

Legislative Council

Thursday, 29 September 1994

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

MOTION - URGENCY

Mabo

THE PRESIDENT (Hon Clive Griffiths): I have today received the following correspondence dated 29 September 1994 -

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 confusion which exists in the mining industry as a result of the State Government's unilateral legislation in response to the Mabo No 2 decision of the High Court and the embarrassingly weak case the State Government put to the Full Bench of the High Court earlier this month.

Yours sincerely

Mark Nevill MLC

In order for this matter to be debated, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON MARK NEVILL (Mining and Pastoral) [2.36 pm]: I move -

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

It was interesting to hear the mutterings of agreement from members opposite when the urgency motion was read to the House.

Hon Max Evans: Even you do not believe that!

Hon MARK NEVILL: There is confusion throughout the mining industry and other primary and processing industries in this State because of the two conflicting pieces of legislation introduced in response to the High Court decision on Mabo. That confusion basically stems from the failure to develop a cooperative response to that judgment of the High Court.

Hon E.J. Charlton: It will all be fixed up with the uranium mining.

Several members interjected.

The PRESIDENT: Order! I will not allow members to embark on those rude interjections, and I suggest they do not get off to a bad start today.

Hon MARK NEVILL: We have witnessed a costly charade simply because of the failure of the State Government to respond to this matter in a constructive way. Eventually this Government must sit down with the Commonwealth Government and draft complementary legislation to arrive at a workable arrangement. It took the Liberal Party and some sections of the mining industry 12 months to accept the High Court judgment. They talked about referendums and overturning the decision. The High Court judgment is the law of the land and must be accepted. The Minister for Finance shakes his head: In matters of finance and tax, does he accept only those decisions of the High Court that he wants and reject the rest? Of course not. They are the law of the land. The Mabo judgment is consistent with judgments in other countries. Instead of negotiating and discussing the issue with the Commonwealth Government, for the first 12 months, members opposite stuck their heads in the sand. Bill Hassell and the Premier were strutting the stage of state's rights, when they knew at the end of the day they would have to sit down and negotiate.

Hon N.F. Moore: With the support of the vast majority of Western Australians.

Hon MARK NEVILL: That is why members opposite were playing politics and were not interested in the judgment of the High Court. The Mabo judgment is the law of the land, and it took far too long for this Government to accept it. By the time it realised things had gone too far, it was too late to become involved in discussions. For political purposes the coalition Government did not do that, but took off on its own course and tried to unilaterally legislate away the effects of the Mabo decision, rather than constructively respond to it. The Government's attempts to legislate in isolation were always doomed to failure. It has spent millions of dollars -

Hon N.F. Moore: It has not failed yet.

Hon MARK NEVILL: If the Minister for Education thinks the State's case will get up, he is sadly deluded.

Hon N.F. Moore: You want to hope that it does get up.

Hon MARK NEVILL: Serious commentaries about the case the State put to the High Court in early September -

Hon N.F. Moore interjected.

The PRESIDENT: Order! The Minister for Education will stop interjecting.

Hon MARK NEVILL: All serious commentators have said that the state law is inoperative and will be struck down. The State has admitted in the court case that if the federal Act is valid, the state Act is inoperative. When the state law was debated by this House, it was gagged and guillotined. I had about two-thirds of that Bill to deal with, the consequential amendments to the Mining Act and the Land Act, and I had either five or eight minutes to say a couple of paragraphs and sit down. That was the amount of scrutiny that that Bill received in this place. That is an absolute disgrace.

There are two reasons that the Bill will be found to be inoperative. It is inconsistent with federal laws. To the extent that it is inconsistent, under section 109 of the Constitution, it is invalid. A number of procedures in both Bills are radically different and it is clearly inconsistent. In that case the federal laws prevail. The other reason it will be struck down is that it offends the Racial Discrimination Act. The state legislation compulsorily removes a common law right of native title and replaces it with a lesser statutory right which will allow Aborigines to hunt, gather and fish and that sort of thing. In that sense, because that is a lesser right, it is discriminatory and it will be struck down.

The state Act also claims that pastoral leases extinguish native title. That assumption is dubious. It relies on the state Act being valid and that is not a very safe basis on which to make that assumption. Every objection lodged by Aborigines to a mining tenement that is on a pastoral lease will be automatically rejected under the state legislation. Already 280 objections have been lodged of which 105 were rejected straight out on the basis that some previous land tenure had extinguished native title. In the vast majority of those cases, that land tenure was a pastoral lease. According to what was said at the Estimates Committee hearings last week, only one objection was upheld and we are not sure why or whose financial interests that must have offended.

Hon N.F. Moore: You really are a pain in the neck at times.

The PRESIDENT: Order!

Hon MARK NEVILL: We can be guaranteed that it was not offending Aboriginal interests.

Hon N.F. Moore: Why didn't you say it outside and name someone?

The PRESIDENT: Order!

Hon MARK NEVILL: The antediluvian elements in the coalition and in the mining industry, like the Minister -

Hon N.F. Moore: You are a disgrace.

The PRESIDENT: Order!

Hon MARK NEVILL: - would give their eye teeth -

The PRESIDENT: Order! When I call for order, the member on his feet should stop. I have already asked the Minister for Education once not to interject. This is the second time. I do not know why he finds it necessary to keep interjecting when, in eight minutes, he will have an opportunity of refuting what the member is saying if that is what he feels like doing. I will not allow these interjections to continue.

Hon MARK NEVILL: As I said, the antediluvian elements in the Liberal Party and a small section of the mining industry would give their eye teeth to have the 1985 Aboriginal Land Bill on the Statute books in this State. That was a moderate piece of legislation that was brought into this place under the Burke Government and it was destroyed by people like the current Minister for Education, Hon Norman Moore, the current Premier, Richard Court, and the proposed Agent General to London and former leader of the Liberal Party, Bill Hassell. They were the prime instigators of the demise of that piece of legislation. They would love to have that piece of legislation on the Statute books nowadays because the High Court judgment goes further than that legislation and the Native Title Act goes further than that. It was into the vacuum of no effective land rights legislation in Western Australia or in Queensland that the High Court made its judgment.

Hon N.F. Moore: Rubbish.

Hon MARK NEVILL: Those people who were responsible for the racist campaign in 1985 are responsible for that. They said then that everybody's backyard could be claimed. There were grotesque, distorted advertisements of walls being built around Aboriginal land. At the end of the day, the Burke Government had the Pastoralists and Graziers Association, the Association of Mining and Exploration Companies, the Chamber of Mines, the Local Government Association and the Primary Industry Association on-side. All of those interest groups and the Legislative Assembly could live with that legislation. The only place that could not live with that Bill was this Chamber. If one wants to find out how hard those antediluvian elements fought during the 1980s, all one need do is read Hon Norman Moore's speech during the debate on that Bill.

Hon N.F. Moore: And be enlightened.

Hon MARK NEVILL: The Mabo situation arose out of another conservative reactionary element in Queensland, Mr Joh Bjelke-Petersen, when, in the early 1980s, he refused to transfer a pastoral lease that was purchased by Aborigines. It resulted in the Koowarta case, which was heard in the High Court in 1981. That successful action by John Koowarta relied on the Racial Discrimination Act. Therefore, it is the ultraconservative elements who have caused the present predicament because they were not prepared to accept what was reasonable.

With all of the rantings and ravings that we have heard from the coalition benches since the judgment was handed down in June 1992, I have never heard the Leader of the House or Hon Peter Foss criticise the decision. It is only a small coterie of people in the Liberal Party who cannot get their minds around the concept of Aborigines having rights to land other than some parsimonious rights that those people give them who criticised it. When the High Court strikes down the State legislation, chaos will reign in the mining industry in Western Australia because many mining tenements have been granted on the assumption that the state Act will operate. If the coalition had sat down with the Federal Government early in the debate instead of having this standoff, it would have been in a position to negotiate some changes or have some conditions inserted into the Federal Native Title Act to make it as acceptable as possible to the people and the industries that operate in Western Australia. When the state Act is struck down, the Government will be legless. It will have no real clout to demand changes to the Native Title Act which the Government feels might ease the problems in Western Australia.

Eventually the penny will drop. The Government will have to sit down and draft complementary legislation to the federal Act. That has been done in New South Wales,

Queensland and South Australia. Will the Government wait until the judgment is handed down? It should be handed down before May next year when the Chief Justice, Sir Anthony Mason, retires or it could be handed down before then. Will the Government wait until that judgment is handed down before it drafts its complementary legislation? Will it allow the mining industry to continue in chaos for months and months or will it realise the reality of the situation and at least draft complementary legislation now so that it can respond quickly and positively? Whether the Government loses face does not worry me. All I want to see is a system operating in this State under which the mining industry and other industries can work.

We have hearings now in Perth by the National Native Title Tribunal, under a very capable judge, Robert French, who made it clear in a lunch time address to the Australian Mining and Petroleum Law Association which I attended recently that he believes amendments need to be made to the Native Title Act. I have no doubt that that will occur. It is up to the State Government to give some ground and respond sensibly to this situation. The mining industry is the most important industry in this State. I ask the Government not to wait until the High Court judgment but to act now to clear up the uncertainty and confusion which exists and which will be exacerbated when the High Court brings down its judgment. The Government cannot put its head in the sand and hope that it will win this case. Objective and eminent lawyers in this area, who have no ties to the Labor Party, all say that the State can win only with a very good case and that the State's case in the High Court in the early weeks of September was surprisingly disappointing. They have virtually written off the State's case.

HON GEORGE CASH (North Metropolitan - Leader of the House) [2.52 pm]: This is an urgency motion brought before the House under Standing Order No 72. The first question that needs to be asked is where is the urgency, given that the Native Title Act was passed in 1993?

Hon Mark Nevill: Ask the mining industry.

Hon GEORGE CASH: It is amazing that Hon Mark Nevill has not raised this matter in the past if it concerns him so much, because what we have seen today is Hon Mark Nevill, a member for the Mining and Pastoral Region, selling out Western Australia and, more than that, undermining the security of title of mining companies in Western Australia.

Hon Mark Nevill: They do not have any security. That is the point which you do not accept.

Hon GEORGE CASH: Hon Mark Nevill professes to support the mining industry when he is in his electorate but he is not out of it too long before he attempts to sell it down the drain. That is gross hypocrisy.

Several members interjected.

The PRESIDENT: Order! I said earlier that I would not have any interjections. That applies to the 33 people sitting in the Chamber. I suggest that if members do not like what the Leader of the House is saying, they wait eight and a half minutes and they will have an opportunity to speak.

Hon GEORGE CASH: Hon Mark Nevill professes to be able to predict the outcome of the High Court case. Has Hon Mark Nevill read Western Australia's submission to the High Court and the documentation that was sent to Canberra?

Hon Mark Nevill: I have read some summaries of the state and commonwealth cases.

Hon GEORGE CASH: Hon Mark Nevill has read some summaries, but he clearly has not read the submission, because many people believe that there is significant substance in the case that was put before the High Court. Hon Mark Nevill indicated also that he believes that pastoral leases in Western Australia should not be exempted from the provisions of the Native Title Act or, indeed, state legislation.

Hon Mark Nevill: I did not say that.

Hon GEORGE CASH: Of course the member said that. I say to Hon Mark Nevill: Do not tell the House about that. Tell the pastoralists, because he has been selling them a different line for a long time.

There is no chaos in the mining industry. The mining industry in Western Australia has stated that it can work under current state legislation. The possibility of chaos will develop if people like Hon Mark Nevill and Hon Tom Stephens continue to sell the mining and pastoral industries in this State down the drain. Hon Mark Nevill talked about the need for this State Government to talk to the Commonwealth Government. I am happy to talk to it any day of the week. Only a few weeks ago, I attended the Australian and New Zealand Mining and Exploration Conference in Canberra and sat with the federal Minister for Resources, Hon David Beddall. I made it very clear to him that I believed we needed to continue to talk and that there was no value in people like Paul Keating freezing out Western Australia and going his own way. In regard to freezing out Western Australia, in the end any damage done to the economy of Western Australia will clearly impact upon the economy of the whole nation, because that is how important mining is to not only this State but also the nation. I also proposed during that conference in Canberra that the Western Australian Act be used as a model that could be commented upon by the other States and, indeed, the Commonwealth, and that if positive and constructive amendments were proposed, clearly that could be accommodated. I want to do that by using the state Act because I do not believe there is any value in using the commonwealth Act as the model, given the amendments that were made to it during its passage through the Senate.

There is no problem with the validity of mining titles in Western Australia. The High Court challenge by this State to the Native Title Act will not decide the validity of any title in Western Australia. Even if the High Court were to decide in favour of the Commonwealth on all points, it would not declare any title in Western Australia invalid.

Hon Mark Nevill: Are you saying that the state Act is irrelevant?

Hon GEORGE CASH: No. I am saying that the Commonwealth does not have the authority to grant mining titles in Western Australia. All grants of title in Western Australia are made by state authorities under state legislation.

Hon Mark Nevill: How does that sit with native title?

Hon GEORGE CASH: All the Commonwealth can do is attempt to invalidate state titles where certain requirements are not met before the title is granted, and that is what some of the commonwealth legislation purports to do within the Native Title Act. However, the fact is that state authorities in Western Australia issue mining titles, and nothing will change.

Hon Tom Stephens: Yes, either validly or invalidly.

Hon GEORGE CASH: I ask Hon Tom Stephens to reflect on what he just said, because that was a stupid comment.

The PRESIDENT: Order! It was an out of order comment.

Hon GEORGE CASH: The impact on Western Australia of the Native Title Act is very significant, because 93 per cent of Western Australia is claimable under the current Native Title Act. It is supported by Hon Mark Nevill, who apparently believes that pastoral leases should not be exempted. No other State or Territory in Australia is in the same position as Western Australia, not forgetting that 13 per cent of Western Australia is already controlled by either native reserves or other land which is reserved for Aboriginal purposes. Under current Western Australian legislation, we can process prospecting licence applications in about 2.6 months, mining lease applications in about 5.5 months and exploration licence applications in about 7.3 months. If we were required to follow the procedures of the Native Title Act, 16 months would be added to that time frame.

Hon Tom Helm: Poppycrack!

Hon GEORGE CASH: Hon Tom Helm can say it is poppycock, but if we were required

to issue title in accordance with the federal Native Title Act, mining in Western Australia would slump dramatically. That obviously is what the Australian Labor Party is trying to bring about. The mining industry is confident about our state legislation and has said that on a number of occasions. I will give an indication of the confidence of the industry in the state legislation: In 1991-92 the total number of mineral title applications was 5 613. In 1992-93 the number increased to 5 702. In 1993-94 when the Mabo decision was being debated across the nation, 6 013 applications were made.

Hon Tom Helm: Why?

Hon GEORGE CASH: Because the mining industry is confident in the state legislation and it believes that the issue of title, whether mining or land title, is the sovereign responsibility of the States, and it should not be shifted to Canberra. To emphasise that confidence by the industry, one need only talk to the Chamber of Mines and Energy or the Association of Mining and Exploration Companies - because they are involved in Hon Mark Nevill's electorate - and see that they are satisfied with existing state legislation. This motion is all about undermining the economic growth and economic potential of Western Australia. The Australian Labor Party would not be happier than to have an economic crisis beset this State.

Hon Mark Nevill: Nonsense!

Hon GEORGE CASH: Anything like that would suit the ALP so that it could attempt to grab the reins of government again in this State. What a disgraceful and despicable situation it is when the ALP in Western Australia is prepared to sell out not only the companies and the people of the State but the entire State -

Hon Kim Chance: That is a defamatory statement.

Hon GEORGE CASH: - and all for political gain. This is all about power play by the ALP.

HON TOM STEPHENS (Mining and Pastoral) [3.02 pm]: Nothing could be further from the truth than the remarks by the Minister for Mines, the leader of the coalition Government in this place. The facts are that the Mining and Pastoral Region is solidly represented both in the lower House and in this House by a majority of Labor Party members who are passionately committed to the economic development of the region.

