Staff Air Travel, Leader of the Opposition and Related Matters, states -

> Many of the submissions -

They are the submissions to the tribunal that led up to its determination of this year -

> - related to staffing and facilities in electorate offices or requests for allowances to pay for additional support staff and/or equipment. Others concerned resources available to the Leader of the Opposition in both Houses.
>
> It was also strongly submitted that there was a need for determinations on allowances in cash or kind for Shadow Ministers, Government and Opposition, Deputy Whips and others who performed additional functions in the Parliament. The Tribunal was asked to make a recommendation to the Parliament that the Salaries and Allowances Act be changed so that this could be done.
>
> For many years there has been confusion as to the respective roles of the Executive Government, the Joint House Committee and the Tribunal in determining some of the various entitlements of Ministers, Members of

> Parliament and other Parliamentary Office Holders. Where there has been a history of certain matters being dealt with by others the Tribunal has been disinclined to move into those areas although, arguably, some are within its jurisdiction.
>
> It would be beneficial to all concerned if the Parliament clarified these matters as soon as possible and the Tribunal so recommends.
>
> In our view the question concerning shadow Ministers and others is not one about which we should make a recommendation. However, it should be said that the Tribunal's records disclose that since the days when the late Premier Sir David Brand was the Leader of the Opposition there have been on-going complaints about the resources available to the Leaders of the Opposition and Shadow Ministers. The strength with which opinions are held appears to diminish with a change in government, regardless of which party gains power.

Members might want to make some remarks about the comments within that tribunal's report and recommendation.

I do not think the President will mind my pointing out to the House, as if it were my own insight, that when the late Premier, Sir David Brand, was Leader of the Opposition he could not possibly have made a complaint to the Salaries and Allowances Tribunal, because - I think I am right in my observations - Sir David Brand was never Leader of the Opposition while the Salaries and Allowances Tribunal has existed. I can take that as my own fresh insight that no-one will know was an observation that came from somewhere else. Nonetheless, it is quite possible that the tribunal's records contain an observation made by Sir David Brand while he was the Leader of the Opposition, even if those comments preceded the establishment of the Salaries and Allowances Tribunal.

This Chamber is more used to my rising in a manner that attempts to highlight the differences between both sides of the House. I find by nature a real capacity to do that; to demonstrate the differences that exist across the Chamber on a variety of issues. I believe that in many ways that is what the Parliament should be about; that is, staging a theatrical display of the divergence of viewpoints. Tonight I rise in a different role without the same capacity, I fear, to try to unite the House in addressing the recommendations of the Salaries and Allowances Tribunal insofar as it has recommended to the Parliament that it clarify these matters as soon as possible. I am not as skilled at uniting this House as I might be in dividing it. Nonetheless, I will give it my best shot.

Hon George Cash: You will be pleased to know that on this side of the House we also want to ensure that clarification is made of the apparent confusion on tribunal matters. You will not have to try too hard to unite the Chamber. However, we must agree to a general proposition that can be presented to the Premier so that the Act may be changed to reflect what the House is trying to achieve.

Hon TOM STEPHENS: I thank the Leader of the Government for those comments. Perhaps members will recall that the Leader of the Government in this place during debate on the Public Sector Management Bill only a few months ago invited me to move a motion of this sort. The next day or the day after in response to that I gave notice of this motion, which has now found its way onto the Notice Paper. I also pay tribute to the Leader of the Government for having allowed this motion to move rapidly from the notices of motion to the Orders of the Day. This has allowed it to be dealt with expeditiously. As the Leader of the Government said, that is a testimony to members opposite who recognise, as the tribunal has recognised again this year as it has for a number of years, that problems exist in the area of entitlement of office holders of Parliament, members and Ministers. Some of those problems have in recent times become the subject of a large amount of newspaper print because they deal with the sensitive question of entitlements; for instance, the imprest allowance, which was the source of charges and now the conviction of a previous Premier. Problems exist in that whole area of the use of the imprest.

I am aware that editorials and column inches in *The West Australian* have urged the government of the day to bring about change to the administration of the imprest

allowance for members of Parliament. I understand from a circular recently provided to all members that retrospectively the Premier of the day requires from members, for any imprest funds that have been spent since 1 April, a clear process of reporting the use of that imprest allowance for overseas travel in the same way as Ministers are required to report to Parliament their use of funds for overseas travel from the consolidated fund.

Some changes have been made to the system. However, it appears that this system has sprung up in an odd sort of way with a variety of agencies responsible for a variety of entitlements for members of Parliament. Clearly, at present the Government has a role in the provision of a variety of services, allowances, facilities and entitlements for the ordinary member of Parliament. Through decisions of the Premier of the day members are provided with electorate offices and a variety of facilities within those offices. Impacting upon the use of the offices is an interface with the Salaries and Allowances Tribunal which makes decisions about, for instance, the telephone facilities we have as members of Parliament; not so much the equipment, but rather the reimbursement of some aspects of our telecommunications. There is some reimbursement for the use of our telephones at home and in the electorate office, and of facsimile machines at work. Some allowance is provided for our use of mobile telephones, although the tribunal has not yet intruded into the area of recommending the provision of a mobile telephone.

Hon Doug Wenn: We will have to do it soon to ring a bus.

Hon TOM STEPHENS: It has held back because it says that this area has traditionally been dealt with by others. The tribunal states that it is disinclined to move into those areas, although arguably some are within its jurisdiction. The area of telecommunications is a classic example of the confusion that exists in this area where the tribunal has made recommendations of reimbursements for some sorts of equipment, but has been reluctant to move into the area of mobile telephones. All these issues are caught in the panoply of the provision of services for Ministers, members and officers of this Parliament.

There are other players in this process, one of which is the Joint House Committee of which I am a member as one of the representatives of this House. The Joint House Committee makes available in the same area of telecommunications, for instance, different provisions for members to use the telephone in this place. Some of the provisions that relate to members' use of the telephone are totally different from the provisions brought down by the Salaries and Allowances Tribunal; for instance, overseas telephone calls. A different yardstick applies to members' access to that facility in this place from what is available through our electorate offices by the tribunal's determination.

I am aware there is another player in this process; namely, the Houses themselves, which are the providers of yet another raft of services and facilities to members. That has been highlighted in another way by a different debate on the illumination of the other Chamber. That provision of services may relate, for instance, to the facilities in the Chamber, and beyond that to our work as committee members and to travel arrangements relating to that work. In the area of travel, decisions are therefore made by the House, to some extent by the Joint House Committee, by the tribunal, and then also by the Executive Government. Four players are involved in the area of allowances for members' travel. Almost by virtue of the fact that at least those four players are involved - perhaps someone else could point out that there are others - the opportunity exists for confusion by members and others. Certainly new members may be confused, and now old players such as I in trying to service my electorate can unwittingly become victims, falling between these areas of the players, and tending to fall readily into difficulties as a result of the varying responsibilities of those four players in making determinations about entitlements, and then administering those entitlements. Quite clearly there are problems with providing facilities to members of Parliament to assist them in carrying out their duties. Opposition members, by virtue of being in opposition, have had brought home to them the difficulties that members in opposition experience. Government members who experienced the same difficulties when they were in opposition may think that will teach members of the Opposition a lesson.

I have discovered that a large number of representations were made to the previous government by Liberal Party members. Those representations, the majority of which dealt with entitlements for members, went into the system of government, but many were never dealt with. It appears that many were not brought to the attention of some of the decision-makers at a senior level who could have resolved some of the issues. The requests were killed off somewhere within the system because some people felt the government of the day would not want to make decisions on requests made by the then opposition. I have also discovered that former Premiers, leaders of the Labor Party, were not aware of some of the requests which found their way into the system and were knocked back by virtue of the efforts of the people within the system as if to respond to their political masters' wishes without even knowing what their wishes were. I fear that there is a risk of that happening today.

Members of Parliament have in common a complete commitment to wanting to serve the people of Western Australia. I have not come across a member of this Parliament who does not share my passion for, and commitment to, representing the people in the electorate and doing things for the advancement of Western Australia. There are a variety of ways to do that, but members of Parliament have a passion to do just that. However, to be in a position to do that, basic services and facilities in the area of entitlements must be provided - not in the form of grand entitlements as though we are some sort of puffed up bullfrogs, but appropriate entitlements because we are members of Parliament and we have an obligation to do things on behalf of the people of this state. We must be able to function as modern, contemporary executives as this state moves into the final years of this century.

It is appropriate that some of the questions I have raised should be dealt with now so that the members of Parliament in the next century, which is only a few years away, have a fighting chance of being adequately equipped with the appropriate facilities and technologies to respond to the demands and needs of the people of Western Australia. When I was elected to this Parliament in August 1982 I was shown a manual typewriter which I was expected to use in my office. I thought someone was having a joke. I was told it was an improvement on previous years when members of Parliament did not have typewriters and had to rely on a typing pool. My predecessor, Bill Withers, had to use the typing pool. Some of the older members of the Labor Party told me I should be grateful for that manual typewriter. I had previously been a research officer in a federal member's office and I was shocked by what was happening to me when I found myself stripped of the facilities which I had had when I worked in that environment. I persisted and eventually I was given an electronic typewriter which had a 14 letter memory capacity. It was considered that I had reached the big time.

Hon Peter Foss: The difference is still there between federal and state members.

Hon TOM STEPHENS: The gap is getting wider.

Members will be aware that this motion is not about trying to make our lives easier. Basically it is to make sure that members of Parliament are equipped to meet the demands and expectations of the community. Democracy is a very fragile flower which this nation has been lucky to inherit. Democracy will surely be killed off if the expectations of the community are not met by the institutions of that democratic process of which we are a part. If we cannot deliver in a way that meets the expectations of the community by using all the technologies available we place the democratic tradition of this state at risk, because people will become disenchanted with that process.

The business world has been bombarded with advertisements from Telecom which state, "Do not sit there, ring a client." I am not one of those lucky people who have the resources to buy a mobile phone and I know that not all members of Parliament want one. Quite often when I am travelling within my electorate I think of those constituents who have been trying to contact me, and if I were equipped with that basic piece of technology I would be able to respond to some of the queries more rapidly than I am now able to do. I have not had the luxury to be able to extend my budget to purchase that piece of technology. One of the reasons that I do not have that technology available to

me is that the Salaries and Allowances Tribunal has chosen not to enter that area, which has traditionally been the domain of Ministry of the Premier and Cabinet. However, it could be argued that it is within the tribunal's jurisdiction.

The tribunal would like this Parliament to clarify the respective difficulties and gaps within the system. I have mentioned the imprest system and the wider area of travel which falls between and betwixt a number of areas. It is essential that the Parliament, with the assistance of both the Government and the Opposition, sort out these anomalies in travel as quickly as possible. The risk is that members will unwittingly fall into some of the gaps in the system that can lead to them having problems with the law. I urge members of the Government to take my word that these gaps create the opportunity for problems to arise. Although in recent times a former Labor member has fallen victim to some of this confusion, it may not be only members on this side of the House who will fall victim to the problems of this system if it is not sorted out promptly.

Hon George Cash: Do you consider the Salaries and Allowances Tribunal should take over the imprest account?

Hon TOM STEPHENS: I would certainly advocate that the Salaries and Allowances Tribunal be the body that makes determinations about the entitlements of members in these areas. In my view the entitlement to imprest funds should not be administered by the Premier of the day. Such a determination should be made by this independent tribunal. The administration of this system should not be carried out by the tribunal because it is not an administrative body; rather, it is a deliberative body which should make a determination as to entitlement and leave the administration to others.

Hon Peter Foss: To parliamentary officers, for example? Do you mean people currently doing our wages and the like could do that?

Hon TOM STEPHENS: That is right. I think the staff concerned are described as Joint House Committee staff. I know the Leader of the House will next ask to whom applications for use of the imprest allowance should be made.

Hon Peter Foss: It should come out of the hands of the Executive.

Hon George Cash: That is the view I share. I have not addressed that with the Government, but certainly editorial comment in the newspaper also appears to favour that because it would depoliticise the situation. In saying that, it could be implied that the system was previously politicised, but at least we would understand where we were going.

Hon TOM STEPHENS: I do not have a quick answer to the question by the Leader of the House, and I do not want to retreat too rapidly from something I perhaps communicated before. It is not appropriate for individual applications to be made to the tribunal, and I make that comment on the basis of the work in the Government Agencies Committee in relation to the administrative work of such bodies. This administration should be perhaps done in the Joint House area, with applications perhaps being made to the Clerk of this House and being dealt with on the basis of guidelines established by the tribunal.

Hon George Cash: As long as the guidelines were absolutely clear.

Hon TOM STEPHENS: Yes. One of our problems has been that the guidelines of that system were terribly imprecise. One of the ironies of the system - it is not the fault of any political party because the system was started by one government and continued by another of a different political persuasion - is that the Premier of the day was the only person in a position to change those guidelines. Therefore, any Premier could have changed the system in order to benefit himself rather than become a victim of it. Those guidelines could have been changed in any way the Premier chose. That is not an appropriate situation. In 1994 the imprest account should not exist in the way in which it was established in 1980. It is no longer appropriate and we should get on with the next phase of its life. A determination should be made by the tribunal about whether this allowance should continue. If the tribunal rules that it should, the system should be administered by those who administer other travel arrangements. All members in this

House are aware of the atrocious conditions in which the Joint House Committee staff are working, and the thought of throwing more work at them horrifies me. I do not like the unfortunate dog boxes which were set up under the previous government. I cannot blame the current Government because it has been in office for only 18 months, and it has made a commitment to do something during the next election cycle.

Hon Mark Nevill: It will not be in a position to do anything about it then.

Hon TOM STEPHENS: My hope is that whichever party is in office will accept responsibility for resolving these questions and that bipartisan support will be given to any proposal. This situation creates problem after problem, and we all create further problems in such matters because of the nature of politics.

Hon George Cash: Another issue that has been raised with me is that the Leader of the Opposition in both the Assembly and the Council should be allocated a certain number of intrastate aircraft trips a year.

Hon Mark Nevill: What about the deputy leader?

Hon George Cash: That would allow the Leader of the Opposition in both Houses to allocate those trips in the first instance to his shadow Ministers, but also to other members who may represent him across the state. Does Hon Tom Stephens support that proposition?

Hon TOM STEPHENS: Yes, I do. That should be sorted out. The current Leader of the Opposition experiences, and I suspect the previous Leader of the Opposition must have experienced, difficulty with the inequities of the system because the entitlements of the Leader of the Opposition are not clear and precise. It appears the current Leader of the Opposition is trapped in some system established while the Labor Party was in government and which has not been sorted out since, that means the entitlements would be used at his peril.

Hon George Cash: The entitlement to the Leader of the Opposition in the Legislative Assembly is clear, but the difficulty arises with the delegation of his authority or the use of trips on his behalf. In my view a certain number should be allocated to the Leader of the Opposition for the specific purpose of being allocated to a shadow Minister or any other representatives so that they can do the job required of them.

Hon TOM STEPHENS: I very much welcome the spirit in which the Leader of the House is commenting on this issue.

Hon Reg Davies: It leaves the minorities out in the cold.

Hon George Cash: That matter may need to be addressed. I am seeking Hon Tom Stephens' views -

The PRESIDENT: Order! We should perhaps have adopted a different approach to this debate, similar to the way we debate amendments to the standing orders, when the House goes into Committee and we have a general discussion. However, we did not do that and, therefore, the member on his feet should speak and other members can speak afterwards. I cannot allow the Leader of the House and Hon Tom Stephens to take it in turns speaking, with one standing and the other sitting down.

Hon TOM STEPHENS: I was tempted to alter my motion and move for the establishment of a Joint House select committee to address the specific recommendation of the tribunal. If at the conclusion of my remarks and the adjournment of this debate Government members were to think about this question and decide they were attracted to that option, they would have the support of the Opposition benches. I can speak on behalf of my colleagues as we are committed to recommending to the Government the establishment of a Joint House select committee to assess this question. I have already heard from the Leader of the House in a previous debate some of the difficulties in doing that because the Houses are likely to more regularly fall out of sync with different sitting times, but this seems to be the clearest example of where one may be necessary. If, for whatever reasons, government members think it is not the best way to go, but they are genuine, as I know they are, in wanting to resolve some of these questions, there may be

another way of having a crack at it. For instance, a subcommittee of the Joint House Committee could tackle the precise questions and get up some recommendations that have bipartisan support that can go back through that Joint House Committee, that can be canvassed with their parties, then referred to the Government for it to consider the specific Statutes that govern those questions. Or perhaps, finally, the Government has already almost resolved enough matters and wants to tackle these questions itself. If by virtue of my comments and unruly interjections in this Chamber in the process of this debate it took the hint and strengthened its resolve and commitment to grab the Statutes, instruct Parliamentary Counsel that amendments be drafted and shunted up through its own system into the party room and back onto the floor of the House in double quick time, then these questions could be resolved, although not necessarily through the best processes of bipartisanship. Nonetheless the Government would win brownie points by being expeditious.

Members will be aware, from a quick glance at the tribunal's determination of June 1994, that it tackles, by virtue of its own Statute, the basic salary of members of Parliament. In the process of the review some members may question why we must go through this annual problem. Why not do what most of the other States have done and connect us to the processes applying to most other parliamentarians in the nation? That is, have some pegged arrangement with the Commonwealth process or some section of the public sector. That would allow the process to drift through the system rather than have the annual kerfuffle of a media festival which allows people to denigrate the role of parliamentarians, rather than recognising how essential we are to the whole processes of protecting democracy and how important our services to our electorates are in that task.

The electorate allowance is dealt with by the tribunal's determination by way of a bland figure. That allowance enables us to spend in some areas; for instance, many members use the electoral allowance to appoint extra staff. Staffing is not an area of determination for the Salaries and Allowances Tribunal as it does not involve itself in staffing; this has been an area entirely left as a decision of the government of the day. The electorate allowance is utilised by many members to employ the additional staff that are necessary to respond to the demands of our electorates. It seems appropriate that even electorate office staff allocations should be determined by the tribunal, just as it makes determinations on the electorate allowance. The Government may hold a different view; that happens to be my view.

The motor vehicle allowance has now fallen within the purview of the tribunal. There was toing and froing between the previous government and the tribunal as to who had the right to decide on that question. There seemed to be difficulty with the Statute, because the government of the day thought it could move into this area but it was challenged by others who read the Statute differently. That must be sorted out by a quick look at the Act and an amendment if necessary to judge who is properly making determinations on entitlements in regard to the motor vehicle provision for parliamentarians. I understand, because I was a chairman of a standing committee of this Parliament, that somehow or other chairmen of standing committees of this Parliament have entitlements to a vehicle. I am not sure how that came about.

Hon Reg Davies: Or why.

Hon TOM STEPHENS: I can nearly understand why, because a chairman might have obligations on behalf of the committee. It happened, but it did not happen in a coordinated way with a single group looking at necessary entitlements and facilities required by a member or the chairman of a committee to get on with their jobs.

Hon Reg Davies: Better to give them another staff member than a car.

Hon TOM STEPHENS: Currently the tribunal makes provision for air charter and car hire. It is extraordinary that the cost of my regular passenger transport anywhere between Perth and my electorate is picked up by the Government of the day by virtue of my booking a plane ticket any time. I can do that 365 days a year if I want to fly to and from Kununurra, at the cost of $1 400, and theoretically no-one would bat an eyelid. I presume that if I sat on the plane too long someone night eventually throw me off

because it would cost the government too much! There is no cap on regular passenger transport to or from my electorate - not that I am advocating it.

Hon Mark Nevill: Do not put ideas in their heads.

Hon TOM STEPHENS: However, there is a cap on my use of air charter or car hire. It does not seem to be standardised. The tribunal determines my use of air charter and car hire, and the government of the day decides on the normal electorate travel. I am not wanting to put evil ideas in people's minds, because in the service of one's electorate there is no joy in plane travel for members like me. One gets on the plane somewhat reluctantly; the joy is in getting off and it is no great perk of office.

The provision of resources for Ministers of the Crown could be better determined than it is now. That is a controversial suggestion. I am not necessarily suggesting that the Government will find the capacity for bipartisan support for that suggestion; however, I draw the attention of the House to Queensland, where the Fitzgerald inquiry made recommendations to standardise the provision of facilities for Ministers. That precise formula is then extended to the leaders of oppositions and the resourcing of the opposition in a way commensurate with what is available to government.

At the moment, although there is some reference to the resourcing of Ministers in this determination, most of it is by virtue of the decisions of the Executive of the day. Perhaps the tribunal could have more of a role in that area. I may be pressing the Government too far.

Even now the Act has anomalies regarding the office holders of this Parliament; their situation could be considered by the tribunal to establish whether they need support to enable them to get on with their jobs. I have described the ludicrous situation that was being enshrined in the Public Sector Management Bill where the Premier of the day was being given the ability to resource the Government Whip with a staff person, effecting in Statute what was the practice of the previous government and of the present government; that is, one of the Government Whips, the one in the other House, has a staff person. The Opposition Whips, when we were in government, were not provided with that support in either House and that situation has continued with the present Government. That anomaly could be sorted out by looking at this part of the Statute and seeing whether the current list of officers who can be resourced by special consideration of the tribunal is appropriate.

It seems to me that the chairmen of standing committees should come under the purview of this tribunal. The tribunal could also consider the special support that should be provided to members of those committees to ensure that their extra tasks ares supported and get done. The Deputy Leader of the Opposition in this House is not an officer of the Parliament under the current Statute, yet he has extra responsibilities by virtue of the decision of his party that he be the deputy leader. No additional support can be allocated to that person as an office holder of this Parliament, as he properly should be considered. The same applies to the leader of opposition business in this House.

People on the other side of the House carry a workload owing to the decisions of their colleagues. Parliamentary Secretaries have received some support as a result of the decisions of the tribunal that flow from their limited inclusion in the Act which was done by the Lawrence government when the office of Parliamentary Secretary was created. For instance, the role occupied by Hon Bill Stretch and me is not one that is given any support under the jurisdiction of the tribunal, but it is a role that is resourced by the Joint House Committee. It enables us to have a staff person to service that function and role. This is an example of a multiplicity of people looking at the support which is necessary for members, officers of the Parliament and Ministers to get on with their jobs in line with the decisions that are made, in this case, by the Joint House Committee. It is appropriate to look at the Act to see whether those decisions should be made elsewhere.

The expense allowance is allocated to some officers of the Parliament because they are included in the Statute, but not to others. I have already mentioned the travel and accommodation allowance. I do not want to go into some of the extraordinary problems

in that area; however, it is a nightmare of administration for the officers downstairs as they fiddle with this Statute and some of the problems that have flowed from the decisions of the tribunal about the way in which those travel and accommodation allowances must be assessed and allocated to members.

There are provisions within the tribunal's determinations for parliamentary party meetings. One of the anomalies that has developed relates to the expectations of the community that members of Parliament should visit various parts of Western Australia to respond to their demands. The postage allowance currently falls within the purview of the tribunal, but it has not been able to see its way clear to allocate some of the modern variations of the old Australia Post system, such as access to Faxstream and all of the other facsimile technologies that are available, to enable members to communicate with their electorates. That would be more appropriate than going through the old Post Master General's system to which we are still limited under this tribunal's determination.

As I have said, the tribunal has entered into the area of telephone rentals and call costs but it has not adequately solved the type of telecommunications facilities that we need, such as mobile telephones or facsimile machines if they are needed to respond to a member's work situation. Each of us in this Parliament - 34 in this House and 57 in the other place - responds to his or her tasks in a totally different way from other members. Therefore, the system must be flexible to enable members who come to the job with their own skills, strengths and talents - and weaknesses - to be supported, to get on with doing that job to the best of their abilities. The current system does not do that and one of the reasons for that is this inadequate, inappropriate, diffuse responsibility for many of these entitlements and support structures that are put in place for members.

I believe these things could be more easily dealt with if the role of the tribunal was extended into as many areas as the Government can bring itself to agree to. They could include the travel allowance and the imprest allowance. The Executive of the day might be tempted to control exclusively the role of a parliamentarian by limiting the resources that are available to that person. It is a temptation of which I am well aware from my having been in government. It is very tempting for a government to want to limit parliamentarians in keeping an eye on government and ensuring they remain inactive as servants of the electorate. It is very tempting for governments to try to find ways of controlling the allocation of support for members of Parliament.

I hear from the Leader of the Government in this place a real willingness to try to tackle this question as best it can be tackled and to try to find some common ground. Clearly the imprest question has been thrown up and needs to be resolved, so let us get on and do it. We should also see what else can be resolved in the process. If the Government wants to form a Joint House select committee, it will have the support of those on this side of the Chamber. If the Government is attracted to sending this matter to the Joint House Committee, we could do that. If the Government wants to try to tackle as many of these questions as it can by referring this debate to the tribunal and through its own processes, we will certainly look at whatever comes out of that review as sympathetically and honestly as we can as an opposition, trying to grab from whatever comes out of that process that which we think is appropriate to be grabbed and supported by the Opposition in this Parliament.

Hon George Cash: It would perhaps be embraced more than grabbed.

Hon TOM STEPHENS: All right, embraced. I appreciate the interjection. I understand what Hon George Cash is saying. However, it is worth saying for the record that I know where I stand as a member of Parliament. I am passionately committed to serving my electorate; my commitment is a passion which I know is shared by every member of Parliament. In that context, some in my electorate have many needs that deserve to be attended to by me and my parliamentary colleagues appropriately, enthusiastically and well. In order to do that we need to solve some of these questions. That can be done if we get on with tackling the Statutes that limit the powers of the tribunal and the capacity of government to sort out the tangle in which some of these questions have been left.

It is for that reason that I moved this motion at the invitation of the Leader of the

Government. I hope that it does not need to be anything more than the vehicle for finally bringing to the House something which tackles the issues I have raised in my contribution tonight. I hope I have dealt with enough of the questions. Perhaps a variety of other contributions could have been made to canvas all the questions appropriately. I have given a thumbnail sketch of them. I hope it has been useful for the Leader of the Government, who has expressed the desire to refer my comments to the Premier with a view to ascertaining which solutions can be embraced by the Government.