Hon N.F. Moore: Rubbish!

Hon TOM STEPHENS: That economic development can be guaranteed only by ensuring that all elements of the community participate in the economic development of the region. Unlike our counterparts opposite, we understand that the key to economic development in the region is the guaranteed participation and enjoyment of development by all sections of that community. I refer now to one of the great lessons of the week that everyone in Australia should have learned. If the lesson has been lost on members opposite it will come as no surprise because they have found it very difficult to learn lessons in the past. I refer to the lesson offered in Hobart, Tasmania, this week, because we have seen the Aboriginal people of Australia, and the Northern Territory -

Hon George Cash: The uranium question!

Hon TOM STEPHENS: In complete contrast to the stereotypical characterisation of the Aboriginal people that has been promoted by the Liberal Party in government and in opposition, the Aboriginal people of the Northern Territory argued their case in Hobart for the promotion of uranium mining on their land. That is in complete contrast to the claims of the Liberal Party that somehow by giving to Aboriginal people a title to land in Western Australia we will prevent economic development of the State. Clearly, in Tasmania that lie has been disproved.

Withdrawal of Remark

The PRESIDENT: Order! I allowed the member to get away with it once. He should now apologise and withdraw that statement.

Hon TOM STEPHENS: I apologise and withdraw the statement.

Debate Resumed

Hon TOM STEPHENS: The claim by the Minister for Mines that somehow the Federal Government - and ourselves in opposition - will do anything other than to support economic development in this State, is not true. One of the travesties of the debate in this case was the interjection by the genius on the backbench, Hon Ian MacLean, who said that the decision of the High Court was nothing more than an opinion of lawyers, and did not represent the law of the land. One would expect that would make the Minister for Finance choke because he, of all people, has been one of the great beneficiaries - both as an individual and as a participant in industry - of the decision of the High Court that has become the law of the land. That decision has assisted him and his colleagues to become very wealthy men. The decision by Chief Justice Barwick - which was not mere opinion but the law of the land relating to taxation matters - has assisted that man to become one of the wealthy members of the Western Australian community.

Hon P.R. Lightfoot: And he is a great man.

Hon TOM STEPHENS: The Minister for Finance should choke on that interjection and the claims by his colleagues which are disparaging about the High Court which has addressed a different area of law; that is, native title and common law.

Several members interjected.

The PRESIDENT: Order! I have told the member to come to order. He must learn, and he will have no more chances, that when I call for order the member should not continue to interject while I am speaking. I am trying to teach the Chamber a little decorum, but members defy the Chair. I am becoming sick and tired of it.

Hon TOM STEPHENS: The Minister for Mines interjected on my comment that the invalidity of some actions of the State Government placed in jeopardy the economic interests of the mining and pastoral industries. He said something like it was a stupid claim. Clearly, the argument before the High Court is that actions by the State Government - whether by Statute or without the assistance of Statute - will be invalid, and will not assist the economic development of the State if they are in conflict with the Racial Discrimination Act of the National Parliament. That has been the case with the administration of the land legislation and the mining legislation of the State by this State Government flying in the face of decisions by the High Court. It is placing in jeopardy the economic development of the State. In addition, we have learned only recently through Estimates Committee debate that no contingency plans are available for the State to operate in a post-High Court decision assessing the validity of the state legislation. All commentators are anticipating that the state legislation is about to fall.

Hon N.F. Moore: That is not true.

Several members interjected.

The PRESIDENT: Order!

Hon TOM STEPHENS: They are predicting that without an assessment -

The PRESIDENT: Order! I will say it once more. As I refer to each individual who interjects, my comment is meant to apply to everyone. If I have to go around 33 times advising each member individually that he or she is not to interject, we will not get a lot done. When I say members are not to interject, that means nobody is to interject.

Hon TOM STEPHENS: After considering the State Government argument put to the High Court, all commentators have recognised that the argument is thin. The case is so lacking in enthusiasm that clearly there is no chance of the State Government case being upheld by the High Court. The legislation is about to fall and the Government does not have any contingency plans. The State Government should have legislation ready for the Parliament. It should have legislation that will ensure that our State becomes a complying State with the decisions of the High Court, the law of the land, and the will of the National Parliament.

I turn now to an article titled "Crocodile farm gets the green light on Roebuck Plains site"

which appeared in the *Broome Advertiser* on Thursday, 22 September. This is a decision by a developer in Broome, with the assistance of the local authorities and the local members of Parliament, and one hopes it would be saluted as a great victory for commonsense in the community. It is an announcement as follows -

Broome Crocodile Park owner Malcolm Douglas last week commenced clearing his new lease - a 20 hectare block of land on Roebuck Plains Station - in preparation for establishing his crocodile farm.

The project, which has been the subject of a good deal of controversy during the past couple of years, has finally been given the green light.

The go-ahead follows an agreement by the owners of Roebuck Plains Station to excise a small parcel of land for use by Mr Douglas . . .

"This is the best thing that could have happened to me," Mr Douglas said, indicating the wide expanse of scrubland that is currently being parkland cleared to make way for concrete ponds.

"We've got beautiful water just 70m down into the sandstone, a great location for the caretaker's house . . .

The article then outlines what is about to be done on that block. What is revealed by that article, I hope, is a great lesson to this State Government; that is, there is no opportunity for the convict days it harks after, when Mr Moore was Cabinet Secretary and he aspired to be part of the great conflicts that were part of the mode of the day with the Noonkanbah convoy, ramming in the confrontationist approach over Aboriginal people at the top end of Western Australia, with the expense, provocation and controversy which surrounded the convoy, which he supported. Instead of that there is another way. This article depicts that way; namely, striking compromise within a community that can see development projects go ahead to accommodate the interests and aspirations of Aboriginal people for land.

I hope a development project will now go ahead on the edge of the township of Broome, away from areas that were of a more specific concern to the Aboriginal people. That is what the national legislation endeavours to do; namely, to strike a balance, to accommodate the various interests, and to ensure that everybody in this community - not just Mr Moore and his rich mates on the other side of the House - can participate in the economic development of Western Australia and, indeed, of this nation. When members opposite have learnt that lesson this State can go on to a brighter and better future. Until they learn that lesson they are doomed to repeat the mistakes of the past. They have demonstrated that they have learnt nothing from history.

HON P.R. LIGHTFOOT (North Metropolitan) [3.12 pm]: I assure you, Mr President, that my contribution this afternoon will not be seditious or traitorous. It will not be full of racial invective, and I hope that it will be balanced. The problem is that a large amount of misinformation is flowing from the opposite side. The perception, if one believes members on the opposite side and their mates in Canberra, is that Aboriginal people in Western Australia were previously bereft of land. The facts are that Aboriginal people in Western Australia, prior to any land rights being granted, were already the custodians of 31 million acres of land. To put that in perspective, that is an area greater than the aggregate of the entire United Kingdom. Of course it is not the same land; of course it probably would not support 60 million people. However, the fact remains that that is an area of land, to put it another way, that is greater than Israel, Portugal, Switzerland, Denmark, Belgium and Luxembourg combined. It is an area that stretches from Esperance to Kununurra and through significant parts of the Kimberley, a great part of the western desert and even parts of the central business district of Perth. It is not land that is alien to these people; it is land which they ostensibly had for generations and for many millennia. It is their land.

Hon J.A. Scott: They had all of it.

Hon P.R. LIGHTFOOT: That is so. When did they have all of it? It ceased to be owned by these people when it was taken up in the name of the Crown in 1788.

Hon Mark Nevill: That is not what the High Court found.

Hon P.R. LIGHTFOOT: There is no question that if a decision had been handed down from the High Court that was unfavourable to us, an appeal would have been imminent had we had that process of appeal to the Privy Council, which many other remnant parts of the former British Empire and the Commonwealth still have. The fact is that the High Court has become a political chamber; one could almost say a sectarian chamber. That is not in the best interests of Western Australia. I talk about the seditious behaviour of certain people.

Western Australia produces 26 per cent of this nation's export income. Anything that hurts Western Australia hurts all Australians. Let me put that into perspective. That extrapolates to \$13b worth of production from our mines. This Government is committed to double that by the end of this century. Any interruption to that flow affects all Western Australians. This State produces - because of its law, its equity and the previous Government and this Government - something like \$9 000 per capita as opposed to the average of the Eastern States of \$3 000 per capita. It cannot be said that any High Court decision that takes away the sovereignty of this State to deal with its own land is constitutional. If its edict were that, it would not possibly stand up to a challenge from a superior court to the High Court.

There have been many conjectures about the Latin phrase *terra nullius*. As any mediocre student of law would know, that phrase was never meant to be interpreted literally. I take the term *prima facie* to illustrate my point. *Prima facie*, when referring to evidence, means "first glance". However, it means more than that; it means evidence of a fact which a court must take as proof of such fact until further reliable evidence is brought to hand to the contrary. That is a much wider interpretation than "first glance". So it is with *terra nullius*. It does not mean "empty land". Every student knows that prior to the Europeans landing in Australia there were Aboriginal people here. It is known there were Aboriginal people here for several hundred years prior to the annexation of New South Wales, prior to the annexation of this State in 1827, and prior to the annexation of South Australia in 1836. Everyone knew that. I had the opportunity of visiting the Privy Council some few weeks ago. As a result of contacts there I wrote and asked an officer of the Privy Council what he thought of the term *terra nullius*. He said, *inter alia* -

Hon Tom Helm interjected.

Hon N.F. Moore: Spell it for them.

Hon P.R. LIGHTFOOT: It is no good spelling it for them. English is Mr Helm's second language.

Hon Sam Piantadosi: You spell it, Mr Moore.

The PRESIDENT: Order!

Hon Sam Piantadosi interjected.

The PRESIDENT: Order! Hon Sam Piantadosi defied me by interjecting the instant I told him to come to order. If he opens his mouth once more this afternoon I will name him.

Hon P.R. LIGHTFOOT: In response to my query about *terra nullius* the officer states -

The Sovereign is the supreme owner of all land which is held either directly from the Crown or from some intermediate holder.

This is helpfully explained in a New Zealand case in 1868 entitled *Veale v. Brown* in which the judgment contains the following passage:-

"The feudal system, long extinct in England as a political and social system, is yet the source of all the doctrines of the law of real property. It is a fundamental principle of that law that all lands are held of some superior lord - according to the old French maxim, "*Nulle terre sans seigneur*". In other words, the doctrine of tenure is a fundamental principle of the English law of real property."

Hon Mark Nevill: That is why it belonged to the Aboriginal people.

Hon P.R. LIGHTFOOT: He states in his conclusion that *terra nullius* bears the same meaning as *nulle terre sans seigneur*. That means that the wide interpretation of it must always be taken; it was never meant to mean "empty land".

The nucleus of the Act that governs the Land (Titles and Traditional Usage) Act of Western Australia was taken from the very edict of the High Court judgment brought down in June 1992, using that hub and radiating out to make it a workable Act here that had equity for all people. Unlike the confidence of the Opposition, if the High Court brings down a decision, I do not know that it necessarily will bring down a decision contrary to the one it gave in June 1992 with respect to that handful of little islands just off the coast of New Guinea. That decision affected a handful of people, who we knew were there, who we knew had tenure of that land, and who we knew had delineated that land in a feudal system of land tenure. That situation is unlike the one pertaining to the three million square miles of Australia that that abortive and appalling Mabo judgment concerned, and we have seen the chaos into which it has thrown this country.

I do not believe that Western Australia is served by any centralist decision, whether that decision comes from the Federal Parliament, the High Court or from the Reserve Bank. Those decisions are very often, if not exclusively, not in the best interests of this State. This State, as this Mabo legislation clearly indicates, is best served if we can control our own destiny, if the Constitution of the State is upheld, and if we make decisions that are based on the best interests of all Western Australians. This Government, in all its legislation and all the things it does, is for the benefit of all Western Australians; it is not based on the colour of one's skin, but on the fact that one resides here in this wonderful one million square miles of this nation. That is what this Government is about. Anything that goes outside that is beyond our control, and is not in the best interests of the people of Western Australia.

It is shameful that people make statements in this House such as we have witnessed this afternoon, that are likely to interrupt the flow of development of jobs and employment for our youth. I find that traitorous and sedition of the worst kind, and I find the racial invective of that kind, pitting black against white, is something quite appalling, something this Chamber should never put up with.

HON TOM HELM (Mining and Pastoral) [3.22 pm]: It is with some embarrassment that I follow Hon Lord Justice Lightfoot in his rhetoric in this place. With his knowledge, he should not be here at all; he should be wearing a wig like you, Mr President, and he should be in the High Court because he knows more than those seven judges! I will not comment on the points Hon Ross Lightfoot made. He talked about how many acres of land Aboriginal people have; yet in my electorate alone, there are Aborigines who have never had their own land on which to erect a house. That is how much land Aborigines have in this State.

Let us talk about the need for the urgency motion, to which the Leader of the House referred. The urgency is quite clear: The confusion that has been caused in the mining industry means that we should be putting our minds towards people being allowed to go about their business in the same way as CRA, Hamersley Iron and BHP. Those are three shining mining houses in this State which are doing all the things that Mabo legislation asked. The Chamber of Mines and Energy has invited us on a number of occasions to look at these mines. Other responsible mining companies in this State are doing exactly what the Federal Government legislation on Mabo advised. It is no good claiming States' rights if it has no meaning, if responsible mining houses are already doing it. I advise the members of the other side to take up the offer from the Chamber of Mines, to open their eyes and to look at and listen to what is going on. If this is done, members will see how people have gained respect, how the rights of mining companies in making a quid from the minerals in the ground are understood and respected, and that people who were here originally gain some benefit from the development taking place.

To answer the questions put by the Leader of the House in his pathetic defence of this State Government's antiquated response to the Mabo decision and the decision of the

Labor Federal Government, we have always supported and will support the mining industry in its legitimate claims. They cannot continue to be in the wake of development; sometimes government must lead; sometimes it must get away from the fact that there used to be a Privy Council to appeal to. Development of this State will take place despite members opposite. They must get their act together.

The Minister for Education was warned about his conduct in interjections, and advised that he could get on his feet and speak in this debate if he wanted to; but never once did he stand to catch your eye, Mr President, to defend the things he objected to. He sat in his chair and had not the courage to stand to make a contribution; yet he represents the same area as I do. He should talk to Hamersley Iron and see what is happening at BHP and CRA. It is in his electorate, and so are Aboriginal people, and they are the ones who are making a contribution to this State, not the Minister for Education. He wants to shut down the schools; he will take the school away at Wiluna, but he will not join in this debate.

The Leader of the Government tells us that 93 per cent of this State is claimable. He is wrong, because 100 per cent of this State is claimable. Anyone can make a claim about anything. Can they be successful? Who knows? We do not know because there are still cases before the tribunal.

Hon N.F. Moore: The member just hit the nail on the head.

Hon TOM HELM: The Minister is causing more confusion by this stupid, inane, doomed to failure challenge, because he does not know anything except what happened yesterday; does not know what will happen tomorrow, and does not know what happens in the rest of the world. He must understand that if he opens his eyes, he will see what the federal legislation is all about. The tribunal guidelines state how much is claimable and how much is not claimable. If the Minister is too tired, too lazy and too stupid to understand what is happening in this State, he should look at what is happening in the Northern Territory and the deal negotiated at Mt Todd between the Jarwin people and goldminer Dominion Mining Ltd. The Minister should consider the deal struck between the Aboriginal people and the mining company, when people sat around as equals and came to an agreement. An article was published on 12 September this year; not 100 years ago, not with the Privy Council's agreement, but when the people sat down with the leaders of that mining company.

Hon E.J. Charlton: Are the Aboriginal people benefiting out of this? I am yet to see where they are benefiting.

The PRESIDENT: Order! Minister, if you continue to interject, the same applies to you as I have mentioned to other members who continue to defy me.