**HON MARK NEVILL** (Mining and Pastoral) [9.13 pm]: I moved at a recent meeting of the Standing Committee on Estimates and Financial Operations that the committee examine the interrelationships between the bodies mentioned in this motion and the Parliamentary Superannuation Board in their intermingling and rather confused roles. I will commence with a few comments about the imprest account. A couple of years ago when some of the problems with the imprest account arose members were sent, or I requested - I cannot remember which at the moment - copies of our imprest statements of trips on which we had been. I noticed that a trip had been debited to my imprest account which had nothing to do with my imprest account. Someone in the Ministry of the Premier and Cabinet had taken it upon himself to debit my imprest account with some $500 or $600. Next I noticed a trip to Russia in 1991 on my imprest account, which had after it "tourism". If a royal commission subpoenaed this material it would look as though I had been to Russia on a tourist trip. In fact, I went with a lawyer colleague. I arrived in Leningrad, as it was then, five days after the putsch.

Hon Tom Helm: To join the party?

Hon MARK NEVILL: Not to join the party. I would gleefully have helped pull down the statues.

We had meetings with a number of people in Leningrad about new parties which were forming, to try to educate them about democracy. We supplied them with platforms of not only our party, but a couple of other parties. We talked with them about polling and the different campaigning techniques, because they had never been involved in campaigning. Before the communists took over they had the despotic tsars. We then travelled to Czechoslovakia, which had only just had its elections. Vaclav Havel was the newly elected president. We met four or five political parties and exchanged material with them. We discussed the whole gamut of campaigning, policy making, direct mail, posters, party organisation and that sort of paraphernalia. When we returned to Australia we sent many of those parties various information. We did the same when we arrived in Poland. We had a number of meetings with newly formed political parties. About 162 political parties contested the first election in Poland in 1991 about a month after we arrived. That trip appeared on my imprest statement as tourism. It was an enjoyable trip, but I thought that might give people the wrong impression.

It is asking for trouble for Premiers to be required to approve their own imprest account. That is crazy; however, that is the way the system was set up. Half of my imprest account is still intact from my last term in Parliament. I have not touched the imprest available for this one. I am a little nervous about using it because of my experiences.

I will relate a situation that occurred to me when I was involved in the Wittenoom inquiry. Alan Rogers, the other person on the committee, the research officer and I stayed at the Fortescue Hotel in Wittenoom for three days. The bill came to $292 for three people. That is equivalent to six lots of accommodation. I submitted that bill for reimbursement to each of us and debited it against the committee. That meant I received $90 for two days' accommodation at the hotel. My secretary completed my travel claims later. I am one of those who do not do this every month. It seems to accumulate for three or four months and then gets done. I signed all my travel claims a couple of months after that. In the back of my mind was a feeling that something was not correct. I could not work it out. I realised that my secretary had submitted a claim for the two days I had been in Wittenoom. I think it was for about $85 a day. Fortunately the claim had not left my office. I told her that she had better delete it because I had already claimed $45 a day for the two days I had spent there, and I should not be claiming that amount again. The

point is that if that claim had got through - I had signed that claim form - a royal commission could have said to me five years later that I had deliberately rorted the system by claiming twice for my stay at Wittenoom.

It was a lesson to me. I do not have the time to look at my travel claims. My secretary prepares my travel claims for two or three months. I do not have the time to go through my diary and see when I left a town and when I arrived in another town. There is just too much administrative work in my office for that sort of detail. When I receive my hire car claims, in the part where it states "where used" the car operators write "locally". I then try to read the faint dates on the duplicates of the hire car statements. I must work out where "locally" was. Was it Broome, Kununurra, Newman, Carnarvon, or Kalgoorlie? One just does not have the time. I look at them; if they look right, I sign them. I look at the accounts and feel nervous about what I am signing. I do not have much choice other than to spend an hour and a half going through diaries and checking details.

I am not a fan of the Salaries and Allowances Tribunal. I am not asking for more facilities but I have found its decisions absolutely illogical. I am better off living in Perth than in my electorate. I will not go into the details of that because I will probably be penalised again now that I am residing in Perth. Recently I attended a meeting at Salmon Gums regarding the closure of the research station. Salmon Gums is 300 km south of Kalgoorlie and 50 km south of the boundary of my electorate. I then travelled to Esperance and caught the plane to Perth. The Ministry of the Premier and Cabinet are refusing to pay the air fare from Esperance to Perth. Hon Philip Lockyer is in the same position. Despite the fact that Esperance is closer to Norseman, which is in my electorate, than Kalgoorlie and it is cheaper to fly from Esperance to Perth than from Esperance to Kalgoorlie, it will not be paid. I ask members to work out the logic of that.

I was asked by an Aboriginal community at Yagga Yagga, as was the federal member for Kalgoorlie, to give a reception to some Aboriginal and Torres Strait Islander Commission people who were going there allegedly to close the place down. I needed to be there the following night. I flew to Alice Springs. I shared the charter costs with Graeme Campbell, MHR, from Alice Springs to Yagga Yagga, which is in Western Australia. That cost was approximately $800. The ministry has agreed to pay it this time but will not pay it in the future. In the future the ministry will not pay for me to travel via Alice Springs to Yagga Yagga or Kiwirrkurra, which are the two communities I visit. Members may not be aware that I have a strong interest in Aboriginal communities in the central desert. In the mid-sixties I spent a couple of years at Balgo; it is an interesting place in which to work. The tribunal will not pay for me to fly to Alice Springs and then charter a plane to Yagga Yagga. The charter rates out of Alice Springs are very competitive compared with the north of Western Australia. The tribunal will pay for me to fly from Kalgoorlie to Perth; Perth to Derby, Derby to Halls Creek and charter out from Halls Creek, which is about $400 or $500 dearer. Can members work that one out?

The other issue which occupied my time for about two hours related to my leased vehicle. I do approximately three trips a year to the central desert. I drive through the Northern Territory to Balgo; sometimes I travel via Kiwirrkurra. Last June I went to Kiwirrkurra, and travelled to Lake MacKay to Balgo and to Halls Creek. The Salaries and Allowance Tribunal is refusing to pay any fuel which is booked in the Northern Territory. Members have a certain amount of money deducted from their salaries for fuel. It is not as though we get it for nothing.

Hon B.K. Donaldson: It has changed.

Hon MARK NEVILL: I will get to that. A ruling dated 14 March states that a vehicle shall not be driven while interstate without the member in the vehicle. Sometimes my vehicle is left at Halls Creek and I fly to Perth for a meeting and someone drives the car to Kununurra because I might be going there. Any authorised person can drive the car. Sometimes the car is left in Broome. Sometimes it is convenient for me to have my car moved to another point. I recently had my car driven from Alice Springs because I needed to attend a meeting on the Monday and could not have driven back in the time available. I cannot claim for any servicing or fuel out of the state. The tribunal ruling

states that the vehicle can be driven out of the state as long as I am in it. This is the determination published in the *Government Gazette* -

> Every member of Parliament . . . are provided with a government owned vehicle, shall be entitled to the supply of a private plated motor vehicle for use on Parliamentary, Electorate and Private business within Western Australia.

The ruling is clearly ultra vires the Act. The determination clearly states "within Western Australia". This recent determination makes it unattractive for members to purchase their own cars. In my electorate it is more attractive for me to lease a car, but I will not be leasing a car. Therefore, I lose out financially simply because I need to travel out of the state. I was invited by Western Mining Corporation to visit Roxby Downs. I considered driving but decided a few days before to fly because I needed to be back earlier. Under this ruling I am not allowed to do that. When the lease expires on my car, I will not be leasing a vehicle. The Salaries and Allowances Tribunal has seen to that.

Members might be aware that I have a pager. I have an aversion to mobile telephones. Pagers are not as invasive as mobile telephones. They vibrate on your belt and one can see who is calling in the middle of a meeting; if it is urgent one can leave and if it is not urgent one can stay. The tribunal will not pay the $600 a year cost associated with my pager but will give me about $1 500 a year for telephone calls made on a mobile telephone. Can members work that out? I do not want both. I am not interested in buying a mobile telephone now because in a year or two mobile telephones will be available that can be used in remote areas via satellite. What is the point in buying one now when in the future I will be able to purchase a mobile telephone operating via satellite in the middle of the desert? In addition, the newer models of mobile telephones have a pager system on them. Obviously pagers are on the way out. It suits me to have a pager at the moment, but the tribunal wants to give me only the option of having mobile calls paid.

Another area of confusion is that members' families are permitted trips to and from the electorate. The first time, I was told four trips a calendar year were allowed. My family had booked up four trips between July and December and I wanted to arrange one for January and was informed that the four trips had been used, that it was now changed to four trips a financial year.

Hon Tom Stephens: When did this happen?

Hon MARK NEVILL: A couple of years ago. I am told that it is based on the financial year, and Hon Tom Stephens believes it to be the calendar year. This shows the sort of confusion which exists.

When my eldest daughter turned 16 years of age, I could not find out whether a full time student of that age is entitled to a trip. Also I received incorrect advice that three children represents 12 trips a year for them all. Therefore, each child need not take four trips, but one could take five trips and another three. However, that advice was contradicted three months later. It is enough to make one pull out one's hair.

I was recently provided with a computer, for which I am grateful. However, I now find that my new printer cannot handle the software, so my new computer does not give me any advantage. The laser printer does not have the memory to hold the WordPerfect 6.0 software. I have already purchased my own notebook computer and my own facsimile modem at a cost of $5 000 for the facilities I need to work in my electorate.

Hon Tom Stephens mentioned telephone accounts. Some accounts are sent to the Ministry of the Premier and Cabinet, and some to the Joint House Committee. This is confusing, especially if one's electorate officer is away and a replacement is in the office. Ascertaining where the account is to be sent becomes a nightmare. Many members are aware of this problem, and by debating the matter we are probably not advancing the issue greatly. Nevertheless, I was bothered about my almost accidental incorrect claim for accommodation at Wittenoom from the Ministry of the Premier and Cabinet travel allowance rather than through the independent committee for which I was working. This showed how vulnerable I could be to a ruthless prosecutor claiming that I had double

dipped on the travel claim. A colleague of mine, a member of Parliament, is still being investigated by the Director of Public Prosecutions from the royal commission proceedings; they will not give up on him. They have been through every one of his, his wife's, his brother's and his parents' bank accounts for the past 10 years! I was told that one of his former clients in South Australia for whom he did estate work in 1967 had been contacted by the DPP and was asked whether problems had arisen regarding the way the estate was handled.

Members have to be very careful that they get these things right. My electorate officer seems to spend a large amount of time on processing forms and substantiating claims through receipts and other matters. I have a large electorate covering 80 per cent of the state, and my electorate officer devotes a great deal of time to organising my itinerary with air charter and car hire, accommodation and contacting individuals. This would be more time than that spent in a city electorate. Members with the biggest electorates need additional staff to ensure that they do not inadvertently make mistakes when processing documents for which later they can be pilloried. With the pressure under which we work we do not have time to check every detail; we must accept that our electorate officer has done a thorough job. We can look at the documents to see that no gross anomalies are contained, but I do not have time to go back and check my diary as required when making those types of claims. I am sure other members have these problems.

These problems need consideration. Problems exist in possibly overlooking the jurisdiction of the Parliamentary Superannuation Board, which determining some aspects of the system with the Salaries and Allowances Tribunal determining the multiples which apply to superannuation. This can throw out the calculation at the superannuation board. Some sense needs to be brought to the system to remove the confusion which wastes a great deal of time for me and my electorate officer. I do not know who will have the job of coordinating this, but it must be done or some of us might find ourselves in gaol.

Debate adjourned, on motion by Hon Tom Helm.

## MINES SAFETY AND INSPECTION BILL

*Second Reading*

Resumed from 22 June.

**HON MARK NEVILL** (Mining and Pastoral) [9.37 pm]: The Opposition supports the Bill. As I said during debate on amendment to the principal Act which came before the House last year, the most important thing to come out of a mine is a miner. In recent days we saw the tragic accident at the Queensland underground coal mine where 11 lives were lost. During the last 20 years, 30 lives have been lost in three separate accidents at that mine. This is a telling reminder of the dangers of working in the mining industry, and pressure must be maintained to reduce the accident and fatality rates in mining.

In Western Australia we have had a number of multiple fatalities in this industry; the most recent of these was at the Emu mine a couple of years ago when five people were drowned as a result of flooding in an open pit mine. In the mid-1980s a serious accident occurred at the Agnew nickel mine when miners were shaft sinking and the kibble in which the men were travelling to the surface hit the head frame; at least three people died in that accident. These things can occur at any time. The accident in Queensland last Sunday night underlined the risk that people face working in the mining industry.

The Mines Regulation Act - which this legislation will replace - was to be rewritten after the occupational health and safety amendments were proclaimed. Those amendments went through Parliament in 1990, but due to differences of opinion within the union movement and the then government the amendments were not proclaimed until December 1992. This held up that rewrite.