Hon TOM HELM: What are the benefits proposed by this State Government? More money will be poured into education, so the Minister for Education can close more schools. More money will be thrown at Aboriginal problems. There is an understanding here for more jobs, and I quote from the *The Australian Financial Review* of 12 April 1994 -

The Jarwin Association, which represents about 600 people, aims to build a commercial base to allow it to become financially independent and break its economic reliance on government.

Do members know about the welfare handouts that the Federal Labor Government is accused of? The article continues -

The association's commercial activities include pastoral and tourism operations as well as its mining interests.

It also deals with apprenticeship schemes, training schemes, and education schemes in a joint venture. The community also has the ability to have members of the Northern Territory Chamber of Mines. Would there be a proposal for any Aborigines to be on the Western Australian Chamber of Mines and Energy? Why not? Where do they live? That bit of land the Minister is talking about is where the minerals are. The Minister for

Transport laughs, but if he put some houses and roads into those Aboriginal communities, he would give such communities some of the basic things most of us enjoy.

[Motion lapsed, pursuant to Standing Order No 72.]

EAST PERTH CEMETERIES REPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon E.J. Charlton (Minister for Transport), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [3.30 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to repeal the East Perth Cemeteries Act 1932 and to transfer formally management of a disused cemetery reserve from the Department of Conservation and Land Management to the National Trust of Australia (WA).

The East Perth cemetery adjacent to Plain Street was Perth's first cemetery, and most of the people who died in Perth between 1830 and 1899 were buried there. The graveyard was divided into areas on religious and ethnic grounds. It became full by the turn of the century and the replacement Karrakatta cemetery was opened in 1900. The cemetery was declared closed in 1932 and the East Perth Cemeteries Act 1932 revested the land held by the religious bodies and individuals to the Crown. It is likely that the 1932 Act referred to the plural term "cemeteries" on the basis of the separate burial areas for religious and ethnic groups. The Act relates only to an area which is now the class A reserve No 21054, with the purpose of "disused burial ground" and an area of approximately 4.5 ha. The cemetery was originally made the management responsibility of the board appointed under the Parks and Reserves Act 1895.

The East Perth Cemeteries Act was amended in 1976 to transfer management to the National Parks Authority. By way of the Conservation and Land Management Act 1984, the management responsibilities for the cemetery passed to the Department of Conservation and Land Management. Vesting is held by the National Parks and Nature Conservation Authority. Negotiations saw the National Trust of Australia (WA) agree to accept vesting and management of the East Perth cemetery as an historic site. Advice from the Department of Land Administration was accepted to require amendment of the 1932 Act to allow vesting and management of the reserve to be transferred to the trust. Repeal of the East Perth Cemeteries Act 1932 was agreed to be the best course of action. Individual management and vesting arrangements by way of a separate Statute are no longer required. Vesting can be accommodated under the Land Act 1933 and management by way of the National Trust of Australia (WA) Act 1964.

This Bill will also transfer the vesting of the class A reserve 21054 from the National Parks and Nature Conservation Authority to the National Trust of Australia (WA). This will remove the need for such a transfer to be approved by Parliament by way of the Reserves Bill action. The reserve's purpose will also be amended from "disused burial ground" to "historic site". The repeal of the East Perth Cemeteries Act 1932 and transfer of the cemetery reserve are now appropriate courses of action. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

FISH RESOURCES MANAGEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon E.J. Charlton (Minister for Transport), read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.34 pm]: I move -

That the Bill be now read a second time.

Since 1905 the principal Act to which this Bill relates has been amended on 38 occasions. As a result, it has become difficult to interpret. A review of the Fisheries Act, undertaken in consultation with the industry and the recreational fishing community, was completed in 1991. This review highlighted the need for new legislation. As a result, the Minister for Fisheries released a draft Bill as a green paper for public discussion and comment. In excess of 700 copies of the draft legislation were distributed to professional and recreational fishing associations, the aquaculture industry, conservation groups, mining and petroleum companies, affected State and Commonwealth Government departments, and members of the public. In excess of 200 submissions were received and each has been given full consideration. Comprehensive discussions have been held with industry bodies about the various provisions of the legislation, as the need arose. The Bill was also referred to the Standing Committee on Legislation, which itself received public comment. That committee, on being advised that the Bill was continuing to be modified, resolved not to prepare a formal report. All those persons who have offered constructive suggestions and advice during the public comment process are sincerely thanked for their contributions.

Major changes that have been incorporated into the legislation include a right of renewal for all classes of fishing licence holder, subject to the licence holder meeting certain requirements that are clearly identified in the Bill. Consultation with participants in managed fisheries will be mandatory during the formulation and prior to the gazettal of a new management plan for a managed fishery. Consultation will also be required before the Minister for Fisheries can revoke or amend any management plan. The Minister for Fisheries will be required to consult with relevant industry bodies and other persons having an interest in a fishery, prior to the finalisation of policy guidelines issued by the Minister for Fisheries, in respect of the exercise of functions administered by the Executive Director of the Fisheries Department, under the Act.

The provisions contained in the draft Bill relating to aquatic reserves have been deleted in favour of fish habitat management areas. These will be multiple use areas where mineral exploration and development will be permitted, subject to the required environmental assessment processes. Other changes have also been made to the title and objects of the Bill; the provisions relating to traditional fishing by Aboriginal people; the method of appointment of members to the Rock Lobster Industry Advisory Committee; the title and composition of the Aquaculture Development Council; and the ability to grant aquaculture leases for 21 years, instead of 10 years. This last amendment will provide an improved investment environment for those participating in, or entering, the aquaculture industry. Following consultation with representatives of the banking industry, the registration provisions have also been amended. These changes will increase the level of protection afforded to financial institutions which lend money to participants in the fishing industry and allow the use of fishing authorisations as security for loans. The provisions relating to the transfer of authorisations have been amended to allow a transfer to be made within the stipulated 21 day application period, subject to the written agreement of both the licence holder and the security holder. The provisions relating to masters of boats and licence holders have also been amended to reduce the onus of proof on a licence holder or a master of a vessel in any court proceedings for an offence against the Act.

The Bill reflects a change of emphasis from the "development of fisheries" to "sustainability of fish stocks and the conservation of the aquatic environment". It provides parameters within which commercial fishing, aquaculture, fishing processing and recreational fishing, and other activities can be undertaken and managed for the sustainable benefit of the Western Australian community.

Growing populations both within and outside Western Australia, and advances in technology, have combined to increase pressure on fish stocks and the aquatic

environment. There is also a need for the continuation of research programs to monitor fish stocks, and management practices to ensure the survival of fish species at a level to meet current and future commercial and recreational demands. Unfortunately, in the recreational and commercial fishing communities, as well as in the wider community, is a minority of people who choose to ignore otherwise widely accepted rules, for reasons of self-interest. For this reason, realistic penalties are provided for breaches of the legislation.

The Bill provides the necessary legal and administrative mechanisms by which the Fisheries Department - in partnership with commercial and recreational fishermen and the wider community - can ensure the continued viability of the State's commercial and recreational fisheries. In addition to this legislation, a Bill to enable the collection by the Minister of an industry levy to be used for fishing and aquaculture industry promotion, management and training and seafood promotion will be introduced. Legislation to provide for a similar levy in respect of the pearling industry will also be introduced. Furthermore, an amendment to the Fisheries Adjustment Schemes Act 1987, which will provide a process for the compulsory acquisition of authorisations in certain circumstances and establish a tribunal to determine the appropriate compensation payable in such cases, will be introduced.

I now turn to the detail of this Bill. Part 1 will deal with the preliminary aspects of the legislation, its objects and definitions. Included in the definition of fish is "aquatic plants". This is necessary, as a result of commonwealth legislation which also includes aquatic plant life in the definition of fish. The Bill outlines the extent to which the provisions of the legislation apply to Aboriginal people. The Fisheries Act 1905 creates a general exemption for Aborigines from all of the provisions of the Act, except those relating to closed waters, the use of certain types of gear, stalling of waters, escape gaps in rock lobster pots, possession of undersized fish and the use of explosives or poisons to catch fish. Aboriginal people will, in future, be subject to all rules governing other fishermen, including bag limits, gear restrictions and the identification requirements relating to nets and pots. However, there will be no requirement for Aboriginal people to hold a recreational fishing licence when engaged in the taking of fish from any waters in accordance with Aboriginal tradition, so long as the fish taken are for personal use.

The legislation will enable the Minister for Fisheries to grant exemptions from some of its provisions for any purpose. It will also enable the Executive Director of the Fisheries Department to grant exemptions for specific purposes listed in the Bill. These include scientific research, the development of new fisheries or new fishing technology, education, or the collection and culturing of rare or endangered fish. Exemptions issued by the Executive Director of Fisheries will be subject to guidelines issued by the Minister. It should be noted that if the species of fish to be collected is listed as a rare or endangered species under the Wildlife Conservation Act 1950, persons would also be required to gain an exemption under the Wildlife Conservation Act before exempted species could be collected from the wild. All exemptions granted by the Minister or the executive director are to be listed in the department's annual report.

Part 2 of the Bill will deal with administration processes. It continues the existing body corporate that was created in section 4A of the Fisheries Act 1905, under the name "Minister for Fisheries". This allows for the vesting of the Abrolhos Islands in a body corporate and for the Minister to enter into agreements for, say, the construction and purchase of fisheries vessels. The Bill provides for the appointment of the Executive Director of the Fisheries Department. Provision is made so that both the Minister and the executive director can delegate powers to other persons as necessary.

Part 3 of the Bill provides for the continuation of management of fisheries conducted outside the three nautical mile state limit, in accordance with arrangements with the Commonwealth under the Offshore Constitutional Settlement. These arrangements provide for certain fisheries undertaken partly in commonwealth waters to be -

- (a) managed wholly by Western Australian authorities under state law, for example, the rock lobster fishery; or

- (b) jointly managed by the State and the Commonwealth under state law; for example, the southern demersal gill net fishery that targets mainly shark species; or
- (c) managed wholly by the Commonwealth under commonwealth law; for example, the northern prawn fishery and the southern bluefin tuna fishery.

The new Act will assume the provisions of the Fisheries Amendment Act 1994 and the Pearling Amendment Act 1994, which will be repealed upon the repeal of the existing principal Act, which they amend. All commonwealth-state arrangements for the management of fisheries previously in place before the commencement of the new Act will thus be preserved. Part 4 of the Bill provides for the following fisheries advisory committees -

The Rock Lobster Industry Advisory Committee: This was established in 1965 under the Fisheries Act 1905, as a statutory committee to advise the Minister on matters relating to the rock lobster industry. It is proposed to expand the membership of the committee to 14 members. The representation of individual rock lobster fishermen will be increased from four to eight with the Minister retaining some flexibility as to the method of appointment. This will allow, for instance, for the appointment of industry representatives to the committee after an industry ballot or by some other method determined by the Minister and prescribed in the regulations. To enable the committee to operate more independently of the department, the Executive Director of Fisheries will no longer be the chairperson of the committee; that position will be held by a person independent of both the rock lobster fishing industry and the Fisheries Department.

The Recreational Fishing Advisory Committee: This committee is created as a new statutory body with a membership of 13 persons, to advise the Minister on recreational fishing management issues and funding priorities. The committee will consist of persons representing regional recreational fishing interests, including those of the metropolitan region; the tackle industry; the recreational fishing media; the Western Australian Recreational and Sports Fishing Council, the peak industry body; a person of Aboriginal descent; community interests; and an independent chairperson.

Aquaculture Development Council: This council will be newly created as an industry committee to advise the Minister on aquaculture management and related issues. The committee will consist of seven or eight members and will include an independent chairperson; three or four industry representatives, including at least one from each of the freshwater and marine aquaculture sectors; the Executive Director of Fisheries, or his nominee; one representative from a government department other than Fisheries; and one person who has expertise in business or marketing. The legislation will provide that other advisory committees may be established by the Minister from time to time to provide advice on specific fisheries issues.

Part 5 of the new Act will contain provisions relevant to the general regulation of fishing. This part is divided into four divisions which cover -

- (a) "Prohibited Fishing" enabling the Minister, by order published in the *Government Gazette*, to prohibit certain fishing activities generally;
- (b) the making of regulations for the protection of certain fish that warrant special protection as either "totally protected fish" or "commercially protected fish". This will ensure long term viability of the species, it being an offence to mutilate or disfigure any fish in such a way as to prevent the identification of the fish as a protected fish;
- (c) the setting of bag limits and possession limits for certain species of fish; and
- (d) penalties under this part, which are generally set at realistic levels.

Part 6 of the Bill will provide the legal and administrative framework for the future management of the state's commercial fisheries. The Minister, fisheries managers and the fishing industry will have a wide range of management tools with which appropriate management plans may be constructed or modified. It will also be possible to prepare management plans for the State's major recreational fisheries.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon E.J. CHARLTON: All commercial fisheries, other than the general access wetline fishery, will be either managed or interim-managed fisheries under the new legislation. Interim-managed fisheries may be further designated as developmental fisheries. All will be regulated by specific management plans which will contain operating rules. All existing limited entry fisheries will become managed fisheries under the new legislation. Notices regulating the management of limited entry fisheries, issued under section 32 of the 1905 Act, will be deemed to be the management plans for those fisheries.

Before determining a management plan for a new managed fishery, the Minister will be required to consult with industry, publish in the *Government Gazette* a draft management plan, and invite public comment on the draft plan. The Minister will also be required to consult industry before amending or revoking a management plan for a managed fishery. No consultation will be required before determining a management plan for an interim-managed fishery. This is to enable the Minister to freeze immediately access to, and fishing effort in, a particular fishery. However, the Minister will be required to consult industry prior to amending or revoking a management plan for an interim-managed fishery. A management plan for both managed and interim-managed fisheries will identify the fishery by reference to a species of fish, areas of water or geographical location and specify the method of fishing and types of gear permissible within a managed fishery. Management plans will be subsidiary legislation.

It will not be possible under this legislation to impose on industry, without consultation or without parliamentary scrutiny, often controversial management practices such as home porting, pot reductions or other reductions in entitlements. These are management decisions for conservation purposes which, of course, are not subject to compensation. A person who holds a licence to operate in a managed fishery or an interim-managed fishery will be entitled to have that licence renewed subject to the provisions of the Bill which relate to good behaviour generally, or to any guidelines in respect of foreign ownership. In addition, any licence holder who is aggrieved by a proposed decision of the executive director in respect of any application to renew, vary or transfer a licence, may object to the proposed decision according to the process outlined later in the Bill.

Part 7 of the Bill provides for the administration and regulation of fish processing. It requires that all fish processors and fish processing establishments be licensed and will operate in accordance with licence conditions. Various provisions are applicable to the establishment or transfer of a fish processor's licence, and the objections process referred to earlier will be available to aggrieved persons in respect of administrative decisions affecting a person's ability to gain a permit or licence under this part.

In 1992-93 the value of rock lobster exports from Western Australia was \$240m, of which 98 per cent was exported to markets in Japan and the United States. This represents about 0.7 per cent of the gross state product. The regulations to be made under the legislation will enable the granting of value adding processing permits to licensed processors in respect of the value added processing of prescribed fish such as rock lobsters. The challenge and opportunity now exists for value added processors to increase the value of rock lobster and marron by creating high quality, ready prepared seafood dishes to meet the demands of the domestic market and the export markets of Europe, America and Asia.

Part 8 of the Bill establishes an administrative structure for the management of aquaculture in Western Australia. Under this part a person must not engage in keeping, breeding, hatching or culturing of fish unless the person holds an aquaculture licence. Exceptions apply to restaurants, processing establishments which hold live fish and to agricultural producers selling yabbies grown in farm dams. The regulations will provide exemptions for aquarists and hobbyists. The aquaculture industry in Western Australia has the potential to become a major supplier of high quality fish such as marron, yabbies, mussels and schnapper to the domestic and export markets. Significant overseas demand already exists for such products. The Government recognises this potential and has made

a clear commitment to industry research and development, marketing strategies, and investment attraction. Under the new legislation the Minister for Fisheries will be able to issue leases over waters and Crown land for the purpose of aquaculture. Areas of Crown land or marine waters will be vested in the Minister for Fisheries, who will then issue leases to aquaculturists. These leases will be issued subject to any requirements under existing Statutes administered by other Ministers. In the case of private property an aquaculture licence only will be required from the Fisheries Department. Leases will not be issued by the Minister for Fisheries in respect of waters comprising a marine nature reserve under the Conservation and Land Management Act 1984 and licences will not be issued in respect of areas of waters which comprise part of a marine park, unless an aquaculture lease has first been granted by the Department of Conservation and Land Management.