In order to unlock the impasse that had occurred during that time, in 1990 I drafted a Bill for discussion purposes. Some aspects of that draft Bill are contained in this Bill. In 1992 the Coal Mines Regulation Act was rewritten into a proposed Coal Mines Bill 1992, which did not come to Parliament. That exercise was not entirely wasted, because some

of the features of that Bill have been incorporated in this Bill. I know that the Department of Minerals and Energy and the industry have been contemplating the changes required to the Mines Regulation Act for some years. This Bill has come out of that rewrite which has been facilitated by the formation of the interim Mines Occupational Health, Safety Advisory Board. There has been a realisation for a number of years that the Mines Regulation Act is out of date. It did not really contemplate commuting schedules of fly in, fly out operations; it did not contemplate trackless mining. The Act was written in the 1940s when most mining was underground and it talked about quarries instead of open cuts or open pits, the jargon of the industry today; so the Mines Regulation Act had been left behind.

Other aspects of the Act were of concern. The provision of record books was quite confusing. At least two or three different record books were mentioned in the Act, and it was not clear from reading the Act which record book certain sections were discussing. The Mines Regulation Act certainly improved with the passing of amendments that brought in the duty of care provisions contained in the Occupational Health, Safety and Welfare Act. Although those provisions were not proclaimed for two years, large sections of the mining industry adopted the spirit of that Bill and set up health and safety committees and arranged for the election of health and safety representatives. Although it was not adopted across the board, by the time those amendments were proclaimed in 1992 health and safety committees were in place in the more progressive mines.

This Bill has the same duty of care provisions as the principal Act. The wording of the duty of employers is different from those provisions in the Occupational Health, Safety and Welfare Act. The employers do not have a duty under that provision of this Bill to report serious accidents, and because of that certain commentators have said it is a Claytons provision. As we will see during Committee, clause 76 of the Bill is a much more onerous requirement on employers to report accidents. Although that onus is not contained in the duty of care requirements of employers, it exists in the Bill in a clause relating to accidents.

My main criticism of the Government is the unnecessary and pointless exercise we went through last year to knock out the health provisions in the Mines Regulation Act relating to the ventilation board and the mines radiation safety board. Neither of those two boards had onerous workloads and they should have stayed in place until this Bill was proclaimed and the regulations gazetted.

The most disturbing aspect of the Bill that was passed last year was the abolition of mine workers health certificates. That system certainly needed changing, but it was entirely premature to abolish it when the Government had nothing to replace it. The amendments were proclaimed about December last year and by the time this Bill is proclaimed we will have had one year without a statutory requirement for employers to keep records of when people commence work at a mine or when they leave. That is of great concern because of the latency period with industrial diseases such as silicosis, asbestosis and mesothelioma. It is only the exacting records kept by government agencies and departments over the years that have allowed us to track down these people, to know exactly who worked at certain mines, and the periods during which they were exposed to dust.

I am certainly concerned that in years ahead there could be some problems with people having industrial diseases. As I said last year, people have been exposed to different suites of minerals in the past 25 years that they were not exposed to before. Certainly mine workers have been exposed to asbestoform minerals in the host rocks of nickel deposits, in actinolite and tremolite. If there were any problem - I have no reason to believe there will be - we would see it in the next five to 10 years. It is the same with iron ore mining, where people are exposed to low levels of asbestos. The recent report of the Select Committee on Wittenoom allegedly tried to dispel the "myth" that asbestos exposure in iron ore mines is somehow higher than they are in Wittenoom. They say that the asbestos levels in the iron ore mines are 10 times lower than the occupational exposure limit, but they do not say that at Wittenoom it probably is 10 to 15 times lower than the occupational threshold for asbestos. They say that there is no known case of

mesothelioma among iron ore workers. One would not expect there to be because the Pilbara mines have been operating since only 1967.

Hon P.R. Lightfoot: It has about a 30 year lead time.

Hon MARK NEVILL: So, one would not expect to see that now.

Hon A.J.G. MacTiernan: The Health Department asserts a lack of risk to iron ore miners due to the rigorous controls in the workplace, such as the wearing of masks and the provision of sealed cabins, but one need only go to the mines to see that is not the case.

Hon MARK NEVILL: There is certainly plenty of dust. I am not trying to alarm people by stating that there is any problem. If there were a problem it would not be obvious yet. I do not expect a problem but we must be careful in the way we deal with the health aspects of mining.

To return to the point, we should have some statutory system in place where the mine workers' health certificates would continue until replaced by something else. The certificates need replacing. The first thing is to get the replacement and then remove them from the legislation. That is my main criticism of the way this matter has been handled.

One of the objectives of the Bill is to introduce a more effective mine employee health surveillance system. Clause 75 provides for that. However, that is all we get, other than some regulation-making powers at the end of the Bill. Until we see the regulations we will not know what the health surveillance program will be. Clearly, many people are being X-rayed unnecessarily. Some tests that should be done are not being done, such as lung function tests. There should also be more longitudinal studies on mine workers; that is, on groups of people over their working life in the mine, not just a study of different groups at different points in time.

The other health issue about which I am concerned is noise control, and the action levels which will be set up under the regulations. We saw last year the action level increased from 85 decibels to 90 dB. Because the decibel scale is a logarithmic scale and not an arithmetic scale it is a fourfold increase in the allowable exposure to noise. Not one of the mining companies requested the increase. I have not met anyone in the mining industry who agrees with it. It is extremely important that the Minister for Mines and other Ministers in this House provide support in Cabinet to ensure that the 85 dB level is instituted. It is better to prevent the occurrence of occupational hearing loss than to have to pay compensation. It is better to have an 85 dB level because miners will undergo audiograms and ultimately they will have another audiogram when they leave. Presumably they will suffer a loss of hearing, some as a result of the ageing process and some will be industrially induced. Whether the threshold is 85 or 90 dB compensation will be paid, or the miners may have a case for a claim, so we are better off having a lower figure because the manufacturers will have to engineer equipment to the lower noise level. That will be better because ear protection is really not the way to reduce the effect of noise. The noise levels must be engineered out of the work environment. Ear protection is for short, sharp bursts of noise, such as explosions. I cannot see any logic in this provision.

I contacted Dr Graham Yates at the auditory laboratory at the department of physiology at the University of Western Australia and asked for a summary of the papers on standards around the world. He sent me a reply which I am happy to table if any member is interested. In the United Kingdom the noise level is basically 85 dB, and initial action is taken above that level. In Canada it is 87 dB for an eight hour working day. In Czechoslovakia it is 85 dB for routine work and 90 dB for rough manual work of a simple character. I think that refers to the swinging of a sledgehammer. In South Africa it is 85 dB; in Switzerland 87 dB; in the European Community 85 dB; and in the United States, the National Institute of Health consensus statement in 1990 set the level at 85 dB. For Worksafe Australia, the National Health and Medical Research Council guidelines advised 85 dB. Australia has been very progressive. I have some detail from a draft paper relating to Worksafe Australia and I do not expect the information to have changed

in the final document. In 1973, the National Health and Medical Research Council published model regulations on hearing conservation in which it recommended a maximum daily noise exposure of 90 dB for existing premises and 85 dB for new premises.

It was some 15 years before that 85 decibel level was introduced broadly across Australia, but our own bodies which determine these sorts of levels set it back in 1973. So it is not new. This matter was supposed to have been debated last year as a disallowance motion. Unfortunately, the Parliament was prorogued before that item got to the top of the Notice Paper, so I am spending more time than I would necessarily have done in this debate. I certainly ask the Minister for Mines and all government members at least to take the advice of the health surveillance subcommittee of the Mines Occupational Health and Safety Advisory Board. If the Government recommends that 85 dB limit and has it put in place it will certainly have my congratulations. It is important to have standard conditions for noise levels throughout the workplace, but if the mining industry has a better standard than the rest of industry I will be grateful to it. It would be a better scene if all Australian workplaces had that 85 dB limit. The extra 5 dB results in a maximum 22 per cent hearing loss in exposed workers. That is the difference between 90 dB and 85 dB. Below 85 dB the impact on hearing is almost insignificant. There seems to be a crucial threshold there.

The Bill involves the amalgamation of the Coal Mines Regulation Act with the Mines Regulation Act. It is sensible, and one can see in the drafting of the Bill that the two Acts merge quite well. There will certainly be different regulations for coal mines than for metalliferous mines as regards gases and those problems more prevalent in coal mines. It is pleasing to see at least exploration operations included in the ambit of this Bill. That puts a duty of care on exploration managers, the vast majority of whom are geologists who have only come within the ambit of the Mines Regulation Act when they work in mines. Those people need to be educated that they have a duty of care to people working on drilling rigs and sampling. We have had a number of fatalities of people involved in exploration in recent years. That whole area has now come within the ambit of this new Bill, which is to be applauded.

I am not pleased with the amendments in the Bill which change the Coroners Act. The drafting is basically just the amalgamation of two existing sections, one relating to coal mining industry inquests into accidental deaths and a similar section relating to inquests into accidental deaths in metalliferous mines. The whole area of inquests into mine accidents needs reviewing. The jury system is really out of date and the legislation needs to focus on a separate effort. I am aware that the inspectorate is looking at that, and I hope we can develop a much better system. Certainly we will be going to the next election with some changes to that area of the legislation, if they are not in place.

The Opposition also supports the introduction of a provision for criminal penalties where severe breaches of duty of care cause death or grievous bodily harm. That is not in this Bill but the second reading speech contemplates that provision. If an employer is grossly negligent and someone loses his life, in my view that is not much different from manslaughter. That sort of provision in the Bill would be a salutary reminder to employers of their duty of care to employees, subcontractors and other people who work in mines. The penalties have been increased dramatically in this Bill. Although that is welcome it will bring an unwelcome change in that we will find that, where there are higher penalties, charges will be contested. Where the penalties are low often people will plead guilty. I will go through this in detail during the Committee stage, but I feel we will have a lot more litigation as a result of that. One cannot have it both ways, but certainly the increased penalties are supported by the Opposition.

As I said earlier in the debate, the regulations will be most interesting in the area of health surveillance, hearing and noise levels. The Opposition would like to be briefed on developments with the regulations as they are being put together. I acknowledge that we had briefings on this Bill during its drafting. That is very useful, because one can see how a Bill develops and it gives one a better perspective of the changes. I thank the Minister who made the state mining engineer, Jim Torlach, available to members of the

Opposition to brief them, not just on the Bill but on the thinking at certain stages in the development of the legislation.

Hon George Cash: One of the amendments you are proposing is after line 13 to insert a new definition of "receiver", which will have the same meaning as in the Corporations Law. Could you explain it?

Hon MARK NEVILL: I think this relates to clause 87, and probably we can debate it in Committee. This is generally where a company goes into liquidation and the receiver becomes the principal employer. I am concerned that many of those receivers will not understand their duty of care, with which they will be saddled when they become the principal employer. Many of the Acts are scanned by computers, and if they can pick up the definition of "receiver" perhaps it may alert some of them. The Department of Minerals and Energy will certainly need to send a letter to the liquidation and receivership industry to make sure it is aware of the new duty of care under this Bill. Maybe it is not necessary, but when one reads clause 87 it is not there in capitals or anything like that and it could easily be missed. This is just a way of highlighting the fact that receivers are responsible under this Bill, because when they become receivers of an operating mining company they become the principal employer.

We support the Bill, which we hope will continue to ensure that the mining industry becomes safer.

**HON DOUG WENN** (South West) [10.10 pm]: I know that my colleagues Hon Mark Nevill and Hon Tom Helm, who will follow me, have more expertise in this area than I have coming from a port town. Nevertheless, in recent years I have been involved with the coal fields, and I wish to speak to a few points made in the second reading speech of concern to me. This is a very serious issue, particularly when one considers what has occurred in two places around the world in the last fortnight. A massive explosion occurred in an underground mine in Papua New Guinea, and in Queensland in another underground mine explosion we have seen the loss of 11 men. The occupational health side of mining anywhere in the world is a very important part of the mining process. I believe that we in Western Australia lead in that area. Much of what has been put forward tonight about this Bill is an advancement on what has been achieved over many years. I am not sure whether we are fortunate that underground mining in the coal industry no longer occurs. Coal mining is now conducted by the open cut method. That is why I agree with this Bill with a few reservations.

Open cut mining is conducted in the coal industry in a similar manner as in gold and other mining. It is hauled by graders, put on trucks and driven out. Underground mining is a completely different situation. I have some concerns about certain comments in the second reading speech relating to part 3, the administration of the Act, where it states -

> A new provision is included which gives a discretionary power to the Minister to appoint assistant inspectors persons who have served a total of 12 years in the capacity of workmen's and/or employees' inspectors of mines.

I question the time of 12 years, which is a long time. It is not a long time to be working in the mines if for the last 12 years one has done exceptionally well; but to be made the occupational health inspector of that mine for 12 years seems to me to be a very long time. That position requires ongoing training to upgrade knowledge of new developments and the occupational health side of the mining industry. Why 12 years? I have a real problem with that. I can go the other way when I think of what happened when I worked with Telecom. A member was appointed as the occupational health officer within the exchange at Bunbury. He confiscated 33 ladders because they were unsafe. He had been on the job for five minutes without any training. The only problem was that he put in a quote of 50¢ for each ladder and then sold them at the markets. That shows a lack of understanding and greed. He got his own in the end because when working at home on a ladder he fell and broke his leg. It was then decided that the ladders were not safe to be in the workplace.

I consider 12 years to be a long time. If these people are appropriately trained in the job,

which is an ongoing process, four or five years might be more appropriate. I say that because under this Bill certain people within the industry will be appointed as inspectors and will travel to mines. It is a long way to places like Kintyre. It states at page 6 of the speech that the ultimate responsibility for compliance with the legislation is with the principal employer. If an inspector is not on site and an accident occurs, the employer might feel he could have been covered by having someone who had less than 12 years' experience and more than five years' experience in that situation. I ask the Minister to take that into account. There are people who are very capable of carrying out that duty.

Hon George Cash: The member talked about the cessation of underground mining at Collie. That was not a government decision. That was the decision of the two companies.

Hon DOUG WENN: It may have been, but the agreement that underground mining cease had to go through this House as well as the other House. It was their decision. An agreement also existed with the previous government that underground mining would be phased out over five years. When the change of government occurred it was obviously decided to do it then.

Hon George Cash: It was a commercial decision. The member is right, there was a need to change the agreement Act which came to this Parliament.

Hon DOUG WENN: At page 7 of the second reading speech it is stated that provision is included in the Bill that a state mining engineer can request that an independent study on health and safety be prepared at the employer's expense. I have no problem with that. Rather than have a situation where a mine can be left without an inspector for a period of time if there is no-one with 12 years' experience, I ask the Minister to consider amending the Bill so that the time be no less than five years. There are people capable of doing that. If an inspector is not on site, it can leave the companies open to problems should an accident occur.

On page 9 it states that the Bill includes a requirement that all record books and log books maintained be kept secure for the life of the mine and for six years after closure. On page 12 it states that the time limit for the initiation of prosecution action for offences be extended to 12 months. Why will records need to be kept if a prosecution cannot be initiated after 12 months? I refer again to experience with a local shire council in the south west where the job was to dispose of asbestos pipes. Workers were told to take the appropriate action, and break them up and bury them. They decided that was a waste, that the pipes could be used, and they conducted some road works. I asked the department to take action on this. At that time it was only six months, and six months elapsed because it took four months to receive a response from the shire clerk. I wrote to him again. It took another three months for another response, so six months had gone. The department stated that under that Act no opportunity existed to prosecute the council irrespective of what it did. It knows it did wrong but the department cannot prosecute it. Thankfully a couple of groups in that area took action against the council and were able to rescue the matter. Why is it necessary for these records to be kept for six years after closure when prosecution can occur only before the 12 month time limit has elapsed? That is a real anomaly.

I listened to Hon Mark Nevill. He and Hon Tom Helm are truly experienced in the mining industry. I am sure they will put forward their points of concern. However, I hope the Minister will explain at the appropriate time those points that I have raised. I support the Bill.

**HON TOM HELM** (Mining and Pastoral) [10.21 pm]: I too support the Bill and reflect the words of Hon Mark Nevill and Hon Doug Wenn in congratulating the Minister for providing the briefing to us. I will go a little further and congratulate the Chief Mining Engineer, Jim Torlach, for putting together what I think is one of the best Bills that I have ever read. Its aims and objectives are clearly stated and the use of regulations will be limited. The intention of each clause is clear and the Bill is geared towards addressing issues and problems that exist today as well as those that will exist tomorrow and in the foreseeable future with the very limited use of regulations. That is important. The

parliamentary draftsman also should be congratulated. The amendments on the Notice Paper in the name of Hon Mark Nevill are mechanical and will not detract from the intentions of the Bill which is a marvellous piece of legislation and something that we can look to as a model for going forward. It reflects the dedication of the Chief Mining Engineer, Jim Torlach. He has always been dedicated to the mining industry and has felt it his duty to promote the mining industry as well as be responsible for the protection, health, safety and welfare of miners.

Jim Torlach and I have had an ongoing battle about the use of the Occupational Health, Safety and Welfare Act in the mining industry. Jim has always been of the view that there is a place for that Act in the general workplace, but it is not appropriate that it should be applied in the mining industry and he stands by that. He has gone to every forum, both friendly and less friendly, to explain his view. He has met face to face with angry union officials and miners. He has spoken with anyone who would listen to him and some who would not listen because he was sure he was right. Through the Minister in the second reading speech, he explains that the widest possible consultation took place with everyone involved in the mining industry. I still do not agree with him. I still believe that the Occupational Health, Safety and Welfare Act is the right vehicle to be used in the health and safety of all workers in this state.

Some clauses of the Bill go further than the provisions in the Occupational Health, Safety and Welfare Act. I understand also that a similar Bill relating to the petroleum industry will be introduced. This Bill fits in with all of the things that the unions, the Kelly report and other investigations have recognised are necessary in the mining industry. After the fishing industry, the mining industry is one of the most dangerous in which a person can be involved. It is important to recognise also that this Bill has the support of the Trades and Labor Council with a few reservations and most of the union movement. Once the working people who are the practitioners in the mining industry understand what this Bill intends to do, they will support it.

We must have this legislation because there are in the mining industry the whole gamut of miners from those fly-by-nighters who are in there to make a quick buck to miners who are responsible and who really care about the people who work for them - the mining companies who believe their workers are an asset and a resource. They have the ability to provide a safe working place as something not only to be proud of as a model but also to make a dollar. I am talking about contract miners as well as those who are in the business of mining and exploration. This legislation is the only piece of legislation that I am aware of that is able to cover, without being too descriptive or draconian, all of those people with whom one has to deal in the mining industry.

One of the best examples of an employer who has demonstrated a dedication to the health, safety and welfare of its workers as the Bill proposes, through discussions and tripartite negotiations and through having the people most at risk taking responsibility for what they do is a company that has just had a tragic accident at one of its mines. That company is BHP Iron Ore in the Pilbara. It has had a chequered career in the Pilbara as an employer, firstly as the Mt Newman Mining Co Pty Ltd with BHP as the major shareholder and since BHP took over the Mt Newman operations. Just last Thursday there was a terrible tragedy in Newman. A Haulpak went over on its back and killed the driver. What made the tragedy worse was that the lady who drove it was only 34 years of age and she had three children aged six, three and two. No-one knows how the accident happened. We had a major problem in the iron ore industry for a long time in that all of the Haulpak accidents were happening either just before or just after dawn. There were many explanations for that. Sometimes it was faulty equipment on the trucks. However, most of the time the accidents could not be explained and were put down to human error. People are now promoting the idea that because the iron ore industry has gone onto a new 12 hour shift system, BHP is asking people to work too hard. I do not support that because in my time in the industry we lost people at the end of the eight hour night shift. We lost them because we were learning as we went along. I do not know whether the tragedy could have been averted. It was Tracey's first night shift and, as everyone knows, one cannot store sleep. We do not know of any faults with the machinery. The

Department of Minerals and Energy can never be faulted in any inquiries into incidents at mines, and it has never been accused of scrimping or whitewashing any inquiries. The department has always been thorough and the mines inspectors, with very few exceptions, have never been questioned. I am sure the same thoroughness will apply in this accident as has applied in the past, and we shall learn what happened. This tragedy has affected the whole of Newman and people are confused. I know that, whatever the outcome, BHP will not be seen to be at fault. BHP has always been very keen about every aspect of health, safety and welfare matters.

This Bill reflects the care a company can show. On the other hand, one can compare it with the accident at Robe River Iron Associates in which a friend of mine, Dave Edmonds, a convenor for the metal workers' union, was killed. A case is before the courts with regard to that incident and the mines department is prosecuting the company. We must await the outcome. Without prejudice to the case, it must be said that since Robe River was taken over by Peko-Wallsend its operations have been less than those of BHP. I do not put them into the rogue category, because I know that in the goldmining industry some contract miners are quite desperate. Sometimes they must be desperate because the rates are so low that people are encouraged to take short cuts - if not by an actual direction, then by a nod and a wink. This Bill will bring those people into line, because at the end of the spectrum the contractor who is desperate to get the work will allow people to work down the pit for 12 hours. Those contractors are the people who helped to lobby this Government to change the number of hours miners are allowed to work underground, and they take that benefit but do not have a good record of complying with various matters.

The Bill encourages them to be aware of their responsibilities. It provides in some instances for fines of $100 000, but that is not the most severe penalty. The Bill provides also for people to be tried in a civil court, and to be charged with manslaughter or breaches of duty of care when near misses occur. Basically, the Bill provides for contract miners to improve their assets by having certificates of competency and other relevant certificates provided for under the Mines Regulation Act. In other words, the mines inspector is able to provide advice to miners, whether big or small operations, to which they must adhere. If they do not do so, a record is made of that advice which is kept forever. If anything should happen at that mine, the record can be referred to and used in cases brought before the court with regard to negligence or lack of duty of care. I am sure that these contract miners will still be anxious to chase the dollar and keep their rates low, but they will be anxious to demonstrate to prospective employers that they comply and will continue to comply with the requirements of the Act. It is an important matter because it patches in with the educational aspects of the development of the occupational health and safety legislation. I take the view - I am perhaps at odds to some extent with the Trades and Labor Council on this matter - that it is not very important to impose huge fines. The most important thing - and it is the intent of this Bill - is to make the workplace a healthy and safe environment in which people can work, and one which can be used as an asset.

The Bill also provides a mechanism for coping with the changes that take place within the mining industry. It includes a requirement for a mine manager or employer - it could be a corporate body - to report to the Department of Minerals and Energy any major incident that occurs on the minesite. That is to take account of the changing technology in the industry. I do not know when those changes will end, if ever. I suspect they must end some time. In the past 10 years huge changes have taken place, such as computerisation, new technology, new kinds of steel, different strengths of metal, and revolutions used on drill bits. As a result, although they have been tried and tested in the laboratory and workshop conditions, when they are on site incidents have occurred, either because of inappropriate training for the operators of those machines or failure of the metal used. New metals are being invented all the time to do the job longer, more efficiently and effectively, and so on. The provisions of this Bill will give industry an opportunity to learn from the mistakes of others. If a problem arises in one mine with the introduction of new technology, that problem can be broadcast across the whole of

industry with the hope of preventing it from happening in another place. The intent is not necessarily to increase or maintain productivity, but is to save lives. That is where Jim Torlach's thrust comes from, with regard to his responsibility for promoting the mining industry, as well as taking care of the health, safety and welfare of miners. I argued with him that he can still do that, and put the provisions of the occupational health, safety and welfare legislation into the Mines Regulation Act. The lessons learnt and the results of those consultations have presented us with a Bill of which we can all be proud.

Other clauses in this Bill have been introduced not before time. I refer to those applying to people not necessarily at the coalface but who work at the minesite, perhaps in offices, laboratories and so on. They can be treated differently from the miners who work on the open cut or down the pit, and that is also quite a sensible attitude. I understand the Bill contains provision for describing mine sites as they are understood by anyone with half a brain. It has always been a mystery to most of us that the Port of Dampier could be described as a mine. It certainly has a lot of water around it. This Bill indicates a more sensible attitude towards descriptions.

Hon George Cash: It is not a mine, but mining operations, such as in the loading, are carried out.

Hon TOM HELM: Mining operations are not ship loading. Mining operations may be beneficiation, grading, stock piling, or reclaiming, but it is not ship loading.

Hon George Cash: The definition of "mine" will include that. It is a very wide definition. That is the reason.

Hon TOM HELM: I understood that. It is sensible; it takes away the people who cannot be described as miners because they do not have a role in mining operations.

The Bill talks about double jeopardy. I understand that in the incident at Robe River a shaft snapped and a reclaimer came back on its counterweight and killed a worker. Robe River Iron Ore Associates is not being prosecuted for machinery failure but for of its lack of general duty of care. Even though I could not hate a company more than Robe River Iron Ore, in fairness it should not be prosecuted for one thing and, failing that, prosecuted for another. Prosecution on the grounds of a failure in the general duty of care could be more successful, and a piece of machinery may have been faulty, but that will be determined by the court. The Bill makes provision for a manufacturer to be found guilty of lack of duty of care if he puts in a bodgie machine on site and something goes wrong because it is not necessarily the fault of the person who bought the machinery, but the fault of the supplier. So, there is opportunity for prosecution under this Bill, and that is a relatively new provision.

I take a different view from Hon Doug Wenn in the matter of the 12 year service by an inspector. The 12 year provision is in place because mines inspectors are voted in every three years by the employees. Therefore, if they are elected for four three-year terms, they might be voted out after the 12 years. The inspectors are attached to the Department of Minerals and Energy but are answerable to the Minister. I know a number of such inspectors who have gained a great deal of knowledge; they may not be elected again but they should not be lost to the industry. Many of the provisions of the Bill reflect a commonsense attitude. It is possible for the mines engineer to hire these people because they must have had the required skills in the first place. They would have developed their skills because they would have inspected most mines, and would have been exposed to the most recent technology and would be able to talk to the operators and the machinery buyers. Under the general duty of care provision, the former inspectors would be a valuable asset. We need to get these snotty-nosed mining engineers out of the universities and onto the mining sites. They need to get their hands dirty, although we cannot give them the same responsibility that we could give to an employee with 12 years' experience, a person who makes decisions on site and stands by those decisions as a result of their work experience. Perhaps Hon Doug Wenn has misunderstood the employee inspector's role and the health and safety role of the representatives.