Part 9 of the Bill will enable noxious fish to be declared throughout the State generally or in relation to a specified area of the State if those fish are likely to have a detrimental effect on native fish species or the natural environment. It will be an offence for persons to import noxious fish into the State or to possess, keep or breed any noxious fish or release them into any waters under the legislation. For instance, yabbies may be prescribed to be noxious fish in certain areas of the south west of Western Australia to limit the risk of their migrating into the south west river system and competing with wild marron stocks. Other species of fresh water crayfish such as "red claw" may, if necessary, be declared to be noxious fish south of the 26th parallel. Fisheries officers will be given powers to destroy noxious fish or to request people in possession of noxious fish to destroy them. Inspectors will also be given the powers of stock inspectors under the Stock Diseases (Regulations) Act 1968 in relation to noxious fish declared under section 7 of that Act.

Part 10 of the Bill will enable "designated fishing zones" to be prescribed if it is considered that the area within the zone contains a fishery of particular social or economic importance and the fishery is particularly susceptible to disturbance by human activity. These provisions replace the "proclaimed fishing zone" provisions of the Fisheries Act 1905, which were previously declared only in relation to commercial salmon beaches. They will now be able to be declared anywhere in Western Australia, not just in an area south of the 32nd parallel. Designated fishing zones will not be created in relation to waters that comprise a marine nature reserve or marine park under the Conservation and Land Management Act 1984. Fisheries officers will have power to direct people to leave a designated fishing zone or cease any activity or remove anything from a designated fishing zone if in the opinion of the officer the person, activity or thing is hindering or is likely to hinder lawful fishing within the zone.

Part 11 of the Bill deals with the establishment of "fish habitat protection areas" and the Abrolhos Island reserve. The Minister for Fisheries, by order published in the *Government Gazette*, will be able to establish fish habitat protection areas for the conservation and protection of fish and fish breeding areas, the culture and propagation of fish or the management of activities relating to the appreciation and observation of fish. Unlike aquatic reserves, they will not be capable of being declared A class reserves. Activities such as mining, petroleum exploration and development will be permitted in fish habitat protection areas, subject to normal environmental assessment procedures. The major fish habitat protection area to be established under the legislation will comprise the waters around the Abrolhos Islands, now the State's major source of egg production for the rock lobster fishery. Other possible areas are the known fish nursery areas within Shark Bay and Exmouth Gulf. The legislation provides that fish habitat protection areas will not be established in waters that comprise a marine nature reserve or marine park under the Conservation and Land Management Act 1984. If at some future date a marine park or marine nature reserve is declared over waters that comprise a fish habitat protection area, the management plan for the marine park or marine nature reserve will take precedence once that management plan comes into effect. This part also enables the making of regulations for the protection and management of the Abrolhos Island reserve, a reserve that is vested in the Minister for Fisheries under the Land Act

1933. Regulations may be made in relation to entry of persons into the reserve, camping on the reserve, the use of firearms and aircraft and the erection of buildings. The regulations may also prescribe fees payable for admission to the reserve or for the use of any land on the reserve.

Part 12 of the Bill provides for the creation of a register of all commercial licences and permits issued by the executive director. The register will also record any security interest held by another party over a licence such as a mortgage or registered charge, and convictions recorded against any commercial authorisation. The information on the register will be available to members of the public on payment of a fee. Electronic access to the register will also eventually be available to associated industry bodies and financial institutions. Information will be included on the register only with the written agreement of the licence holder. However, it is expected that once the legislation is enacted, financial institutions will ensure that their security interest in the licence will be registered. Any person or organisation listed as holding a security in any authorisation will be formally notified by the registrar in the following circumstances -

If the authorisation holder is convicted of a serious offence against the Act;

if application is made to vary or transfer the authorisation or part of an entitlement under an authorisation;

if a fisheries adjustment scheme is established in respect of a fishery relevant to the authorisation;

if the executive director proposed to cancel, suspend or not renew the authorisation;

if the authorisation holder gives notice of an intention to voluntarily surrender the authorisation; and,

if the authorisation holder applies to remove or vary the notation of security interest from the authorisation.

No action will be taken in respect of any application for a period of 21 days unless the registrar receives the written consent of both the authorisation holder and the registered security holder within that period.

Part 13 of the Bill outlines a range of general provisions applicable to all licences and permits issued under the legislation. Procedures governing the application, issuing, transfer, renewal or cancellation of licences or permits are dealt with in this part. It provides that an authorisation is granted and has effect subject to the provisions of the Act only. An authorisation ceases to have effect if its conditions are contravened or if it is suspended.

The legislation also states that upon application, the executive director is to transfer an authorisation or entitlement - subject to the executive director satisfying himself that the transferee is a fit and proper person. Other criteria, such as compliance with foreign ownership guidelines or provisions of the relevant management plan for the fishery or relevant regulations, may also be taken into account by the executive director when considering an application to transfer an authorisation. The executive director is required to notify the registrar of any application for a transfer or variation of a licence or permit. He is not to transfer a licence or permit if there is a registered security holder on the register in relation to that licence or permit until the expiration of a period of 21 days, unless the written consent of the licence holder and the security holder is received within the period.

The executive director is empowered only to cancel, suspend or not renew any authorisation if the holder of the authorisation has been convicted of an offence against this Bill or any other State, Commonwealth or Territory Act relating to fishing; has contravened any condition of a licence or permit; has gained the licence or permit by fraud or misrepresentation; has not used the authorisation in the previous two years; has provided false records of returns or false statements in respect of the authorisation; ceases to satisfy guidelines in relation to foreign ownership; and fails to meet other specific

circumstances. Under the legislation the executive director retains significant powers in relation to licensing matters. However, these powers are balanced by the inclusion of natural justice provisions that allow a person aggrieved by a proposed decision of the executive director to object to the proposed decision in a specific manner.

Part 14 of the Bill provides for the hearing of objections in relation to administrative decisions relating to authorisations, or on the grounds of right of traditional usage. It provides an objections process in relation to administrative decisions concerning authorisations which is available to all persons concerned about a proposed course of action by the executive director in relation to licensing matters. The objections procedure provides a right to be heard for people affected by an administrative decision and ensures fairness and natural justice before an appropriately qualified tribunal, whose decision is final. The tribunal is required to give reasons for its decision. Questions of law may be referred to the Supreme Court by an aggrieved party. This new objections process removes the Minister for Fisheries from involvement in administrative matters and places them firmly with the department or an appropriately qualified tribunal. This part also provides for objections, based on the ground of traditional usage, in relation to any proposal made by the Minister for Fisheries to grant an aquaculture lease or an exclusive licence. The objections procedure mirrors that contained in the Land (Titles and Traditional Usage) Act 1993.

Part 15 of the Bill details a number of serious offences under the legislation. These include -

- Using explosives or noxious substances for fishing;
- interfering with lawful fishing activities;
- interfering with another person's fishing gear;
- illegal sale and purchase of fish;
- using a foreign boat in WA waters for fishing;
- having a foreign boat equipped for fishing in WA waters; and
- making false statements in any application made under the Act.

Substantial penalties are provided for a breach of any of these provisions.

Part 16 of the Bill provides the powers to be vested in fisheries officers under the legislation. All concerned persons - whether they engage in fishing or not - recognise the need for strong inspectorial powers, and the powers outlined in this part represent the absolute minimum required to ensure compliance with the various provisions of this Bill. Although the powers of fisheries officers to be included in the Bill are extensive and are necessary to curb illegal professional activities and "shamateurs", they are in fact of lesser scope than those existing under the present legislation. The major difference, however, is that fisheries officers will not be able to enter residential premises without a warrant. A new initiative is the ability to appoint honorary fisheries officers to assist in the enforcement effort and in the education of recreational fishermen. Honorary fisheries officers will have such powers as are conferred upon them in their instrument of appointment.

Part 17 of the Bill deals with legal proceedings against persons who are alleged to have committed offences under the Bill. Proceedings may be commenced within five years for offences under part 6 of the Bill - management plans - and within two years for all other offences. Various averments are included in the legislation so that in any legal proceedings for an offence against this Bill, unless a defendant produces proof to the contrary, evidence given in court by the complainant about certain matters will be deemed to be fact. For example, the onus will be on the defendant to prove satisfactorily that the waters in which it is averred he was fishing were not waters controlled under Western Australian law, or that he was not in the possession of, say, an illegal quantity of fish.

The Bill provides for the forfeiture of fish, fishing gear, boats, vehicles, aircraft or any

other thing used in the commission of an offence. Persons convicted of an offence in relation to certain matters are liable to penalties equal to 10 times the value of the fish, the subject of the offence. In addition, provision is made for the court, upon application by the complainant, to cancel or suspend any authorisation held by a person convicted of an offence under the Bill. The existing ability of the executive director to cancel an authorisation if three or more convictions for offences are recorded against the authorisation within any 10 year period is continued. Provision is also made for a court to make a banning order prohibiting a person convicted of serious offences from engaging in fishing, aquaculture or fish processing. A system of infringement notices will be put in place in relation to offences of a minor nature.

Part 18 of the Bill will enable the collection of an industry levy. It continues the fisheries research and development fund and creates four new funds. This part will enable the collection of a levy imposed under the Fishing Industry Promotion Training and Management Levy Bill. The levy will be imposed and collected only at the request of industry bodies for programs approved by the Minister for Fisheries. This part also addresses details of administration of the funds, which will be kept at the Treasury Department in accordance with the provisions of the Financial Administration and Audit Act 1985.

The continuing fisheries research and development fund will comprise primarily moneys received from the licensing of commercial operations under the Bill, and from other sources listed in the legislation. The fund may be expended on research; on the exploration and development of commercial fisheries; on the administration or management of commercial fisheries; and on other matters as described in the legislation. The recreational fishing fund will consist primarily of moneys received from the issue of recreational fishing licences. It will be applied in meeting the costs of recreational fishing management including promotion, education and research. The fund may also be applied to compensate any commercial fishermen who may be denied access to fish resources previously available, because of the need to alter the resource share in favour of the recreational fishing community.

The fishing industry promotion training and management levy fund will consist primarily of levies collected by the Minister on behalf of industry. It will be applied to programs promoted by the fishing, aquaculture and processing industries and approved by the Minister for industry promotion, training and management. The Australian fisheries management authority fund will consist primarily of moneys received from the Australian fisheries management authority for the costs of administration, operation and enforcement of Commonwealth fisheries programs undertaken by the state on behalf of the Commonwealth. The fisheries research and development corporation fund will consist primarily of moneys received from the Commonwealth for the administration of specific state fisheries research programs, promotion, product development and other programs provided for under Commonwealth grant funding arrangements.

Part 19 of the Bill contains miscellaneous provisions of the legislation, including the remuneration of members of the statutory advisory committees. Under this part the Minister may issue policy guidelines for the information of the fishing industry and the community, and the assistance of the executive director for the performance of any function of the executive director. Policy guidelines may also be issued for the level of foreign interest and control in any authorisation under the Bill. There will be consultation with industry bodies before guidelines are created or amended. The executive director, in performing any function under this Bill, is to take into account the policy guidelines but is not bound by them. The executive director may appoint a suitably qualified person to conduct a formal inquiry to determine the control of, or interest in, an authorisation. This power is necessary to enable the department to enforce government policy, particularly on foreign ownership and control of the rock lobster processing industry. The legislation continues to provide for the confidentiality of fishermen's records and returns.

The granting of exclusive licences is continued under the legislation. However, the Minister will not be able to grant exclusive licences for areas comprising a marine nature

reserve or marine park under the Conservation and Land Management Act 1994. Any objections based on the rights of traditional usage for any areas of waters or foreshore must also be determined prior to the granting of an exclusive licence.

The Bill also includes a new provision that requires any public authority to notify the Minister for Fisheries if it intends to construct, alter or modify a dam, weir or reservoir on a waterway. This will enable the Minister for Fisheries to request that a suitable fishway or fish bypass is included in the works to ensure that fish which normally travel upstream to spawn can continue to do so despite the fact that dams or weirs are constructed in the waterway. The ability of the Minister to prohibit activities that pollute the aquatic environment with an appropriate appeal provision to the Minister for the Environment is continued. It is not intended that this power would be used against a petroleum or mining operation. The appropriate body for dealing with pollution from these sources is the Department of Environmental Protection. Provision is also made to enable the Minister to make regulations for the control of bio-prospecting in the marine environment and for the executive director to issue permits for the purpose of bio-prospecting. This power is supported by the Department of Conservation and Land Management to enable some level of control of these activities prior to wider government consideration of this issue. General regulation making powers are included in this part, as are provisions relating to the categories of fish; the service of summonses and notices; annual reporting requirements; provisions relating to the availability of any order, regulation or management plan in force under the Bill; consequential amendments and repeals; and savings and transitional provisions. This Bill is a significant piece of government legislation. It is the culmination of several years of diligent work and consultation, and will provide for the continued progress of the various fishing industries in Western Australia.

Debate adjourned, on motion by Hon Doug Wenn.

STANDING COMMITTEE ON LEGISLATION - 27th REPORT ON ADOPTION ACT, TABLING

On motion by Hon Derrick Tomlinson, by leave, resolved -

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

[See paper No 356.]

STANDING COMMITTEE ON LEGISLATION - 28th REPORT ON CONSERVATION AND LAND MANAGEMENT AMENDMENT ACT, TABLING

On motion by Hon Derrick Tomlinson, by leave, resolved -

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

[See paper No 357.]

FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

Returned

Bill received from the Assembly without amendment.

PUBLIC WORKS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon George Cash (Leader of the House), read a first time.

Second Reading

HON GEORGE CASH (North Metropolitan - Leader of the House) [4.55 pm]: I move -

That the Bill be now read a second time.

This amendment Bill proposes two sets of amendments to the Public Works Act. One set of amendments corrects an anomaly caused by the transfer of the harbours and rivers branch of the former public works department to what is now the Department of Transport. The other set of amendments supports the use of the Western Australian Building Authority established under the Public Works Act to simplify and improve the financial accounting of the Building Management Authority.

The previous Government disbanded the public works department in 1985. As a consequence, the water supply functions were amalgamated with the metropolitan water board to form the Western Australia Water Authority. The harbours and rivers branch was incorporated in the Department of Marine and Harbours. The architectural division was restructured to form the Building Management Authority. The land and properties branch was incorporated in the Department of Land Administration. These changes were carried out in some haste. The legislative loose ends were not tidied up. In 1987, the Acts Amendment (Land Administration) Act dealt with a number of these loose ends by giving the Minister for Works power to delegate his authority under the Public Works Act to other specified Ministers. These delegations did not cover the Minister administering the Marine and Harbours Act. This is currently the Minister for Transport. Because the former Department of Marine and Harbours carried on in good faith work done previously by the public works department, it is necessary to validate any actions which technically went outside the powers of the Marine and Harbours Act. There is a clause to this effect in the proposed Bill. A similar clause appeared in the Acts Amendment (Land Administration) Act.

Also, the Minister for Works made a statement to the Legislative Assembly in August last year advising that the continuing activities of the Building Management Authority would be operated through the Western Australian Building Authority, which is a body corporate established under the Public Works Act. This change commenced in the 1993-94 financial year and will vastly simplify the BMA's unnecessarily complex funding arrangements and enable it to expedite its financial reform agenda using more appropriate and conventional funding practices.