The Bill provides teeth for the health and safety committees and representatives. That is

strong encouragement that could reflect on a company that is not dinkum about giving the accredited training to health and safety representatives. There is no enforcement. The Bill says that it is advisable that health and safety representatives attend appropriate training courses within 12 months of their appointment, but by the same token it states that the employer must take responsibility for giving the employee time off to take part in the training programs. Because some mining companies employ more than 1 000 workers and the smaller companies employ only 10 or 50 workers we must be able to put the legislation in place. The Bill provides opportunity for the smaller companies whose work routines could be very badly upset if an employee attends a health and safety course. The larger employer should be able to handle a loss of one worker to attend such a course, but a smaller company may not. The courses must be run at a convenient time for both the employee and employer. The Bill does not provide financial penalties, but information may be used in evidence in court if the employer demonstrates reluctance or acts in a way to obstruct an employee from becoming a health and safety representative. This is a carrot and stick approach to the problems of health and safety in the mining industry. It reflects the dedication of Jim Torlach and most of the people who work in the Department of Minerals and Energy.

One excellent provision to which Hon Mark Nevill referred is that, where appropriate, some research can be undertaken into a piece of machinery or some other metal equipment relevant to the mine, and the cost will not be borne by the taxpayer.

Hon Mark Nevill: Are you talking about a report?

Hon TOM HELM: The member referred to material being sent to a laboratory for detailed analysis. In that case, the Bill provides that the cost of such a report be the responsibility of the miner. When such a report comes out it will be available to everyone in the mining industry. The advantage should not be given to the person using the technology; it should be quickly passed down the line - as should the disadvantages - to the other employers in order to make the workplace healthier and safer. I emphasise strongly that this is a model Bill which reflects all the things that need to be done. It is not confusing in any way when we go through the objectives.

Hon Mark Nevill: You said earlier that the State Mining Engineer had the job of promoting production. Nothing about productivity is mentioned in the objectives. The Minister might have a role, but not the State Mining Engineer.

Hon TOM HELM: When read in conjunction with the Mining Act, this Bill is to do with health and safety. One can point to certain aspects of the Bill; for instance, the requirement to report an incident. The Bill could be seen as promoting the industry as a whole. Faults could be found with new machinery, and suggestions could be made to avoid the fault recurring. The Bill is partly a promotion of the industry if we have a level playing field for every miner. We have the fly in, fly out mining situation which is suffered in the north west. To a certain extent, some contract miners have a bad reputation. If all they can demonstrate to a potential employer is that they have a low cost and not necessarily a good safety record the employer will be encouraged to take those with the reasonable cost and the better safety record.

The death of Tracey last Thursday morning prompted me to find out what people were saying. I was surprised to learn that many contract miners who have asked for and promoted the idea of miners working 12 hour shifts now prefer a 10 hour shift. They have found that the amount of productivity in those extra two hours is negligible. It was not worth the effort of working the extra two hours because it provided no additional result. The accident rate increased, with more near misses and accidents, admittedly many of them occurring off site. Most of the accidents occurred because the workers were so tired in the final two hours of the shift that they were involved in car crashes while driving home. The workers learned that if a procedure is unsafe, it does not bring in a dollar. If the mines are not getting a dollar, it does not matter what fines are involved. If a company constantly cannot make a quid, it must question why it should continue with a certain procedure. The 12 hour shift system which was ardently fought for turned out to be a waste of time. The workers should have fought for a 10 hour shift.

The unions would be attracted to a 10 hour shift rather than a 12 hour shift. The unions negotiate, in comparison with some employers who appear to be intransigent.

I thank the Minister for allowing the briefing to take place with Jim Torlach. I congratulate him and his staff and the parliamentary draftsmen for providing us with a very good Bill.

Debate adjourned, on motion by Hon George Cash (Minister for Mines).

## FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

*Introduction and First Reading*

Bill introduced, on motion by Hon Max Evans (Minister for Finance), and read a first time.

*Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [10.53 pm]: I move -

That the Bill be now read a second time.

Section 3(19e) of the Financial Institutions Duty Act provides an exemption from duty for money credited to a bank account, where that account is used solely for the purpose of facilitating the transfer of money to another state or territory where financial institutions duty is payable. This provision was inserted in the Act in 1984 to ensure that local residents were not charged with double duty when transferring funds via their local bank to an eastern states account. Victoria is the only other jurisdiction which provides such an exemption.

It has been brought to the attention of the Government that a number of large national companies with operations in Western Australia use this exemption to avoid financial institutions duty in Western Australia by transferring their Western Australian sales revenues to their head office accounts located in other jurisdictions without first depositing those funds in a dutiable account in this state. Accordingly, Western Australia is foregoing revenue on monies generated in the state in favour of other jurisdictions.

The proposed amendment seeks to refine the exemption provided by section 3(19e) of the Act to ensure that such revenue leakage cannot occur in this manner. Under the new arrangements, an exemption will apply only where the funds being transferred are sourced from a suitable account kept with a bank in Western Australia. This will ensure that persons lodging funds for transfer to an eastern states account, without first depositing the funds into a dutiable account in Western Australia, will be subject to financial institutions duty in this state. It will also ensure that persons transferring money from an account in Western Australia to an account outside the state will continue to be exempt from financial institutions duty on the deposit to the transfer account. This measure alone is not expected to stem the leakage of financial institutions duty to other jurisdictions completely, as other mechanisms are also employed to avoid a duty liability in Western Australia. The proposed change is only the first stage of a comprehensive strategy being developed by the Government to address this area of concern. Nonetheless, without the proposed amendment, any other measures would be ineffective in stemming the transfer of duty to other jurisdictions. I commend the Bill to the House.

Debate adjourned, on motion by Hon Mark Nevill.

## ADJOURNMENT OF THE HOUSE - ORDINARY

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [10.56 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Road Trains, Metropolitan Area*

**HON N.D. GRIFFITHS** (East Metropolitan) [10.57 pm]: Before the House adjourns I think members of the Liberal Party should have the opportunity of stating where they

stand on the introduction of road trains into the metropolitan area. Do they stand with the Minister for Transport or do they stand with the member for Roleystone? It is appropriate that I bring the attention of members of this House to an article in the *Comment News* of 9 August 1994 headed "Roleystone MLA speaks out". For the benefit of those members of the Liberal Party who failed to attend their party room meeting yesterday, I intend to read it. The article states -

> ROLEYSTONE MLA Fred Tubby has spoken out for the first time on the issue of road train trials in the suburbs.
>
> "Mr Tubby told *Community* he was aware of the many concerns of local people about the prospect of the trials proposed for Bedfordale Hill and Armadale.
>
> He said he would thrash out the issue in the Liberal party room today.
>
> "It appears to the public that the Government is not listening to the concerns of the people," he said.

He is not bad for a Liberal; He has got something right. The article continues -

> "But I intend to move for a select committee of inquiry on the whole issue of heavy haulage.
>
> "That way it will be thrown open to the public to have their say.
>
> "It would be a joint party inquiry across the board where we can all listen to the concerns and allow people to express their points of view."

That is without rude interjections of the kind we are becoming used to. It goes on -

> Mr Tubby agreed with a letter in last week's *Community* from Bedfordale resident J.H. Adderley on this issue.
>
> "It was an excellent letter which said succinctly what the concerns are.
>
> "I agree with the points raised in it," he said.

I invite those members of the Liberal Party opposite to state where they stand. Do they support the National Party Minister on this issue of the introduction of road trains into the metropolitan area or do they support that brave fluttering soul, the member for Roleystone?

Question put and passed.

*House adjourned at 11.00 pm*

## QUESTION ON NOTICE

### ROAD FUNDING - "FIX AUSTRALIA FIX THE ROADS" CAMPAIGN

595. Hon M.J. CRIDDLE to the Minister for Transport:

To clear up any misunderstanding with regard to road funding and the Government's "Fix Australia Fix the Roads" campaign, will the Minister advise -

(1) What is the monetary breakdown of a typical motor vehicle licence and third party insurance notice issued by Police Licensing and Services in Western Australia?

(2) What is the 1994-95 Budget provision for collections from the various State Government fees and charges on motor vehicles and drivers?

(3) To which use are these funds to be put?

(4) What is the period for which the use of the funds in part (3) has been in force?

(5) What is the total amount allocated to Transperth from the transport trust fund since the fund was created?

(6) What additional funds have been allocated to roads from the transport trust fund since the 1993 election and how has this additional funding been achieved?

(7) What are the annual collections of federal fuel taxes over recent years and what are the total funds allocated to roads in Australia and Western Australia in each year?

(8) What are the federal allocations to Western Australia over the past five years for all purposes and the proportion this represents of the total for Australia?

[The answer was incorporated as Appendix A.] [See pp.3136-3140.]

## QUESTIONS WITHOUT NOTICE

### LAND ADMINISTRATION, DEPARTMENT OF - SUSSEX LOCATION 442, FREEHOLD CONVERSION

*Cape Hotels Pty Ltd, Yallingup, Request*

323. Hon KIM CHANCE to the Minister for Lands:

Some notice of this question has been given.

(1) Is the Department of Land Administration in receipt of a request from Cape Hotels Pty Ltd, Yallingup, to convert special lease 3116/9954 Sussex location 4422 to freehold title?

(2) If yes, has a figure been determined for the cost of the land to Cape Hotels Pty Ltd?

(3) If a figure has not been determined, what valuation did the Valuer General's office place on the land?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

(1) Yes.

(2) No.

(3) As this matter is the subject of negotiations it would not be commercially

prudent to make public the Valuer General's valuation now. Negotiations are apparently in hand. Whether they are successful is another matter, because there has been some disputation between local groups as to whether the land should be made freehold. That may be the subject of further questions from the member.

LAND ADMINISTRATION, DEPARTMENT OF - SUSSEX LOCATION 442, FREEHOLD CONVERSION
*Cape Hotels Pty Ltd, Yallingup, Request*

324. Hon KIM CHANCE to the Minister for Lands:

Some notice of this question has been given.

(1) How will a valuation for Sussex location 4422 be determined if a decision is made to freehold the land currently subject to special lease 3116/9954?

(2) If a decision is made to convert the title of Sussex location 4422 to freehold will the property be sold by -

(a) auction;

(b) tender;

(c) private treaty?

(3) If sale by private treat is planned, how will a valuation be established?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

(1) Valuations are usually based on the professional advice of the Valuer General's office.

(2) These matters have not been determined. I said in answer to the previous question that there has been no conclusion to the negotiations taking place. That decision has not been taken into account as yet.

(3) See answers to (1) and (2).

SCHOOLS - OGILVIE PRIMARY
*Future*

325. Hon M.J. CRIDDLE to the Minister for Education:

Has the Minister been able to determine whether the allegations made by Hon John Halden yesterday concerning the Ogilvie school are correct; if so, what is the correct situation?

Hon N.F. MOORE replied:

The Ogilvie Primary School is one of those schools which appeared on a list published in *The West Australian* some time ago following the leak of a computer document. The listing of that school on that list caused considerable distress as only eight students are enrolled at the school. The P & C association, which numbers approximately four families, approached the principal for information on the rationalisation process and the possible options. The superintendent for the district visited the school on Tuesday, 2 August, as part of his normal round of visits and spoke to the parents at the principal's request. A number of issues were raised by the parents during the examination of the options of the school closing or remaining open. These included a reaffirmation that parents will decide if and when schools will close; the possible effect upon the AIC allowance; the nature of any bus and its run that may be provided; the distribution of resources; the future use of the school building; and the cost of school

uniforms. It was agreed that the superintendent would seek the relevant information and ask what undertakings the Education Department would make. It was agreed that the superintendent would meet with the parents again on 19 August 1994 at 1.30 pm to explore further issues that might be raised and discuss any offers or undertakings given by the Education Department subsequent to the 2 August meeting. No assurances have yet been given. A quote from the last line of the minutes of the 2 August meeting states -

> These discussions are confidential at this stage and will remain so until determined by the Ogilvie parent body.

The superintendent categorically denies having made any threats or having acted in any way in an intimidatory manner. The parents wanted the matter kept confidential and Mr Halden's outrageous allegations have now caused further distress in the community by making public their confidential negotiations. The principal, who has just been released from hospital after surgery, is amazed at the allegations.

Hon E.J. Charlton: That is fairly typical of the Leader of the Opposition.

Hon John Halden: Why don't you keep quiet. You wouldn't know, and I don't believe one word of the answer.

The PRESIDENT: Order! I ask the Leader of the Opposition not to allow his emotions to cause him to contravene standing orders. When I call "order", he must come to order. The Minister for Transport similarly ought to control his exuberance in his endeavours to get involved in the activities of the House. I do not want to keep on doing this every day in question time, but members leave me no alternative but to keep on saying that I will not, I repeat, will not allow questions without notice in this place to degenerate to the state that it will resemble the same proceedings in another place.

## LAND ADMINISTRATION, DEPARTMENT OF - SUSSEX LOCATION 442, FREEHOLD CONVERSION

*Cape Hotels Pty Ltd, Yallingup, Request*

326. Hon KIM CHANCE to the Minister for Lands:

Some notice of this question has been given.

(1) Does the proposal to freehold Sussex location 4422 have the support of -

- (a) the Shire of Busselton;
- (b) the Yallingup Progress Association;
- (c) the Yallingup Residents Association?

(2) Is the proposal consistent with the Busselton rural development plan?