This process is now well under way. However, two minor administrative matters in the legislation require attention. One is to bring the Western Australian Building Authority properly under the umbrella of the state by making the entity an agent of the Crown and thus removing its current unsatisfactory legal independence. The other is to add the word "management" to its title. The latter change will continue the important building management focus for the authority and minimise any confusion with clients as a result of this changeover. I commend the Bill to the House.

Debate adjourned, on motion by Hon Doug Wenn.

FIRE BRIGADES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon George Cash (Leader of the House), read a first time.

Second Reading

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.00 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to amend the Fire Brigades Act 1942 and addresses four main issues: It seeks to delete the position of Executive Chairman of the Western Australian Fire Brigades Board and create two new positions of a chief executive officer and a chairman of the board; to extend the role of the WAFBB to include those activities which are currently being performed by the WAFBB which are ultra vires the Act; to limit the legal liability to personnel acting in the proper discharge of their duties; and to increase outdated charges and penalties throughout the Act.

In 1982 the Fire Brigades Act was amended to include section 8A which combined the positions of the part time president of the board and the full time chief executive officer to one of executive chairman. In 1983 an appointment was made to the position of executive chairman. It is now considered that a clear separation of responsibilities should be made between the executive head of the organisation and the board, which is the supervising body to whom the chief executive should be accountable.

Existing section 25 of the Fire Brigades Act places upon the WAFBB a duty with regard to fire, but is silent on other roles which have been assigned to the WAFBB over the years. It has been pointed out by legal counsel that although the WAFBB has the duty, the Act does not grant it the power. For many years the WAFBB has undertaken emergency responses to vehicle accidents and other rescues, hazardous materials incidents, fire prevention safety roles and humanitarian work. The WAFBB is working ultra vires the Act and although it undertakes these tasks by Cabinet direction and by community acceptance, legal advice indicates that the WAFBB and its officers could be corporately and personally liable in the event of litigation by an aggrieved person. It is therefore essential that the Act should make provision for the WAFBB to take all reasonable steps for the prevention of fires, suppression and extinction of fires and the safety of persons and property endangered by fire. Further, there should be a provision in the Act for the WAFBB to undertake rescue activities as defined by Cabinet decision of 11 May 1987. There should also be a provision in the Act for the WAFBB to undertake the combat role in the handling of any emergency which may arise as a consequence of the manufacture, storage and transportation of hazardous materials.

Although the WAFBB has undertaken humanitarian activities for many years where factors such as the quick reaction, organisation and training of firefighters are deemed appropriate to the task, it is also necessary for those activities to be approved by the Act. The rescue role and hazardous chemicals combat role are both currently performed statewide by the WAFBB. With respect to the limiting of liability of the WAFBB, its employees, volunteers, industrial fire brigades, casual firefighters and associate members in the proper discharge of their respective duties and in the exercise of their respective powers, the WAFBB has no indemnity such as that currently available to bush fire brigade members under section 63 of the Bush Fires Act 1954. It is considered essential that this legislative protection be afforded to the WAFBB.

Penalties throughout the Fire Brigades Act have not been increased for many years. The increases are seen as necessary to ensure that they provide an adequate deterrent to persons or companies who deliberately obstruct the chief officer or an authorised officer of the WAFBB in the carrying out of duties as set out in the Act or the failure to comply with the Act. The charges and penalties throughout the Act need updating to ensure compliance with the Act and to enable the WAFBB to charge realistically for the use of firefighting equipment and appliances where necessary. These charges will in general not apply to the average householder but rather to those companies and businesses who use various schemes to avoid paying the standard fire levy or are located outside a gazetted fire district and are therefore not required to pay a fire levy which is collected through insurance premiums and is used to finance the WAFBB. An example of the circumstance in which these charges could be applied could be if the WAFBB attends a fire at a building where the owners have insured offshore and therefore do not pay the fire levy which is collected through insurance premiums and which finances the operations of the WAFBB.

Under the existing Act the maximum hourly charge for the use of a turntable ladder would be \$30 or for a medium pumper \$25. Under the current amendments these charges will be increased to a maximum rate of \$300 and \$250 per hour respectively. An example of failure to comply with the Act could be where a major company refused to install a sprinkler system in a large new warehouse. Under the existing penalties the company could be fined a maximum of just \$3 000 and \$200 for each day the offence continued. In this case, the company may well disregard the order to comply for some time. However, if the penalties in the Act were to reflect today's monetary values, a situation such as this would not be ongoing for a lengthy period of time and lives and

property would not be placed at risk. The proposed increased penalties of a \$50 000 fine and \$1 000 for each day that the offence continues, will ensure compliance. I believe these increases will deter many companies from neglecting their responsibilities under the Fire Brigades Act and will ensure that adequate safety to life and property is maintained. I commend this Bill to the House.

Debate adjourned, on motion by Hon Doug Wenn.

TAXI BILL

Discharge and Referral to Standing Committee on Legislation

HON KIM CHANCE (Agricultural) [5.09 pm]: I move -

That Order of the Day No 1 be discharged and that the Taxi Bill 1994 be referred to the Legislation Committee for consideration and report.

Yesterday we effectively considered the same motion of referral. I apologise for having to raise the matter again; however, I believe it is justified by events which occurred between my raising the motion yesterday and now. One consequence of the hasty passage of this legislation has been that industry participants have not been able to participate in the process of enacting the principles of the legislation. Last night and again today I was besieged by participants in the taxi industry who expressed their anger, frustration and disappointment that they have had such limited opportunity to comment on the provisions of the Taxi Bill. It was not until this morning that I had an opportunity to meet members of the Western Australian Taxi Council to hear their views. I had scheduled a series of meetings this week. This morning was the first opportunity I had to meet representatives of that organisation. The Taxi Council represents some 600 owners of the 900 taxis which operate in Perth. It is a significant focus of opinion. The delegation also included an executive of Swan Taxis Co-op Ltd, which is by far the largest radio company in Western Australia. Although I had spoken to an executive of Black and White Taxis, the smaller of the two radio companies, I had not had the opportunity to speak at any length with the representative from Swan. Together, this significant group of industry representatives has not been able to have adequate input into this Bill since it first became available.

Some of the facts have changed since the House considered and rejected my motion early this morning to refer the Bill to the Legislation Committee. I have read, for example, an open letter from the Minister - which includes a stunning photograph of him - in the official organ of the WA Taxi Operators Association, entitled "New Era Taxi". It is volume 4, No 4, dated August-September 1994, and includes a statement by the Minister which clearly indicates that the details of the new Bill were withheld from the industry until the Bill was introduced. He states -

By the time this is published I hope to be discussing the proposed Taxi Bill 1994 with the industry, which will be in place before the end of the year.

I have purposely avoided detailing the proposals until the Bill is completed in its draft form. This has allowed the lawyers that have always to be involved in the process to make sure it is workable and doesn't trap the industry into a bureaucratic compliance system.

It should come as no surprise that in these circumstances the industry is angry about what it sees as the denial of its right to comment prior to the passage of this Bill through this House.

Another fact that has changed since last night is that as a result of my meeting with the Taxi Council and the representative from Swan Taxis, I have now effectively completed my own consultation process; I have now spoken to all major participants in the industry in one way or the other. I have spoken to Swan Taxis, Black and White Taxis, two management companies, a large number of individual drivers and, most importantly, both the industry representative organisations; that is, the Taxi Council and the WA Taxi Operators Association. I had not had the benefit of that consultation until almost midday

today when it had been completed. By that time the Bill had already passed through the Committee stage. What I found out in that process was contrary to the view expressed by the Minister last night; a view I was prepared to accept. A significant part of the industry - perhaps even the majority of the industry - is strongly opposed to some discrete sections of the Bill. I do not imply for a moment that the broad thrust of the Bill is not supported, nor do I withdraw the Opposition's support for the Bill. However, that does not improve the situation; if anything, it makes it worse. An otherwise good piece of legislation is possibly flawed by omissions which need not have occurred. By supporting this motion, members can correct those omissions and, as a result, ensure a better piece of legislation.

This is not the time to list the Bill's specific shortcomings - we did that in part at least last night - but I will give one example. The Minister has implied that there is no widespread support for a mechanism to enable a limitation on the level of payments for leases from a driver to an owner. I can now tell the House that this measure, which I proposed by way of an amendment in the Committee stage last night, has the support of the WA Taxi Operators Association and the Taxi Council. Between those two organisations there is coverage of almost every owner in Western Australia. It has the support of some management companies which would be directly affected, and of Swan Taxis, the largest radio company in the State. Although I spoke to the General Manager of Black and White Taxis, I did not specifically raise that question with him.

Hon E.J. Charlton: Which point is this?

Hon KIM CHANCE: I refer to the application of a limitation on maximum levels of lease payable from a driver to an owner. Virtually the entire industry supports this measure, yet we carried this Bill through the second reading and Committee stages yesterday believing that support for that measure was limited to one smaller organisation only, the WA Taxi Operators Association. I was not aware at the time - I had no way of being aware - that that measure was supported by virtually the whole industry. However, the Minister has implied that the industry does not want that measure.

The PRESIDENT: Order! I am not sure where your comments are leading. I have let you go, on the mistaken belief that every word you uttered would bring you close to concluding your comments. You are supposed to be telling us why the Bill should be discharged from the Notice Paper and referred to the Legislation Committee. You should not be talking about the merits of the Bill, or who supports it and who does not support it. All those matters were covered in previous debate. This is a bit like the third reading debate. You are very restricted in what you can say in this debate. You should endeavour to convince members that they should take the action you are proposing, but not on the basis of the merits of the Bill, because the House has already listened to and voted on its merits. Without wanting to gag you, you should quickly give a couple of good reasons - without talking about the merits of the Bill - that members should do what you want them to do.

Hon KIM CHANCE: At this stage I find it necessary to raise these specific subjects as illustrations of the facts of which we were not aware and of which we had no means of being aware at the time the Bill was debated. I am now trying to develop a case that a number of issues should be dealt with in the Standing Committee on Legislation because there is no way we could have dealt with them when debating the Bill. That is why I raised specific measures. The Opposition was left with the impression in debating the Bill that the level of support for the amendments which I brought forward was rather more limited than I now know it is. Support for the amendments is widespread in the industry. I was unable to use this argument in the debate in either the second reading or the Committee stage.

The PRESIDENT: I do not think that is an argument. Next year there will be other things the member has found out about. Legislation comes before the Parliament day after day. I am not debating it with the member; I am purely guiding him.

Hon KIM CHANCE: I understand the point being made. The point I am trying to make is that because of the unseemly haste with which the House was forced to deal with the

Bill, these deficiencies in the debate developed. The phrase "unseemly haste" was one of the first I mentioned, and why I believe the Bill should go to the Standing Committee on Legislation, to give us and the public a chance to go back and revisit the issues which were not able to be adequately debated at the time. I take your advice and will proceed with dispatch.

New issues of a broad scope were raised with me today, which have not been considered in the debate on the Bill. These issues have not just been considered inadequately, but have not been considered at all. Important matters were raised with me by the Taxi Council, which, I repeat, represents some 600 of the 900 taxi operators in Western Australia. It is vital that this organisation should have the opportunity to hear its opinion expressed before the Bill completes its passage through the House. This motion would enable that to occur. It is not reasonable to argue, as some members have, that we will have the opportunity to amend the Bill in the other place, because in all fairness, the responsible Minister is in this place. It is always extremely difficult to win an amendment in another place where the carriage of the Bill is by the Minister representing the Minister. The Opposition does not want to delay unnecessarily the passage of this Bill. It is essential that, before moving towards enactment of the Bill, we be satisfied with all the facts. The only access that we can have to full knowledge of the facts is by supporting this motion.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.24 pm]: Hon Kim Chance is going a long way towards totally discrediting himself and the taxi industry as a whole.

Hon Mark Nevill: Why does the Minister have to be personal?

HON E.J. CHARLTON: I am not being personal. I am stating a fact, because of the member's attempt to send the Bill to the Standing Committee on Legislation. The member is obviously misleading people in the taxi industry about the facts. One of the most important facts, as I reminded the member last night about the point he raised, is that it can be done by regulation. It is in the legislation now without being specified, and that is an option which is open to the industry if it wants to put it in there in the future. The member's comments are based on that point.

I have spent time with the very people that the member has been referring to in this debate, and I have just met with them. They have also been told that the way the second reading debate was introduced was most unusual. The fact is that the Bill was been introduced in the right and only way that legislation can be introduced into this place. The Bill has lain on the Table of the House since 13 September, so people have had the opportunity to consider it. The people involved have been totally misled, and led up a one way street on this issue. These people can have the legislation properly discussed with them, to give them a proper understanding of what the Bill stands for and what can be done. I have just asked those very people what points in the legislation they are unhappy with. They told me they are not unhappy with any of it. They have not been able to find anything at this stage that they are unhappy about.

Hon Kim Chance: The Minister was not speaking to the same people that I spoke to.

Hon E.J. CHARLTON: I was. Those people are in my office right now.

Hon Kim Chance: I find that incredible.

Hon E.J. CHARLTON: Perhaps, but I am not surprised about what the member finds incredible lately. Some of the letters being distributed around the countryside by the member are as inaccurate and misleading as his statements to support having the Bill referred to the Legislation Committee. There is absolutely no need for this to go to the committee.

Hon Kim Chance: Why is the Minister frightened of this Bill?

Hon E.J. CHARLTON: Is the member talking about scrutiny of the Bill now? The member spent a lot of time last night trying to make a point in an amendment to introduce a setting fee on the leasing of vehicles. That was fully debated last night, and

the member was told more than once that it would add extra cost to the industry. If the industry wants it, it can still have it. The capacity to do that is clearly identified in the legislation. To tell the people in the taxi industry that it is not there is totally misleading.

Hon Kim Chance interjected.

Hon E.J. CHARLTON: We have received more legal opinion than the member has. The member can pursue what he likes. I know why he is doing it. He is doing it for totally political reasons. He has an opportunity to try to gain a bit of ground. This proposal was first suggested by the Labor Party when in government. The recommendation to the previous Government was for total deregulation of the industry. This Government made a commitment that it would not do that. There has been overwhelming support for the whole principle of the Bill.

A couple of points have been raised by the member and the industry. The industry has been misinformed and led up the garden path by the new Opposition spokesman on transport. One day, whether it is sooner or later, the truth will come out and the industry will find out what the realities are. There are absolutely no grounds for sending the Bill to the Legislation Committee. When it passes through this House, it will lay on the Table of the other place. There will be plenty of time for people to raise questions about the content of the Bill. I have told all the people who have made contact with my office that they will have an immediate response, as this group has had today. They demanded to see me today and I will see them shortly. I will go through this with them. If they are unhappy, they will have next week, the week after and the week after that during which they will be able to discuss these points. If they believe there is an anomaly in the Bill which will be detrimental to the taxi industry, not to a few vested interests for which Hon Kim Chance is lobbying -

Hon Kim Chance: Which vested interests?

Hon E.J. CHARLTON: Hon Kim Chance knows who they are. He is hanging his hat on them. When he learns a little more about the taxi industry, he will find out where he is going.

Hon Kim Chance: Do you mean the two driver organisations?

Hon E.J. CHARLTON: There is no reason for doing what Hon Kim Chance wants to do. The Government totally opposes it. I have given an undertaking, not just now but over the months that I have had discussions with the industry. When the board comes into operation - it has yet to be appointed - people will be able to raise those matters in issue with it. The board will be able to make decisions in the future. It will run the taxi industry in the future.

HON KIM CHANCE (Agricultural) [5.30 pm]: In closing the debate on the motion, I must say that I am absolutely amazed at the attitude the Minister has taken. The Opposition has supported this Bill from the start. We have always said that we support the thrust of the legislation. We believe we have found, on the advice of the industry, deficiencies in the Bill. We have identified more deficiencies since the Bill reached its present stage. That justified in my mind, and in the mind of my colleagues, the need to put to the House our case that the Bill should be referred to the Legislation Committee.

What does the Opposition get from the Minister when we follow those quite appropriate procedures? We get a mouthful of abuse from the Minister for Transport and some blatant barefaced untruths. The Minister might like to tell me, if there is no support for the amendment to which he referred, why people in his office informed me that there was widespread support for a ceiling on leases within the industry. The Minister might also like to say why his office told me that it might look lightly upon that.

Hon E.J. Charlton: That is right; and I have just told you, you dill, that it can still be put in. How thick are you?

Hon KIM CHANCE: It was not until a few moments before the Committee stage of the debate on this Bill that I was handed the Government's amendments, which recognised that the Government had got it wrong. It was not until I went through those amendments

that I found that the Government did not want to accommodate my point of view on ceilings on leases. When the question is raised, the Minister stands up and with his mouth full of abuse - his normal style - and some barefaced untruths says that I am doing the wrong thing.

I will not speak any further on this, except to say that the Opposition has done nothing more in this case than to try to provide the opportunity for the House to have better information on legislation which I believe - I think I have been able to establish this in what I have said - we did not have when went through this legislation in the first place. If that is worthy of the castigation that the Minister for Transport saw fit to throw around this Chamber, he has some very serious problems coming. I warn him about that.

Question put and negatived.

Report

Report of Committee adopted.

OFFENDERS COMMUNITY CORRECTIONS AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon George Cash (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 18 October 1994.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.36 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Membrey, Roslynn, Parliamentary Librarian, Resignation

Hon GEORGE CASH: I am sure members are aware that the Parliamentary Librarian, Roslynn Membrey, is about to take up the position of Director, Reader and Current Awareness Services in the Parliamentary Library in Canberra. I take this opportunity on behalf of the Government to wish Roslynn well in her new career; more than that, to thank her for the work she has done in Parliament House over many years. For those who may not be aware, Roslynn was educated in Victoria. She studied librarianship at the Royal Melbourne Institute of Technology and her first position was in Ararat, Victoria as the regional librarian. Later she worked for 13 years in Papua New Guinea, establishing the Public Library Service before that country gained its independence.

Roslynn joined the Parliament of Western Australia in April 1981 and since joining us, she has held the position of Parliamentary Librarian at a time when staff numbers have increased from five to nine. It is fair to say that this increase in numbers is a reflection of the expanded and visionary activities which Roslynn has ushered into the Parliamentary Library. Two benchmarks which reflect Roslynn's visionary activities are the decisions to install the first computer in Parliament House - that was in the library in 1983 - and indeed the first telefax machine which was installed in the library in 1984.

Overall it is fair to say that Roslynn has directed the development of the library as a whole so that we see it as a better place today than when she arrived here 13 years ago. The increased information and reference services that are available to members are a result of the way in which Roslynn has managed the library, and that management has been very much a case of Roslynn's hard toil over the years. The biggest, and perhaps greatest, achievement that Roslynn has been able to attain while being the Parliamentary Librarian is a situation where as a departmental head she has been in charge of a department where staff morale is extremely high and the aspirations of not just Roslynn

but all those who work in the library is very evident. There has been an almost non-existent turnover in the library staff in Parliament House in recent years. I think that indicates the great support and loyalty that members of her staff have shown to Roslynn. More than that, it indicates the ability that Roslynn has as a manager in working with not only her staff and other staff in Parliament House, but also members of Parliament, who may be more difficult. Members on both sides of the House have benefited from the professional advice and friendship that Roslynn has offered to members during the time she has been here.

I am sure all members of the House will join me in thanking Roslynn for the friendship, professional advice and support she has offered members as the Parliamentary Librarian. I know all members will join with me in wishing Roslynn all the best in her new position as Director of Reader and Current Awareness Services at the Commonwealth Parliamentary Library.

HON MARK NEVILL (Mining and Pastoral) [5.41 pm]: The Opposition also wishes Ros Membrey success with her move to the Commonwealth Parliamentary Library. She has been in this place longer than I have. The library has developed under her stewardship in the 10 years I have been in this House. The library staff work in very cramped conditions and many of them have not had a pay rise for four years, but their cheery spirit and the quality of the service they offer is something which all members appreciate. The library which Ros is going to in Canberra is perhaps better equipped and a lot larger than the one here, but one day when we get our monument to replace this one the library staff will have improved conditions and better facilities. During her time as Parliamentary Librarian, the library facilities have expanded and she has done an excellent job. On behalf of members on this side of the House I wish her all the best in her future challenge.

HON W.N. STRETCH (South West) [5.43 pm]: I also believe that the House should not adjourn until it pays tribute to the service of Ros Membrey during her 13 years as the Parliamentary Librarian in this Parliament. Thirteen years is a long time. I have been here for 12 years and Ros was well into her stewardship of the library services when I arrived here. The way in which the library has kept up with technological changes is a credit to her and her staff. They can call up information from anywhere in the world at very short notice and in double quick time and it is a credit to them and the Parliament.

Despite a certain tendency to territorial expansion by the library I have managed to occupy an office on what is known as the library floor and I have done that since 1983, which was two years after Ros took over as Parliamentary Librarian. In return for my occupancy of an office on the library floor I was coopted, as a new rural member, to be the vermin eradication officer for that floor. It was an unofficial and, of course, an unpaid position. My job in assisting to control the mice plague of 1983 was to release the dead mice from the traps which the highly efficient huntresses had set around the library. They were very good at catching the mice but none of them knew how to get the mice out of the traps. With my vast experience in such matters I was called on to carry out the final laying to rest of the unfortunate rodents. Members can imagine that it was one problem getting them out of the traps, but where to dispose of them was another. We managed to solve that problem and I believe the House Controller's garden is the better for it. I was never told by the staff whether the mice were executed for nibbling the books or the biscuits, or whether they were just terrorising the inhabitants of the library. Members can see, therefore, that I have had a very close association with the library over those years and I have made great use of its resources.

As Hon George Cash said, it is notable that the staff morale in the library has always remained very high and the turnover of personnel has been extremely low. That is a tribute to Ros Membrey's personality and cheerfulness, together with her strong leadership and efficiency. As Hon George Cash said, Ros was trained in Melbourne, but he did not say that she moved to New Guinea, where she worked for 13 years in the public library service. Her job there included some exciting travel in frontier territory. After New Guinea gained its independence, she established the national library service before returning to Australia. After a short period of further education and enlightenment

back in Australia, Ros moved to Perth to head up this State's Parliamentary Library. As a measure of Ros' ability and her professional skills, she won the award of Special Librarian of the Year in 1991 and recently received the Library Association's merit award. After 13 years in Western Australia Ros now moves on to conquer the icy frontiers of Canberra as the Director of Reader and Current Awareness Services at the Commonwealth Parliamentary Library. I understand that she has said her first task will be to change that title! I am confident her skills will greatly enhance the performance and status of the Commonwealth Parliamentary Library. I thank her for her services to the library profession in Western Australia and wish her well in the future.

Adjournment Debate - Questions on Notice, Answers within Three Days

HON SAM PIANTADOSI (North Metropolitan) [5.46 pm]: Mr President, I bring to your attention and to the attention of the Leader of the House that last week during the Estimates Committee hearings members were assured that questions taken on notice would be answered within three working days. Five working days have now passed since then and in spite of that assurance some of the questions have not been answered. In answer to questions about this matter, members of the Opposition have been told that the answers have been signed and should be on their desks.

Hon George Cash: Have you checked to see whether they have been sent to the Chairman of the Estimates and Financial Operations Committee?

Hon SAM PIANTADOSI: I am not aware of that. The assurance that was given during that committee process was that the answers would be provided within three working days. I do not know whether they have been sent to the committee chairman. Either the Ministers are not living up to the assurance they gave or the chairman is not doing his job and is letting the Ministers down. The answers to the questions are important and the Opposition would like them as soon as possible.

Adjournment Debate - Creery Wetlands, Planning Bill, Uranium

HON J.A. SCOTT (South Metropolitan) [5.49 pm]: I would also like to pass on my best wishes to Ros Membrey. As a new member I did not know the procedures of this place and I always found the staff of the library service to be very helpful. They apply themselves in a humorous and intelligent way. I am sure that Canberra will benefit from the good spirit which is shown by Ros Membrey.

I also take this opportunity to congratulate some other people. Firstly, I congratulate the Government, particularly the Minister for Planning, for his decision on the Creery wetlands. He said that he would not override the community's wishes and would allow the democratic principles to prevail.

Hon P.R. Lightfoot: It was a good decision.

Hon J.A. SCOTT: I also commend those members of the Government who helped to ensure that the planning Bill went for further revision. It did a lot more than it intended to do in taking powers away from the Environmental Protection Authority. I hope the input of the community who are concerned about the environment will be taken into consideration while it is in remission. I also congratulate the Labor Party on its national decision on uranium.

Hon P.R. Lightfoot: You have just blown your credibility.

Hon J.A. SCOTT: It made the right decision. Even though Hon Ross Lightfoot may disagree, the future market for uranium is not good. That has been pointed out in Conzinc Rio Tinto Australia Ltd's own documentation.

Hon P.R. Lightfoot: That is rubbish. Twice as much uranium is used as is mined today.

Hon J.A. SCOTT: One of CRA's own documents states -

The uranium market has been in a depressed state for almost ten years, far longer than most industry participants anticipated in the mid 1980s.

For Mr Lightfoot's benefit, a report of the United States Information Service, which quotes the US Government Department of Energy, states -

World use of nuclear energy is projected to grow by about 1 per cent per year between 1990 and 2010, the slowest rate of any major energy source. Concerns over costs, radioactive waste, plant safety, and nuclear proliferation will probably continue to constrain the industry's overall growth.

Hon Mark Nevill: That is still a lot of yellowcake.

Hon J.A. SCOTT: The article continues -

However, with few indigenous energy resources of their own, France, Japan, and South Korea are expected to bolster energy security by building new nuclear capacity at a higher rate than elsewhere in the world. In Japan and South Korea, some new power plants will use advanced US designs (or modifications of those designs), for which no orders have yet been placed in this country.

Hon Mark Nevill: What about Indonesia?

Hon J.A. SCOTT: The most likely market for Australian uranium would be Indonesia. I would be very worried about a nuclear energy industry in Indonesia. August Schlapfer and Dora Marinova from Murdoch University state -

Within Indonesia there are specific environmental problems relating to nuclear power generation. The archipelago is situated on the conjunction of three tectonic plates, the main structural units of the earth's surface. Moreover, the densely populated island of Java is regarded as the second most active of nine international seismo-tectonic zones. . . . The area is well known for its seismic activity. In December 1989, the epicentre of a major quake registering above nine on the Richter scale was about 50 km from the proposed site of Indonesia's first nuclear reactor on the Mt. Muria peninsular.

It would be madness for any Australian to propose 12 nuclear reactors on the second most active tectonic plate on the planet.

Hon P.R. Lightfoot: You can always cut down the rainforest for fuel.

Hon J.A. SCOTT: I do not think there is any need. The other point that Hon Ross Lightfoot forgets is that there is a new arrangement for storing radioactive wastes on this planet; that is, those who are providing that type of energy must take it back when the waste is produced. The Kalgoorlie, Esperance and Coolgardie local authorities have voted against having nuclear waste disposed of in their shires. It is interesting that I get so many interruptions from Hon Ross Lightfoot. Earlier this evening during his speech on the Mabo legislation, I was reminded of a quotation from Moliere that "A learned fool is a much better fool than an ignorant fool" -

Hon George Cash: That was Molly Meldrum and you heard it on "Hey Hey It's Saturday".

Hon J.A. SCOTT: - although I did change my mind after the outburst from Eric Charlton. However, after the good decision made by the Labor Party, it is obvious to anybody who really wants to examine the facts that the nuclear industry is dangerous and expensive, and there is no market for it. Even CRA's own documentation accepts that.

Hon P.R. Lightfoot: It is an aberration. Growth is enormous in uranium.

Hon J.A. SCOTT: I can show this document to Mr Lightfoot. He refuses to accept the reality that the world is flooded with plutonium from eastern Europe. That is an extremely dangerous position. Indonesia has sufficient resources to meet its energy requirements without nuclear energy, so the only possible reason for Indonesia wanting a nuclear industry is to build a nuclear capacity in armaments. I would dread that happening.

Question put and passed.

House adjourned at 5.57 pm

QUESTIONS ON NOTICE

BANKWEST - CHAIRMAN

755. Hon P.R. LIGHTFOOT to the Leader of the House representing the Premier:

- (1) Who is currently Chairman of BankWest, formerly R&I Bank?
- (2) At what date was the chairman appointed?
- (3) What is the termination date of his contract?
- (4) What is his salary per annum?
- (5) What other benefits, beside his salary, does he enjoy?
- (6) How many days/hours a month is he obliged to work for BankWest?
- (7) Who was responsible for his original appointment?
- (8) Where is his permanent address?
- (9) How long has that been his permanent address?
- (10) Is his position part time or full time?
- (11) If he resides interstate, how long has he resided there?
- (12) What precise mode of travel and accommodation is he entitled to when travelling to and from Perth?
- (13) What is the cost of that travel and accommodation on each trip?
- (14) What is his position with regard to the privatisation of BankWest?
- (15) Is he assisting with the privatisation of BankWest?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) Dr Ross Gregory Garnaut.
- (2) Appointed 1 April 1988 and reappointed 1 April 1993.
- (3) 31 March 1995.
- (4) \$60 800 per annum.
- (5) None.
- (6) His responsibilities are those outlined in the Bank of Western Australia Act 1990 and the Corporations Law, which do not specify amounts of time, but do specify heavy responsibilities.
- (7) The original appointment was made by the Governor in Council pursuant to the Rural and Industries Bank of Western Australia Act 1987. The reappointment was made by the Minister pursuant to the provisions of the Bank of Western Australia Act 1990.
- (8) 15 Ryan Street, Curtin, ACT 2605.
- (9) From time to time, but not continuously over a period of approximately 20 years.
- (10) Part time.
- (11) From time to time, but not continuously since 1964.
- (12) Air travel to and from Perth and hotel accommodation in Perth.
- (13) On average, \$2 107 per trip.
- (14) The chairman supports the Government's intention to privatise the bank.

(15) Yes, as part of his responsibility as chairman.

**TREASURY'S MONTHLY STATEMENT - CASH TRANSACTIONS ON
CONSOLIDATED FUND**

756. Hon MARK NEVILL to the Minister for Finance:

- (1) For each category of receipts and payments appearing in Treasury's monthly statement of cash transactions on the consolidated fund, what accounting changes need to be applied to the full year 1993-94 actuals and to the full year 1994-95 estimates in order to calculate underlying changes?
- (2) What calculations are needed to derive the 1994-95 estimates for each category of payments appearing in Treasury's monthly statement of cash transactions on the consolidated fund from the 1994-95 Budget papers?

The answer was tabled.

[See paper No 353.]

STATE BUDGET - PAPER No 5, ECONOMIC AND FINANCIAL OVERVIEW
Government Finance Statistics Analysis of Consolidated Fund

757. Hon MARK NEVILL to the Minister for Finance:

What is the government finance statistics analysis of the consolidated fund for 1993-94 as set out in table 5, page 65 of the 1994-95 Budget paper No 5, Economic and Financial Overview?

Hon MAX EVANS replied:

The table provided gives information on the 1993-94 outcomes for the consolidated fund as requested.

[See paper No 354.]

**STATE BUDGET - PAPER No 4, CONSOLIDATED FUND FORWARD
ESTIMATES**

Individual Forward Estimates for Trust Funds

758. Hon MARK NEVILL to the Minister for Finance:

What are the individual forward estimates for 1995-96 and 1996-97 for each of the trust funds listed in the footnote to table 1, page 12, of the 1994-95 Budget paper No 4?