(3) Has the proponent, Cape Hotels Pty Ltd, submitted a detailed plan for its proposed development of the site?

Hon GEORGE CASH replied:

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

(1) (a) The shire advised its conditional support by letter dated 17 March 1994. However, it is understood the shire has rescinded its decision and formal advice is awaited in this regard.

(b) Not known (no direct advice).

(c) No.

(2) The Shire of Busselton has verbally advised the Department of Land Administration that the Busselton rural strategy plan makes no specific reference to the proposal.

(3) A proposal was put forward in 1990 which contained some details. However, further detail would be required if the proposal were to be progressed.

LAND ADMINISTRATION, DEPARTMENT OF - SUSSEX LOCATION 442, FREEHOLD CONVERSION
*Cape Hotels Pty Ltd, Yallingup, Request*

327. Hon DOUG WENN to the Minister for Lands:

Will the Minister give an undertaking to the House that the Department of Land Administration will seek the opinion of local residents through submissions prior to making a decision on the application by Cape Hotels Pty Ltd?

Hon GEORGE CASH replied:

The answer to that is provided by my earlier comments on this matter when I was addressing questions asked by Hon Kim Chance. For instance, the Shire of Busselton, the Yallingup Progress Association and the Yallingup Residents Association all have signified an interest in the matter. DOLA is either awaiting correspondence from those groups or anticipating correspondence from those groups. For the time being, I will assume they are the local community groups, and there is a fair amount of local participation in the general discussions about that block.

LAND ADMINISTRATION, DEPARTMENT OF - SUSSEX LOCATION 442, FREEHOLD CONVERSION
*Cape Hotels Pty Ltd, Yallingup, Request*

328. Hon KIM CHANCE to the Minister for Lands:

Some notice of this question has been given.

(1) Is the proposal by Cape Hotels Pty Ltd to convert the title of Sussex location 4422 to freehold coupled with any arrangements with other land at Injidup?

(2) If so, what is the nature of these arrangements?

(3) Are these arrangements consistent with the Busselton rural development plan?

(4) Are these arrangements supported by the Shire of Busselton?

Hon GEORGE CASH replied:

I thank the member for some notice of the question.

(1) Not to my knowledge.

(2)-(4) Not applicable.

LAND - SPECIAL LEASES
*Converted to Freehold, Sale Conditions*

329. Hon DOUG WENN to the Minister for Lands:

Can the Minister advise if it is normal practice for the holder of a special lease to be the first or the only applicant considered in the event of the land subject to the special lease being converted to freehold?

Hon GEORGE CASH replied:

It would depend on the conditions pertaining to the special lease. If Hon Doug Wenn provides me with some specific detail of a particular matter I will be more than happy to look into it for him.

## LAND - SPECIAL LEASES
*Converted to Freehold, Sale Conditions*

330. Hon DOUG WENN to the Minister for Lands:

The Minister's answer to my previous question was not as clear as I would like it to have been. In the normal course of the events I have raised, once such titles have been converted what is the process of offering that freehold land for sale?

Hon GEORGE CASH replied:

Again, that would depend on the circumstances of the original special lease. If it were a condition of the special lease that the leaseholder was, for a particular consideration or for carrying out certain applications, able to freehold the land, then so long as the consideration or the required actions were completed by the leaseholder the land could be converted to freehold and transferred to that person. If there were other conditions attaching to the land there might be other ways in which the land could be disposed of. Three methods which spring to mind are auction, public tender or private treaty sale. The Government has a policy of encouraging where possible, and certainly where practical, a very public participation in the sale of any Crown land.

## LAND ADMINISTRATION, DEPARTMENT OF - MIDLAND, SEARCH ORDERING PROCESS TRANSFERRED TO PRIVATE SECTOR

331. Hon N.D. GRIFFITHS to the Minister for Lands:

I refer to the Government's decision of November 1993 to transfer to the private sector from the Department of Land Administration at Midland the search ordering process.

(1) Can the Minister confirm that the decision has been reversed?

(2) If so, when was the decision reversed?

(3) If so, what were the reasons for the decision being reversed?

(4) Why was the decision to transfer made in the first place?

Hon GEORGE CASH replied:

(1)-(4)

I cannot give the member specific answers to the four questions. However, he will be aware that a number of changes have been made at the Department of Land Administration in Midland. Some of the functions formerly carried out by that department have been transferred to the private sector. The various transfers have generally shown greater efficiencies and that has resulted in savings to the taxpayer. I will obtain more information on the questions the member raised about the search ordering process.

## ROOF TILERS - INQUIRY REPORT

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

Some notice of this question has been given. On 15 July 1994 the Minister for Labour Relations claimed that he had received a report from Commissioner Coleman on the 1992 roof tilers inquiry.

(1) Will the Minister confirm that he received such a report?

(2) If yes, when will the Minister be releasing the report?

(3) If the Minister has decided not to release the report, can he explain why?

Hon PETER FOSS replied:

(1) Yes, the Minister for Labour Relations has received the report.

(2) The parties which made oral submissions to the inquiry were invited by the Minister for Labour Relations to comment on the findings of the report. Responses were made by a number of organisations and individuals. The Minister subsequently wrote to these parties advising what course of action would be taken by the Government.

(3) Not applicable.

BUILDING CONSTRUCTION INDUSTRY TRAINING FUND - HITCHIN REPORT

333. Hon JOHN HALDEN to the Minister for Education:

(1) Is the Minister in receipt of a report by Len Hitchen on the building construction industry training fund?

(2) If yes, is it the Minister's intention to freeze the fund and suspend the collection levy?

(3) If so, is he aware that freezing the fund will lead to the suspension of 200 apprentices employed by various group schemes in the metropolitan area and regional centres?

Hon N.F. MOORE replied:

(1)-(3) I am in receipt of a report prepared by Mr Hitchen into the building construction industry training fund. It is a statutory report as it is a requirement of the legislation which set up the fund. The report was completed recently and I have only just received it. The legislation requires that I table the report within six days of receiving it and I think that is tomorrow. The House will then be in a position to make an assessment of Mr Hitchen's recommendations. The Government is yet to make a decision on the recommendations. The Government has no intention of freezing the existing programs. It may be necessary for the fund to consider whether it should commence operating new proposals, bearing in mind the recommendations of the Hitchen report.

SCHOOLS - SECONDARY EDUCATION, GENERAL HILLS AREA

334. Hon JOHN HALDEN to the Minister for Education:

I refer to the committee established by the Minister and chaired by the member for Darling Range which will consider options for enhancing the secondary education opportunities available to students in the Kalamunda district.

(1) Does the Minister envisage that one of the so-called "opportunities" will mean that some students currently attending Forrestfield High School will be bused to either Kalamunda High School or Lesmurdie High School?

(2) If yes, who will pay the cost of, presumably, the bus transportation?

Hon N.F. MOORE replied:

(1)-(2) A committee has been set up to look at secondary education in the general hills area and it is chaired by the member for Darling Range. It would be quite improper of me to speculate on any recommendations the committee might make, including the suggestion made by the Leader of the Opposition.

Hon John Halden: The cost is of concern to me.

Hon N.F. MOORE: I do not know whether that is a consideration. If I did know I would be able to comment. It makes no sense for me to speculate on

what the report might find or recommend. The reason for the inquiry is to find out what people in the general hills area want in secondary education. I believe the committee will come up with good recommendations. I cannot speculate on what they might be because I do not have any indication of what evidence or advice it has received.

BANKWEST - PRIVATISATION, REVENUE LOSS

335. Hon MARK NEVILL to the Minister for Finance:

What is the projected loss to State Government revenue over the next five years if BankWest is fully privatised?

Hon MAX EVANS replied:

I ask the member to put the question on notice. I do not know whether it is possible to give out that information. Calculations have been done several times in negotiations with the Federal Government on the basis of loss of tax. The figures have been revamped and I have not seen the latest figures. They may or may not be available at this stage. We are coming to a float and we cannot come up with figures now when in six months they may change.

BANKWEST - TRADE SALE OR FLOAT

336. Hon MARK NEVILL to the Minister for Finance:

(1) Is the Government seriously considering a trade sale of BankWest?

(2) If so, what is the target date for the sale?

(3) If not, what is the target date for the BankWest float?

Hon MAX EVANS replied:

(1)-(3) BankWest comes under the responsibility of the Treasurer. Nevertheless, I am happy to answer the question to the best of my ability. No decision has been made about a trade sale or a float. The organisation will balance its accounts on 30 September 1994. It still has considerable losses carried forward from last year. It will add up these amounts, although no date has been determined. It is a matter of maximising one's profit and overcoming the problems to capitalise on that profit. The member referred to a loss of revenue, but little revenue has been generated in recent years, with dividends paid out to Treasury which should not have been paid. Next year will be better.

PERTH ZOO - DEVELOPMENT
*Phipps Report; Windsor Park, Future Planning*

337. Hon TOM HELM to the Minister for Education representing the Minister for the Environment:

Some notice of this question has been given.

(1) Has the Government abandoned its commitment, made before the 1993 state election, to support a 25 year, $70m master plan for Perth Zoo?

(2) If yes, why?

(3) When will the State Government be releasing the Phipps report on the operations of Perth Zoo?

(4) Is the Minister prepared to give a commitment that Windsor Park, previously earmarked as a site for possible expansion of Perth Zoo, will not be used for retail markets and a 600 bay car park?

Hon N.F. MOORE replied:

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

(1) The Government remains committed to the development and enhancement of Perth Zoo over the next 25 years, particularly in cooperation with the Zoo Society and the private sector.

(2) Not applicable.

(3) The Phipps report was commissioned by the Zoological Gardens Board and is under active consideration. A decision to release the report will be made when the Minister for the Environment has received the board's advice and recommendations.

(4) Windsor Park is vested in the City of South Perth, and the Minister for the Environment will not pre-empt future planning decisions that are not his responsibility.

CORONIAL AUTOPSIES - CHANGES

338. Hon N.D. GRIFFITHS to the Minister for Health representing the Attorney General:

Some notice of this question has been given.

(1) Can the Minister advise the House when the Government will announce what changes are proposed to the current system of coronial autopsies as recommended by the inquiry into aspects of coronial autopsies?

(2) Will relevant groups and individuals be consulted before these changes are introduced?

Hon PETER FOSS replied:

(1)-(2) The updating of the Coroners Act of 1920 to establish a state coronial system headed by a state coroner has already been announced, as has a commitment to address community concerns over the removal of body parts in autopsies. The establishment of a counselling service to inform, support and assist next of kin throughout the coronial process has also been announced and will be implemented before the end of the year. Extensive consultation has already taken place and this process will continue. The Honey report was made available to the public for comment, and some 2 500 submissions and petitions were received. These submissions were analysed and the responses are being taken into account in the drafting of the new Coroners Act. Key groups will continue to be consulted as appropriate.

STATE PLANNING COMMISSION - SWAN VALLEY SUBCOMMITTEE
*Schuster, Cameron, Chairperson*

339. Hon A.J.G. MacTIERNAN to the Minister for Health representing the Minister for Planning:

Some notice of the question has been given. With regard to the Minister for Planning's decision to replace Ms Margaret Kidson as chairperson of the State Planning Commission subcommittee looking at future developments in the Swan Valley -

(1) Was Mr Cameron Schuster, the new chairperson, a member of the subcommittee?

(2) Did Mr Schuster formerly work for the Minister for the Environment; and, if yes, in what capacity?

(3) Is Mr Schuster currently employed by the Government?

(4) If yes to (3), what position does Mr Schuster occupy?

Hon PETER FOSS replied:

(1) No.

(2) Yes. He was principal private secretary from late February to early December 1993.

(3) Yes, Mr Schuster has been a permanent public servant since 1976.

(4) He is the Acting Director of the Office of Waste Management within the Department of Environmental Protection.

AUGUSTA-MARGARET RIVER SHIRE COUNCIL - MINISTER FOR PLANNING'S APPEAL DECISIONS, CONCERNS

340. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

(1) Has the Premier received a letter from the Augusta-Margaret River Shire expressing its "dismay and disgust" at the actions of his Minister for Planning, Richard Lewis, and his continual overruling of council planning recommendations? This matter was reported in the *Busselton-Margaret Times* on Thursday, 21 July.

(2) If yes, what action has the Premier taken to review the performance of the Minister for Planning in this regard?

Hon GEORGE CASH replied:

I thank the member for some notice of this question, to which the Premier has provided the following reply -

(1)-(2) No, I have not received a letter from the Augusta-Margaret River Shire Council expressing "dismay and disgust". However, I have received a letter from the shire clerk in which he conveys the council's concerns over some of the Minister for Planning's appeal decisions. Planning issues are often emotive subjects and it is not always possible to please opposing sides. I have the utmost faith in the Minister's ability to make fair decisions. As requested by council, I have noted its concerns and will pass the letter to the Minister for his consideration.

SCHOOLS - MERREDIN SENIOR HIGH
*Tertiary Entrance Examination Students, Core Subjects Maintenance*

341. Hon KIM CHANCE to the Minister for Education:

Will he give a guarantee that tertiary entrance examination students at Merredin Senior High School will not be required to take core subjects, including English literature and calculus, by distance education, and that these subjects will continue to be available to TEE students at Merredin during the 1995 school year?

Hon N.F. MOORE replied:

I could hardly be expected to answer that question given the detail required. How can the member expect me to know whether the number of students studying calculus at that school will be sufficient in 1995?

Hon Kim Chance: It is a core subject.

Hon N.F. MOORE: This matter will depend upon the number of students studying the subject.

Hon Kim Chance: Kalgoorlie and Northam are a long way away.

Hon N.F. MOORE: I am happy to find out for the member the detail required and provide a full and accurate answer. It would have been better had the member put his question on notice.

The PRESIDENT: Order! The Minister need only say that the member should place the question on notice - that is the procedure.

Hon Kim Chance: I will take your advice, Mr President.

The PRESIDENT: I will take it that the question is on notice.

SCHOOLS - MT MAGNET DISTRICT HIGH
*Teacher Turnover*

342. Hon KIM CHANCE to the Minister for Education:

(1) Is he aware of the concern of parents and others in the local community regarding the turnover of up to 80 per cent of teaching staff at the Mt Magnet District High School?

(2) What action will the Minister take to ensure adequate continuity and quality of education at Mt Magnet District High School and other country schools?

Hon N.F. MOORE replied:

I thank the member for some notice of the question.

(1) One primary teacher and two secondary teachers have applied for transfer from Mt Magnet District High School at the end of 1994. Recently, the principal and acting deputy principal transferred to other positions. The total number of teachers appointed to Mt Magnet District High School is 16.

(2) The Education Department is awaiting the outcome of the Tomlinson review of schooling in rural education which is addressing, among other issues, teacher turnover in country locations. Recommendations may assist the department to develop a country incentive scheme to retain experienced teachers in country locations.

TRAINING, DEPARTMENT OF - COURSE TENDERING
*Prevocational or Industry Specific Courses, Accreditation or Registration Requirement*

343. Hon JOHN HALDEN to the Minister for Education:

Can he advise whether it is possible for a training provider to win a WA Department of Training tender for the provision of prevocational or industry specific courses without appropriate State Schools Accreditation Board registration or accreditation?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Under the Department of Training's guidelines for course tendering, no prevocational or industry specific course may be delivered without accreditation or registration of the provider.

SCHOOLS - CLEANING SERVICES REVIEW

344. Hon JOHN HALDEN to the Minister for Education:

(1) Has the Government employed a consultant to review the cleaning of government schools?

(2) If yes, will that review include consideration of contracting out of school cleaning services?

Hon N.F. MOORE replied:

(1)-(2) I ask that the question be placed on notice.

ROTTNEST ISLAND AUTHORITY ACT - REVIEW

345. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

On 5 May the Leader of the House advised that the statutory mandated review of the Rottnest Island Authority Act would be forwarded to the Minister for Tourism at the end of May 1994.

(1) Has this review now been completed?

(2) If not, what steps have been taken to ensure the revision is completed in accordance with the terms of the legislation?

(3) If yes, when will the report of the review be released?

Hon GEORGE CASH replied:

I thank the member for some notice of the question, to which the Premier has provided the following reply -

(1) No.

(2)-(3) The authority is currently awaiting Crown Law advice on certain sections of the Act and also seeking advice from the Public Sector Management Office to ensure that the revision of the Rottnest Island Authority Act also complies with the Public Sector Management Act. On receipt, the report will be laid before each House of Parliament.

CHAPMAN VALLEY SHIRE - ASSAULT REPORT

346. Hon KIM CHANCE to the Minister for Transport representing the Minister for Local Government:

(1) Is the Minister aware that on 13 July 1994 an employee of the Shire of Chapman Valley assaulted another employee and union official while on shire property?

(2) Has the Minister called for or received a report of the incident?

(3) If yes, does the Minister intend to take any action as a result of that report?

Hon E.J. CHARLTON replied:

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

(1) Yes, although there was allegedly a degree of provocation by the union official.

(2) The Shire of Chapman Valley has provided a report on the alleged incident.

(3) This matter can properly be dealt with as a disciplinary issue by the council or by using legal processes, if that is chosen by the union official. However, no further action by the union official is anticipated.

The PRESIDENT: Members will be interested to note that when we listen to each other, as we did today, we can deal with 24 questions in 30 minutes. That seems to be the purpose of the exercise.

By leave, Hon E.J. Charlton (Minister for Transport) tabled the answer to question on notice 595.

[See paper No 238.]

## APPENDIX A

### LEGISLATIVE COUNCIL

### Question on Notice

*Notice given* June 29, 1994

595. Hon Murray Criddle to the Minister for Transport:

To clear up any misunderstanding with regard to road funding and the Government's "Fix Australia Fix the Roads" campaign, will the Minister advise —

(1) What is the monetary breakdown of a typical Motor Vehicle Licence and Third Party Insurance notice issued by Police Licensing and Services in Western Australia?

(2) What is the 1994-95 Budget provisions for collections from the various State Government fees and charges on motor vehicles and drivers?

(3) To which use are these funds to be put?

(4) What is the period to which the use of the funds in part (3) has been in force?

(5) What is the total amount allocated to Transperth from the Transport Trust Fund since the fund was created?

(6) What additional funds have been allocated to roads from the Transport Trust fund since the 1993 election and how has this additional funding been achieved?

(7) What are the annual collections of Federal fuel taxes over recent years and what are the total funds allocated to roads in Australia and Western Australia in each year?

(8) What are the Federal allocations to Western Australia over the past five years for all purposes and the proportion this represents of the total for Australia?

**REPLY:**

(1) The components of a typical motor vehicle licence and third party insurance policy are:

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MOTOR VEHICLE LICENCE FEES FOR A 6 CYLINDER HOLDEN COMMODORE BERLINA JUNE 1994

| Standard Annual Fees | $ |
|---|---|
| Licence | 97.85 |
| Recording | 10.90 |
| Compulsory Third Party Insurance | 242.25 |
| TOTAL | $351.00 |

(2)(3) Details of the amounts budgeted for in 1994-95 from fees and charges on motor vehicles and drivers and the allocation of these funds are shown below. The components allocated for road funding are motor vehicle licence and permit fees and a proportion of Business Franchise (Petroleum Products) Licence Fees (State fuel levy). The fees and charges collected by Police Licensing and Services are allocated to the Consolidated Fund. The cost of licensing and police services is funded from the Consolidated Fund.

STATE GOVERNMENT REVENUE FROM FEES AND CHARGES ON MOTOR VEHICLES AND DRIVERS 1994-95 BUDGET ESTIMATES

| | Revenue $'000 | Allocated to Roads |
|---|---|---|
| Motor Vehicle Licence Fees | 96 528 | Main Roads |
| Motor Vehicle Permit Fees | 1 000 | Main Roads |
| Business Franchise (Petroleum Products) Licence Fees - allocation to roads) | 117 600 | Main Roads |
| | 215 128 | |
| | | **Other Allocations** |
| Business Franchise (Petroleum Products) Licence Fees | | |
| - allocation | 21 500 | Transperth |
| - allocation | 6 000 | Department of Transport |
| Recording Fee | 22 189 | Consolidated Fund) *Collected* |
| Drivers Licences | 27 376 | Consolidated Fund) *through* |
| Temporary Permits | 361 | Consolidated Fund) *Police* |
| Police Licensing Services-various fees | 21 279 | Consolidated Fund) *Licensing* |
| Stamp Duty - Vehicle Licences | 107 000 | Consolidated Fund) *& Services* |
| Compulsory third Party Insurance | 263 000 | Third Party Insurance Fund |
| | 468 705 | |
| **Total** | 683 833 | |

(4) The allocations have been in force for many years and apart from increasing the allocation to roads from the Business Franchise Licence Fees, this Government has made no changes to the use of these funds.

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(5)(6) The total amount allocated to Transperth from the Transport Trust Fund from 1986-87, when the Fund was created, to 1992/93 is $290 million as shown below.

Over the term of this Government the fuel levy collections previously allocated to Transperth will be redirected to roads. This means that an additional $109.5 million will have been redirected to roads by 1996/97, a sharp contrast to the $290 million diverted away from roads by the previous Government between 1986-87 and 1992/93.

TRANSPORT TRUST FUND (FUEL LEVY) - PAYMENTS TO METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST

| Year | Annual Payments | Amount Re-Directed to Roads since 1993-94 |
|---|---|---|
| | *$million* | *$million* |
| 1986-87 | 44.50 | |
| 1987-88 | 37.51 | |
| 1988-89 | 34.21 | |
| 1989-90 | 41.71 | |
| 1990-91 | 45.76 | |
| 1981-92 | 42.82 | |
| 1992-93 | 43.50 | |
| **Total to 1992-93** | **290.01** | |
| 1993-94 | 32.50 | 11.00 |
| 1994-95 Budget | 21.50 | 22.00 |
| 1995-96 Proposed | 10.50 | 33.00 |
| 1996-97 Proposed | Nil | 43.50 |
| **Total to 1996-97** | **354.51** | **109.50** |

(7) Table 1 (overleaf) shows total revenue collected by the Federal Government from excise and other fuel taxes from 1983-84 to 1994-95. Total collections increased by 78 per cent from $6.0 billion to $10.7 billion over this period while the proportion allocated to roads has declined from 19.8 per cent to 14.2 per cent.

The total Federal road funding allocation of just $1.5 billion in 1994-95 represents 7 cents a litre on road fuel consumed, whereas the Federal fuel excise is 31 cents a litre.

Table 2 (overleaf) shows total Federal road funds received by Western Australia since 1983-84 in both actual dollars and in real terms allowing for inflation. Western Australia's actual allocation was $146.08 million in 1983-84 and only $153.78 million in 1994-95. In real terms, this represents a reduction of $86 million or 36 per cent.

Our National Highway allocation is now only 7.1 per cent of the total for Australia, yet Western Australia has 25 per cent of the length of the National Highway.

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TABLE 1
FEDERAL REVENUE FROM FUEL TAXES

| Year | Total Fuel Revenue | Federal Road Funds | Australia |
|---|---|---|---|
| | | *Total* | *Percentage of Fuel Revenue* |
| | *$ million* (a) | *$ million* (b) | % (b)÷(c) |
| 1983-84 | 6046 | 1195 | 19.77 |
| 1984-85 | 6885 | 1242 | 18.04 |
| 1985-86 | 7481 | 1245 | 16.64 |
| 1986-87 | 7533 | 1245 | 16.52 |
| 1987-88 | 7748 | 1248 | 16.10 |
| 1988-89 | 7175 | 1227 | 17.11 |
| 1989-90 | 7941 | 1352 | 17.03 |
| 1990-91 | 8626 | 1534 | 17.78 |
| 1991-92 | 8114 | 1617 | 19.93 |
| 1992-93 | 8776 | 2052 | 23.41 |
| 1993-94 | 9794 | 1542 | 15.74 |
| 1994-95 *(Budget)* | 10733 | 1527 | 14.23 |

TABLE 2
FEDERAL ROAD FUNDS - WESTERN AUSTRALIA
*$ million*

| | Actual Receipts | | | Constant 1993-94 Dollars | | |
|---|---|---|---|---|---|---|
| | National Highways & State Roads | Local Govt Roads | TOTAL | National Highways & State Roads | Local Govt Roads | TOTAL |
| 1983-84 | 109.97 | 36.11 | 146.08 | 178 | 58 | 236 |
| 1984-85 | 117.64 | 34.88 | 152.52 | 179 | 53 | 233 |
| 1985-86 | 123.34 | 36.29 | 159.64 | 176 | 52 | 227 |
| 1986-87 | 117.45 | 36.93 | 154.38 | 155 | 49 | 204 |
| 1987-88 | 111.73 | 36.87 | 148.60 | 139 | 46 | 184 |
| 1988-89 | 110.64 | 38.88 | 149.52 | 127 | 45 | 171 |
| 1989-90 | 118.01 | 42.40 | 160.41 | 127 | 46 | 173 |
| 1990-91 | 117.56 | 45.30 | 162.86 | 122 | 47 | 169 |
| 1991-92 | 129.28 | 49.35 | 178.63 | 132 | 50 | 182 |
| 1992-93 | 161.90 | 50.78 | 212.69 | 164 | 51 | 215 |
| 1993-94 | 99.68 | 50.97 | 150.65 | 100 | 51 | 151 |
| 1994-95 *(Budget)* | 102.32 | 51.46 | 153.78 | 100 | 50 | 150 |

(8) The following table shows total Federal allocations to Western Australia since 1990-91. Western Australia's share of these funds is 10.2 per cent in 1994-95 which is marginally better than in the previous two years but lower than in 1990-91 and 1991-92.

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FEDERAL GRANTS TO WESTERN AUSTRALIA - ALL PURPOSES *

| *Year* | *$ million* | *% of Total Payments to States and Territories* |
|---|---|---|
| 1990-91 | 2 915.4 | 10.3 |
| 1991-92 | 3 073.1 | 10.5 |
| 1992-93 | 3 211.8 | 10.1 |
| 1993-94 ** | 3 163.6 | 10.0 |
| 1994-95 ** | 3 290.6 | 10.2 |

* Total grants from Commonwealth for all purposes, excluding advances. Does not include payments to TAFE made through the Australian National Training Authority in 1993-94 and 1994-95.

** Estimate.