Hon MAX EVANS replied:

	1995-96 \$000	1996-97 \$000
Business Franchise (Petroleum Products)		
Licence Fees	148 200	151 200
Motor Vehicle Licences	97 976	99 446
Oversized Vehicle Permit Fees	1 000	1 000
Metropolitan Region Improvement Taxes	17 600	17 600
Lotteries Commission - Sport	6 000	6 000
Arts	6 000	6 000
Hospital Fund	50 400	50 400
Total	\$327 176	\$331 646

STATE BUDGET - CONSOLIDATED FUND ESTIMATES
Accounting Changes

761. Hon MARK NEVILL to the Minister for Finance:

What accounting changes need to be applied to the consolidated fund

actuals for 1993-94, and estimates for 1994-95, in order to calculate underlying changes for -

- (a) expenditure by division as listed on pages 22 to 29 of the 1994-95 Consolidated Funds Estimates; and
- (b) revenue by major category as listed on page 8 to 20 of the Consolidated Fund Estimates?

Hon MAX EVANS replied:

- (a) Refer to question 762.
- (b) Major accounting and funding changes impacting upon Consolidated Fund revenues are as follows -

	1993-94 Actual \$m	1994-95 Estimate \$m
Taxes and Licences	+32.6	-
Trust Funds (hypothecated)		
Territorial		
Net appropriation (CALM)	-32.2	-
Law Courts		
Nil		
Departmental		
Net Appropriation (CALM)	-65.5	-
Net Appropriation (Others)	-5.3	-
WA Building Authority		
BMA Revenue	-39.4	-
Salary Recoup	-17.5	-
Department of State Services		
FleetWest Hire Charges	-6.7	-21.1
Commonwealth		
Department of Employment, Vocational Education and Training (ANTA)	-38.5	-
TOTAL	-172.5	-21.1

STATE BUDGET - CONSOLIDATED FUND ESTIMATES

762. Hon MARK NEVILL to the Minister for Finance:

What is the underlying real change between 1993-94 actuals and 1994-95 estimates of -

- (a) appropriations for recurrent services;
- (b) expenditure authorised by other statutes;
- (c) total expenditure on recurrent services;
- (d) appropriations for capital services; and
- (e) grand total consolidated fund expenditure for each division as listed on pages 22 to 29 of the 1994-95 consolidated fund estimates?

Hon MAX EVANS replied:

With the exception of the following major factors, actual 1993-94 expenditure shown in the Program Statements have been adjusted on a comparable basis with the 1994-95 estimates.

	1993-94 Actual \$000	1994-95 Estimate \$000
Department of Employment, Vocational Education and Training - ANTA	-38 544	-

Net Appropriation Arrangements		
Conservation and Land Management	-97 671	-
State Services	-1 597	-860
Local Government	-117	-
Justice	-425	-
State Taxation	-57	-
Racing and Gaming	-2 607	-
Chemistry Centre	-7 586	-
Valuer General's Office	-22	-
Agriculture	-597	-
Productivity and Labour Relations	-60	-
Department of State Services		
Reappropriation of FleetWest Hire Charges	-6 728	-21 100
WA Building Authority		
BMA Revenue	-39 377	-
Salary Recoup to BMA	-17 475	-
Department of Transport		
Increased funding to MTT due to lower contribution from the Transport Trust Fund	-	-11 000
Trust Funds (Hypothecated Revenues)	+32 700	-
TOTAL	-180 163	-32 960

STATE BUDGET - PAPER No 4, CONSOLIDATED FUND FORWARD ESTIMATES

763. Hon MARK NEVILL to the Minister for Finance:

What accounting changes, if any, need to be applied to determine underlying changes in the 1994-95, 1995-96 and 1996-97 forward estimates as published in the 1994-95 Budget paper No 4?

Hon MAX EVANS replied:

The following adjustments have been made in arriving at the underlying growth in revenues and expenditures shown on page 5 of Budget Paper No 4 -

	1994-95 \$m	1995-96 \$m	1996-97 \$m
(i) Expenditure			
Department of State Services			
Reappropriation of FleetWest Hire Charges	-21.1	-31.5	-36.3
Net appropriation	-0.9	-	-
Department of Transport			
Increased funding to MTT due to lower contributions from the Transport Trust Fund	-11.0	-11.0	-10.5
TOTAL	-33.0	-42.5	-46.8
(ii) Revenue			
FleetWest Hire Charges	-21.1	-31.5	-36.3

**STATE BUDGET - CONSOLIDATED FUND
Breakdown of Estimated Outlays**

764. Hon MARK NEVILL to the Minister for Finance:

What is the breakdown of 1995-96 and 1996-97 estimated outlays from

consolidated funds according to the government finance statistics government purpose classification, including the breakdown into current outlays, capital outlays and total outlays?

Hon MAX EVANS replied:

The requested information is not available.

**TREASURY'S MONTHLY STATEMENT - CASH TRANSACTIONS ON
CONSOLIDATED FUND**

765. Hon MARK NEVILL to the Minister for Finance:

For each category of receipts and payments appearing in the Treasury's monthly statement of cash transactions on the consolidated fund, what is the underlying real change between the full year 1993-94 actuals and the full year 1994-95 estimates?

The answer was tabled.

[See paper No 355.]

TERMITES - CONTROL

Working Party Report

801. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) Who are the members of the working party commissioned by the Minister for Housing to provide him with a report on the need for alternative measures available to address termite infestation in housing construction subsequent to the withdrawal of organochlorine chemicals?
- (2) Who do each of the working party members represent, and what is the expertise of each?
- (3) Will the report of the working party be made public?
- (4) If not, why not?
- (5) If yes, will the report of the working party be submitted for public comment?
- (6) If not, why not?
- (7) Before being finalised, will the report of the working party be submitted for review by members of the Standards Australia Committee on Termite Control (BD/74), the committee with the most extensive expertise in Australia on the subject of both building construction and termite control?
- (8) If not, why not?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Mr Michael Board MLA (Chairperson)
Dr Ivan Botica
Dr Nic Monzu
Mr John Dastlik
Mr Lindsay Gillam
Mr Peter Davis
Mr Robin Elkins
Mr Greg Grainger
Mr Gavan Forster
Mr Luigi D'Alessandro
Mr Richard Lang

Mr Moshe Gilovitz
 Mr Michael Parker
 Mr Nigel Lilley
 Mr Glenn Finlay.

(1)

Name	Represents	Expertise
Mr Michael Board	Member for Jandakot	Chairman of Working Party
Dr Ivan Botica	Ministry for the Environment	Office of Waste Management
Mr John Dastlik	Housing Industry Association	Chief Executive
Mr Lindsay Gillam	Ministry of Health	Manager Pest Control - Environmental Health Branch
Dr Nic Monzu	Ministry of Agriculture	Principal Entomologist - Department of Agriculture
Mr Peter Davis	Ministry of Agriculture	Research Officer - Agriculture Protection Board
Mr Robin Elkins	Ministry of Fair Trading	Ministry of Fair Trading
Mr Greg Grainger	Master Builders Assoc.	Builder
Mr Gavan Forster	Master Builders Assoc.	Director of Economics and Housing
Mr Luigi D'Alessandro	Ministry of Housing	Director Housing Production - Homeswest
Mr Richard Lang	Ministry for Works	Building Management Authority
Mr Moshe Gilovitz	Minister for Local	Department of Local Government Building Services Section
Mr Michael Parker	WA Municipal Assoc.	WAMA officer
Mr Nigel Lilley	Builders Registration Board	Registrar
Mr Glenn Finlay.	Ministry of Housing	Senior Policy Officer

(3) Not decided at this stage.

(4),(6),(8)

Not applicable.

(5), (7) This has yet to be determined.

ABORIGINAL AFFAIRS - COUNCIL OF ELDERS

821. Hon TOM HELM to the Minister for Education representing the Minister for Aboriginal Affairs:

With regard to the "Council of Elders" whose membership includes Arnold Franks and Dicky Cox -

- (1) Is Government funding, administrative support, travel assistance or any other form of support available to this group?
- (2) Does the Government or any other agency provide "Council Elders" with a certificate or other document describing them as "elders"?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1)-(2) No.

ABORIGINAL AFFAIRS AND PLANNING AUTHORITY - ABORIGINAL ORGANISATIONS, FUNDING

823. Hon P.R. LIGHTFOOT to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Since July 1993 has the Aboriginal Affairs Planning Authority provided funding to -
 - (a) the Aboriginal Homes Development Association;
 - (b) Nanga Services;
 - (c) Palencia Pty Ltd;
 - (d) Palencia Employment Services; and
 - (e) the Aboriginal Professional and Business Women's Association?
- (2) If yes, what amount of funding was provided to each organisation and when?
- (3) Who were the directors and executive officers of those organisations when funding was provided?
- (4) Was the funding approved by the AAPA commissioner?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1) No.

(2)-(4) Not applicable.

HOMESWEST - WITTENOOM PROPERTY

851 Hon MARK NEVILL to the Minister for Finance representing the Minister for Housing:

- (1) In respect of the Homeswest property rented by Mrs Ruby Francis in Wittenoom until her death, what maintenance was undertaken on this property since the 1983-84 financial year?
- (2) On what occasions was the property inspected?
- (3) Is Homeswest planning to have the building demolished?
- (4) Will the demolition be undertaken under proper national occupational health and safety standards as outlined by Worksafe Australia?
- (5) What discussions have taken place about the demolition of this property?
- (6) Is the proposed demolition pre-empting a decision by the Minister responsible for Wittenoom matters - the Deputy Premier and Minister for Commerce and Trade?
- (7) Does Homeswest have any plans to remove the tailings that its predecessor, the State Housing Commission, dumped in the Wittenoom townsite?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) May 1988 to clear a blocked septic system; July 1991 to supply a

new cistern and flush pipe, and August 1991 to supply a mosquito proof cowl.

- (2) The last property inspection was on 22 September 1994.
- (3)-(4) Yes.
- (5) The local demolition contractor has been asked to quote on demolition.
- (6) No.
- (7) This matter is under review.

QUESTIONS WITHOUT NOTICE

SCHOOLS - CLOSURES

Principals, Seminar at Airways Hotel

456. Hon TOM STEPHENS to the Minister for Education:

- (1) What was the total cost to taxpayers of the recent seminar held at the Airways Hotel for the principals of schools on the Government's hit-list of school closures?
- (2) Did the cost to the taxpayers involve overnight accommodation costs?
- (3) Will the Minister please provide full details of the breakdown of the cost of the seminar?
- (4) Over what dates was the seminar held?
- (5) How many other seminars has the Education Department conducted at the Airways Hotel since February 1993.

Hon N.F. MOORE replied:

I do not have information from the department about this matter.

- (1) I do not know, except there is no such thing as a hit-list, as I explained to the member before. I know that will take longer to sink in, in some cases.
- (2) I do not know.
- (3) Yes.
- (4) I do not know, but I will provide the information when I have it.
- (5) I do not know, but I will find out and advise the member.

EDUCATION DEPARTMENT - OVERPAYMENTS TO EMPLOYEES

457. Hon MARK NEVILL to the Minister for Education:

Some notice has been given of the question.

- (1) What is the total amount owed to the department by employees and former employees due to overpayment?
- (2) How many employees and former employees are indebted to the department for this reason?
- (3) How many are the subject of formal debt collection or legal proceedings?

Hon N.F. MOORE replied:

- (1) \$1 016 618.05. The outstanding balances in prior years were as follows: 30 June 1992 - \$1 406 538; 30 June 1993 - \$1 324 267; 30 June 1994 - \$1 079 565. I do not know how long the balances have been outstanding, whether they were written off at any time, or whether they go back into history. I will find out for the member.

(2) 1 802.

(3) 220.

PERTH CITY COUNCIL - HUNT, GARRY, OVERSEAS TRIP

458. Hon KIM CHANCE to the Minister for Finance representing the Minister for Planning:

Some notice has been given of the question.

(1) Did the newly appointed chief executive officer of the Perth City Council, Garry Hunt, accompany the Minister for Planning on his recent visit to Japan and Europe?

(2) If yes, why did Mr Hunt accompany the Minister?

(3) Who met the costs for Mr Hunt?

(4) If the State Government met those costs, why?

Hon MAX EVANS replied:

(1) Yes.

(2) The Perth City Council is a joint sponsor of the central area transit system and is responsible at the municipal level for the redevelopment of central Perth.

(3) Perth City Council.

(4) Not applicable.

EDUCATION DEPARTMENT - WESTERN AUSTRALIAN SECESSION 2001 ASSOCIATION, COMPETITION INQUIRY

459. Hon TOM HELM to the Minister for Education:

Some notice has been given of the question. On 25 May this year the Minister wrote to me about my concerns regarding a competition run by the Western Australian Secession 2001 Association and advised me that the competition had been investigated by Education Department officials.

(1) How seriously did the department officials take this inquiry?

(2) What is the level of the officers who investigated the issue?

(3) Who chose that level of investigation?

(4) Did the investigation produce a report?

(5) If yes to question (4), to whom was the report provided?

(6) Did the officials recommend a standard response for schools which were approached by this group and similar groups?

Hon N.F. MOORE replied:

(1) As with all such inquiries the matter was taken seriously.

(2) The issue was investigated by senior officers within the curriculum directorate.

(3) The executive director, education services.

(4) No, except for the written response to Hon Tom Helm.

(5) Not applicable.

(6) The written response noted that from time to time materials distributed directly to schools may prove to be of a controversial nature. In dealing with such materials schools are guided by an Education Department developed policy which outlines procedures for dealing with controversial issues. This policy represents the response that all schools should take on this or similar issues, including letters from the Leader of the Opposition

requesting information about the state of maintenance of schools, which contain scurrilous and inaccurate information about funding to schools.

HORSE RACING INDUSTRY - DISEASE

460. Hon GRAHAM EDWARDS to the Minister for Racing and Gaming:

- (1) Is the State Government taking any measures to ensure that the Western Australian racehorse industry is quarantined against the spread of the mystery disease affecting the Queensland horse racing industry?
- (2) If yes, can the Minister outline the measures?
- (3) If no, will he assure the House that appropriate safeguards are already in place?

Hon MAX EVANS replied:

(1)-(3)

No recommendation was made to me by the principal club, the Western Australian Turf Club, which has control of all matters affecting racing. The same is the case for the Western Australian Trotting Association. They will put in any restrictions they think necessary, as has been done in the other States. Nothing has been put in place, but if a request is made they will consider it.

EDUCATION DEPARTMENT - ALBANY EDUCATION DISTRICT OFFICE

Staff Changes

461. Hon BOB THOMAS to the Minister for Education:

- (1) Is the Minister aware that the staffing level at the Albany education district office was reduced by 2.46 FTEs recently?
- (2) Is this part of a bigger reorganisation or readjustment of staffing within district offices in Western Australia?

Hon N.F. MOORE replied:

- (1)-(2) I cannot be specific about the numbers of FTEs at the Albany office. There has been a restructuring of the district office system within Western Australia. It was brought about essentially to clarify the role of district offices within the education administration structure. It took into account the need to redraw the boundaries of some districts to take into account population growth since the districts were set up. In some districts where student populations had grown, there was a need to provide additional support - or to change the boundaries to apply the staff in a better way. We have distributed in a better way the number of staff at district offices according to the number of schools, teachers and students in each district. I can provide a copy of the rationalisation process that has taken place within district offices.

EASTON, BRIAN - CLASSIFICATION REVIEW

462. Hon KIM CHANCE to the Leader of the House representing the Attorney General:

Some notice of the question has been given.

- (1) Is the Attorney General aware of an application to the Public Service Commission for a reclassification of salary for her principal private secretary, Brian Easton?
- (2) If yes -
 - (a) What was Mr Easton's classification and salary before the application was made?
 - (b) What classification and salary was being sought in the application for Mr Easton?

- (c) Has the Public Service Commission responded to the application?
- (d) Did the Public Service Commission agree to a reclassification?
- (e) If yes to (d), what is Mr Easton's new classification and salary?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1) Yes; Mr Easton, who is the Executive Director of the Office of the Attorney General, advised the Attorney General of his application to the Public Service Commissioner for a review of his classification.
- (2) (a) I refer the member to the Attorney General's answer to question on notice 123 of 1993.
- (b)-(e) The Attorney General has been informed that the Public Service Commissioner did not agree to a reclassification.

ROAD TRAINS - ECONOMIC BENEFITS

463. Hon MURRAY MONTGOMERY to the Minister for Transport:

What benefits have flowed from the extension to the road train routes in terms of cost and safety to the community?

Hon E.J. CHARLTON replied:

Following a question earlier this week regarding road safety and associated comments about road trains, I have extracted some information compiled on the trial of road trains into Midland, which number more than 270 to the end of August. I do not know the figures for the past month, but the trial in Midland has resulted in approximately 800 driving hours saved. The annual benefit of this to livestock operators alone will be approximately 1 200 hours. Any extension of road trains into the Kewdale area will save approximately 36 000 hours behind the wheel of heavy haulage vehicles. The use of road trains to transport fertiliser out of Kwinana will save approximately 3 000 hours in a year. It is estimated that the use of road trains moving from Coolgardie to Northam on Great Eastern Highway before being forced to break into semitrailers has resulted in a collective saving of 150 000 hours on the road each year and a saving of \$8m a year.

When I was in Adelaide the other day an operator who has 80 prime movers on the road told me that as a result of that decision involving one stroke of the pen, each truck operation saves \$1 000 on each trip to Perth. Despite the increase in fuel and other costs in the past 12 months, he has not had to increase freight rates.

Hon Kim Chance: It is a shame they do not pass it on to drivers.

Hon E.J. CHARLTON: The member is referring to Transport Workers Union truck drivers. Does he not care about the cost of products around the State and on the supermarket shelves? That operator has passed on savings to the community.

The PRESIDENT: Order! Minister. Hon Murray Montgomery asked that question. I fail to understand why the Minister is talking to Hon Kim Chance.

Hon E.J. CHARLTON: I was replying to his rude interjection.

The PRESIDENT: You should ignore the rude interjection.

Hon E.J. CHARLTON: What some people have failed to realise is that, based on those decisions alone, the considerable economic benefits saved by each driver is being passed on to the consumers of this State.

DEATHS IN CUSTODY - PROCEDURES REVIEW

464. Hon CHERYL DAVENPORT to the Minister for Mines:

In view of the three most recent deaths in custody, will the Minister assure the House that -

- (1) Adequate supervision and staffing levels were in place and in practice at the time the three deaths occurred?
- (2) Apart from routine inquiries already in place, does the Minister intend to review current practises and procedures, particularly as they relate to young first offenders held on remand?

Hon GEORGE CASH replied:

I thank the member for some notice of the question. However, as I have been unable to obtain sufficient information to answer the question, I ask that it be placed on notice.

DEATHS IN CUSTODY - SCREENING PROCEDURES

465. Hon CHERYL DAVENPORT to the Minister for Mines:

Will the Minister outline to the House -

- (1) (a) Which screening procedures and/or criteria are applied to determine which prisoners are considered suicide risks; and
(b) what procedures are in place now that guarantee adequate supervision for remand prisoners considered at risk?
- (2) Will the Minister state whether those inmates - possibly affected by the three most recent deaths in custody - were properly counselled, or indeed offered counselling, following the deaths?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The member is requested to place her question on notice and a reply will be provided.

**EQUAL OPPORTUNITY COMMISSION - DISCRIMINATION ON
GROUNDS OF SEXUALITY REPORT**

466. Hon TOM HELM to the Minister for Mines representing the Attorney General :

- (1) Has the Equal Opportunity Commission completed its investigation into the absence of antidiscrimination legislation in Western Australia to protect people from discrimination on the ground of sexual preference?
- (2) If yes, has the Attorney General received the report and when will the report be made public?
- (3) If no, when will the report be completed and when will it be made public?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1)-(3) The Attorney General expects to shortly receive the report from the Commissioner of Equal Opportunity on the subject of discrimination on the ground of sexuality. As the Attorney General has stated previously, it is her belief that the evaluation of that report should include a period of public comment.

Hon TOM HELM: Mr President, if a Minister replying to a question asks that it be put on notice, does it then go on notice?

The PRESIDENT: The question will automatically go on notice.

PORT KENNEDY DEVELOPMENT - HOUSING DEVELOPMENT APPLICATION

467. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Planning:

The proponent for the Port Kennedy development, Mr Gary Sheehan of Fleuris Pty Ltd, has told the Standing Committee on Constitutional Affairs and Statutes Revision that the Minister for Planning was confused and incorrect when he claimed in *Hansard*, at page 11077 on Wednesday, 30 March 1994 that "an application was put to me to turn the proposition into a housing development". Can the Minister for Planning confirm that an application was made to him to turn the proposition into a housing development?

Hon MAX EVANS replied:

I thank the member for some notice of this question. A concept "to demonstrate the integration of Port Kennedy with adjoining land and other proposed developments" following the initiative of the State Planning Commission's development brief of March 1986 for the Port Kennedy regional recreation centre was put to the Minister for Planning in June 1993 for comment. The concept, which illustrated some housing development around the fringes of the recreational centre site, did not constitute a formal application and the Minister rejected it forthwith, as acknowledged in *Hansard* at page 11077 of Wednesday, 30 March 1994.

ELECTIONS - ONE-VOTE-ONE-VALUE, IMPACT ON MINING AND PASTORAL SEATS OF LEGISLATIVE ASSEMBLY

468. Hon P.H. LOCKYER to the Minister for Education:

How will the one-vote-one-value voting system affect the mining and pastoral seats of the Legislative Assembly?

Hon N.F. MOORE replied:

I understand that it would result in a reduction of seats in the Legislative Assembly from six to four. That is a significant reduction, bearing in mind the Electoral Commissioner has suggested the number be reduced to five. I consider the comments made yesterday by members opposite who support one-vote-one-value complaining about loss of representation to be hypocritical in the extreme.

GROUND WATER - TREATMENT, CHEMICALS

469. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

What chemicals are used in the treatment of ground water before it is distributed for general consumption in the metropolitan scheme?

Hon MAX EVANS replied:

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

There are great variations in raw ground water quality, both between areas and at different depths. Water which has travelled through clay or swamps, for instance, will contain more dissolved substances, particles and colour than water that has travelled only through sand. Constant monitoring of the raw water is required in order to adjust treatments, and the equipment used in the treatment processes must be able to cope with these variations.

The treatment of ground water usually requires: Chlorine - to

precipitate dissolved iron and for disinfection; alum - as a coagulant to collect and deposit out particles; polyelectrolyte - as a flocculant for binding the particulate matter; lime - to adjust the PH level of the supply; caustic soda - as for lime, but lime is the preferred chemical; sodium silicofluoride or hydrofluorsilicic acid - as directed by the Fluoridation of Public Water Supplies Act 1966 for the purposes of dental health.

WATER AUTHORITY OF WESTERN AUSTRALIA - WATER CHARGES

470. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

Will the Minister assure the House that water charges will not be raised next year as a result of reduced water sales following any restrictions that may be imposed?

Hon MAX EVANS replied:

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

The Water Authority, in formulating its budget for 1994-95, has taken into consideration the probability of restrictions based on storage levels and expected rainfall. The pricing policy of the Water Authority is to break even in the medium term. It is difficult to budget for water sales revenue as water consumption is subject to seasonal variations. While it is possible that the Water Authority will lose sales in 1994-95 if water restrictions are required, it gained additional revenue in 1993-94 from higher water sales due to the long, dry summer. The effect of these influences balances out in the medium term. Charges for 1994-95 will generally rise by the consumer price index.

SITTING DATES - 1994

471. Hon DOUG WENN to the Leader of the House:

- (1) Can the Leader indicate the sitting times for the rest of 1994?
- (2) If so, subject to his response, could he make those dates and times available to all members?

Hon GEORGE CASH replied:

I thank the member for some notice of the question.

- (1) Yes.
- (2)

Week 11	Tuesday 18 October - Thursday 20 October
Week 12	Tuesday 25 October - Thursday 27 October
Week 13	Tuesday 1 November - Thursday 3 November
RECESS 2 WEEKS	
Week 14	Tuesday 22 November - Thursday 24 November
Week 15	Tuesday 29 November - Thursday 1 December
Week 16	Tuesday 6 December - Thursday 8 December
Week 17	Tuesday 13 December - Thursday 15 December

The above dates are current as at 29 September 1994. However, should there be unreasonable delays in dealing with legislation, I will advise members of any additional sitting dates.

FOOTROT - OUTBREAK, POLICE INQUIRY

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

In answering question without notice 80 - *Hansard*, 31 May 1994, page

906 - the Minister replied that "the appropriate action has been taken". I now ask -

- (1) What was the action?
- (2) How was that action appropriate to an allegation of possible criminal acts having taken place?

Hon E.J. CHARLTON replied:

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

- (1) I referred the matter to the Police Department for investigation and advice. The department has not yet completed its investigation and it would be inappropriate for me to comment until such time as that action has taken place.
- (2) The Police Force is the appropriate authority to deal with such matters.

WOOL SCOURERS - RELOCATION

473. Hon KIM CHANCE to the Leader of the House representing the Premier:

In a letter from the Premier to Mr L.A. Myles of Beechboro - reference 9408761, p 45-93-2 - the Premier stated in page 3 -

the stability of the low stage wool processing industry is very important for the long term security of high stage processing. This has been secured by the relocation of wool scourers to a "specialist industrial precinct".

Which wool scourers have been relocated and where is the "specialist industrial precinct" located?

Hon GEORGE CASH replied:

I thank the member for some notice of the question. However, time has not permitted me to gather sufficient information to answer the question. I ask that the question be placed on notice.

WATER AUTHORITY OF WESTERN AUSTRALIA - MAINS FLUSHING AND LEAKAGE, WATER LOSS

474. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

- (1) What volume of water is lost due to mains flushing carried out by the Water Authority of Western Australia over a 12 month period?
- (2) What volume of water is lost due to mains leakage over 12 months?
- (3) How many people are employed in the leak detection unit of WAWA?

Hon MAX EVANS replied:

I thank the member for some notice of the question.

- (1) No accurate measurements are taken of water used for flushing. Action to flush mains is carried out only in response to consumer concerns or to maintain water quality in the reticulation network. Estimated quantity is very small and would be in the order of 30 ML per annum.
- (2) Annual water loss due to mains leakage and other losses is in the order of 7 per cent of total water produced. This level of loss is low in comparison with other similar water utilities.
- (3) Up to six people are employed on leak detection during the winter months.

PORTS - PRIVATISATION PLANS

475. Hon DOUG WENN to the Minister for Transport:

- (1) Does the Minister intend to sell off any ports in Western Australia or parts thereof?
- (2) If so, which ports are to be targeted?

Hon E.J. CHARLTON replied:

- (1)-(2) The Government's policy on ports is that they should be lean, mean, efficient and highly commercial. That is what the Government has striven to achieve, very successfully, since it has been in government.

As for privatisation, nothing is in hand.

EQUAL OPPORTUNITY COMMISSION - DISCRIMINATION ON GROUND OF SEXUAL PREFERENCE REPORT

476. Hon TOM HELM to the Minister for Mines representing the Attorney General:

- (1) Is the Minister aware that Western Australia is one of the few States in Australia where discrimination against gay and lesbian people within the areas of employment, housing and the provision of goods and services is not unlawful?
- (2) Does the Attorney General believe that this form of discrimination is acceptable?
- (3) If no to question (2), what action has the Attorney taken to ensure that the Equal Opportunity Act is amended to include anti-discrimination legislation on the ground of sexual preference?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1)-(3) My inquiries to date have indicated that the Attorney General expects to receive a report on this matter from the Equal Opportunity Commission shortly. The Attorney General expects that the evaluation process following receipt of that report will include a period in which the public will have an opportunity to make submissions.

**JAPANESE-AUSTRALIAN DESERT DEVELOPMENT CENTRE -
GOLDFIELDS ESPERANCE DEVELOPMENT COMMISSION, FUNDING**

477. Hon KIM CHANCE to the Minister for Education representing the Minister for Commerce and Trade:

What funds have been allocated in this year's Budget for the establishment of a Japanese-Australian desert development centre in the goldfields region under the auspices of the Goldfields Esperance Development Commission?

Hon N.F. MOORE replied:

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

The Goldfields Esperance Development Commission has presently set aside \$500 in 1994-95 for minor expenses which may be associated with the early stages of this project. This does not take account of staff time which may be allocated to this project if the need should arise. The commission outlaid approximately \$4 500 in 1993-94 to bring Professor Matsumoto to the Green and Gold Landcare conference held in Kalgoorlie in 1993. The Japanese end of the project, although apparently still keen to proceed, has

not been able to progress the matter as quickly as they anticipated, so there is unlikely to be any need for a major commitment by the commission or other state agencies in the current financial year.

BUILDING MANAGEMENT AUTHORITY - PROJECT MANAGERS APPOINTMENT CRITERIA

478. Hon TOM HELM to the Minister for Finance representing the Minister for Works:

What criteria are used by the Building Management Authority in appointing project managers to supervise government construction projects?

Hon MAX EVANS replied:

I thank the member for some notice of the question. For appointment of private project managers the general criteria are: Appropriate professional qualifications - building related; relevant experience in project management; the maintenance of an office in Western Australia; and the maintenance of professional indemnity insurance. The project specific criteria vary depending upon the size and nature of the project. However, these would typically include, experience in the specific type of project; ability to resource the project; demonstrated understanding of the issues involved in the project; methodology of approach proposed; fee package proposed; and interpersonal skills.

INKPEN INDUSTRIAL SITE - LANDCORP REVIEW

479. Hon KIM CHANCE to the Minister for Lands:

The Minister advised the Estimates Committee that a review was being conducted by LandCorp into its commitment to the Inkpen industrial site. When is the review expected to be finalised?

Hon GEORGE CASH replied:

I am unable at this moment to advise when that review will be finalised. However, I will make some inquiries and if I can provide an answer to the member prior to our resumption of sitting I will do so on an informal basis. If that is not possible, I will provide an answer when we return on 18 October.

INTERNATIONAL LABOUR ORGANISATION'S CONFERENCE - MINISTER FOR LABOUR RELATIONS ATTENDANCE

480. Hon DOUG WENN to the Minister for Finance representing the Minister for Labour Relations:

I place part (4) of the question on notice as I do not expect an answer at this stage.

- (1) Did the Minister for Labour Relations attend the International Labour Organisation's 1994 conference?
- (2) Was the Minister asked to address the conference?
- (3) If yes to (2), will he provide the House with a copy of his address?
- (4) If he did not address the conference as requested, why not?

Hon MAX EVANS replied:

I thank the member for some notice of the question.

- (1) Yes. The Minister for Labour Relations accepted an invitation from the Federal Minister for Labour Relations, Mr Laurie Brereton, to attend the International Labour Organisation's 1994 conference.

- (2) No. However, attendance at the conference achieved two important objectives: First, it provided the Minister with a valuable opportunity to better understand the organisation, its structure and the principles espoused in the ILO's standard setting process. The Minister considered this important given the Federal Government's action in calling up specific ILO conventions and recommendations in the federal industrial relations legislation. Attendance at the conference confirmed that the calling up of these instruments into legislation is a misuse of the process. Neither a convention nor a recommendation is constructed in legalese. At best these instruments reflect guiding principles which are to be reflected in legislation. In that context alone the Minister, after observing this standard setting process first-hand, believes that Western Australia is more than justified in pressing ahead with its appeal to the High Court.

Second, attendance at the conference provided an opportunity to attend a special meeting of Ministers of Labour of Asian countries. From this meeting, and others attended during the conference, contacts have been forged, the most notable of which being with the Indonesian Labour Minister, Mr Abdul Latief. Only this month Western Australia entered into arrangements with the Indonesian Government which now sees Western Australian certificates of competency issued to Indonesian nationals who have been trained to our level of competency in respect of occupational health and safety.

- (3) Not applicable.

Hon Max Evans (Minister for Finance) was granted leave to table documents relating to questions on notice 756, 757 and 765. [See paper Nos 353-355.]
