WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Tuesday, 9 September 1997

Legislative Council

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

MOTION - CONDOLENCE

Diana, Princess of Wales

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.33 pm] - without notice: I move -

> We, the members of the Legislative Council in the Parliament of the State of Western Australia, having received with profound sorrow the news of the death of Diana, Princess of Wales, convey our deepest sympathy to the members of the Royal family and the Spencer family, as we share in their grief and mourning.

Mr President, Western Australians like so many other people around the world experienced a sense of disbelief when the news came through that Diana, Princess of Wales, was dead. Few tragedies have so shocked the British nation, in particular, and the world in general. So much has been said on television and so many words have been written about Diana since her death, that there is little we can add today except to express our profound sorrow.

Many people have spoken of Diana's beauty, her dignity, her service to the community and her contribution to charitable and humanitarian causes. More than 500 charities and organisations benefited from her efforts, and more than 100 were ongoing beneficiaries. We in Western Australia will long remember her as a champion of charity. We remember her with children in Asia and Africa whose limbs had been blown away by landmine explosions; with children critically ill with leukemia; with grief-stricken widows in Sarajevo; and with the victims of AIDS. To these people, Diana went beyond the bounds of duty to speak a message of hope.

I was in London in the days following the tragedy in Paris. I was amazed to see the number of people, particularly young people, walking through the streets carrying bunches of flowers, and to feel their sadness. One knew without thinking they were heading for Kensington Palace and Buckingham Palace to add to the growing mountain of flowers laid there by people from all walks of life. As the days went by, the trickle grew into a stream and the stream into a flood as people paid their respects and queued for many hours, sometimes in heavy rain, so they could sign books of condolence. Few incidents are more painful than the death of a young person. We are all saddened by the death of Diana, Princess of Wales. We mourn her passing and we pray for her young sons and the Royal family at this difficult time.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.35 pm]: On behalf of all members of the Opposition I express support for the motion moved by the Leader of the Government and our sympathy to the Queen and to the family and friends of Diana, Princess of Wales. The death of the Princess of Wales has brought forth unprecedented expressions of international grief and mourning. Indeed, on Saturday we witnessed extraordinary scenes of the people of the United Kingdom joined in their millions in mourning Diana's death. They were joined via television by hundreds of millions of others who were touched by Princess Diana's vitality, compassion and concern for other people. Millions of people all over the world, including Australia, participated in various ways in paying their respects to Diana - by signing condolence books, laying flowers outside British Consulates and High Commissions, and attending religious services.

Our sympathy goes out naturally and most especially to the two sons of the Princess of Wales, their Royal Highnesses Prince William and Prince Harry.

The tale of the life and death of the Princess of Wales, in all its circumstances, makes at least the point of how inhuman humanity can be in its press for information about public figures, including royalty. Her life and death have put enormous strains not only on the institution of the British monarchy, but also on the people who make up that Royal family. Public figures especially, but the public as well, have now at least glimpsed a sense of the destructive nature of an insatiable appetite for access to the details of the private lives of public individuals. We all, public and Press, have an obligation to respect the right to privacy, including the rights of public figures to their private lives.

Presumably, Prince William will next century be king of a very different United Kingdom. Presumably, it will be an increasingly multicultural country in a union of western and eastern European states. Scotland, and to a lesser extent Wales, will have considerable autonomy, as these are some of the major constitutional and parliamentary reforms proposed by the current British Government. And, please God, perhaps peace will have come to Northern Ireland.

The death of a young mother of young boys moves us all. I am sure all of us continue to have great hopes for an enduring role for the Commonwealth of Nations and for the British monarchy within that Commonwealth, of which, one day, the son of the Princess of Wales will be titular head. The gathering of these nations provides support for so much that is good that has sprung out of the ever-evolving traditions of Westminster, not least of which is the flowering of a parliamentary democracy.

Earl Spencer, the brother of the Princess of Wales, spoke forcefully at the Westminster Abbey service on Saturday of his family's aim to encourage his two young nephews to develop and grow with a genuine empathy with, and understanding of, the lives of the people of the United Kingdom and beyond. Their mother, in a quite extraordinary way, was able to transcend the immense cultural and class divide that still exists in Britain. She was able also to highlight the plight of the forgotten people in her country and throughout the world - people suffering from HIV-AIDS, lepers in the Third World and, more recently, the victims of landmines - weapons whose production the new British Labour Government has outlawed in the UK.

The commitment of the Princess of Wales to these causes went higher than appearances at garden parties and grand dinners. She went into the field at some personal risk, dragging the ever present media behind her in the hope they would spare some of their column inches to highlight her causes rather than herself. It is, of course, a sad irony and tragic coincidence that the burial of the Princess of Wales should be accompanied by the news of the death in India of Mother Teresa of Calcutta. Diana became a princess by marriage; Mother Teresa was a saintly peasant woman who became a princess by vocation. They appear to have forged a friendship based on some core commitments to the cause of the poor of the earth.

There is a consequent wave of international grief, which I am sure we all share, upon the death of Diana, this relatively young woman, who did so much that was good across a broad range of areas for the arts, for charities and for humanitarian causes around the world.

The nature of the appeal of this exceptional woman, who touched so many in her own country and in Australia, has been no better described than in the words of her brother who said at Saturday's service in Westminster Abbey -

> Diana was the very essence of compassion, of duty, of style, of beauty. All over the world she was a symbol of selfless humanity. . . . a standard-bearer for the rights of the truly downtrodden, . . .

Many of us in Western Australia had the opportunity of meeting the princess during her visit to Perth in 1983 at the garden party at Government House. I have met only two princesses. However, by chance I effectively sat with the princess in the Royal Albert Hall during a visit to London with my wife in 1987. I was attending a performance of Verdi's "Requiem" - a composition I have long treasured. It was at this gala performance that I discovered, some 10 years ago, as I sat near to the princess, how we had a shared passion for this composition. Of course, it was especially poignant to hear on Saturday during the broadcast from Westminster Abbey the splendid opening and closing phrases of Verdi's "Requiem" in the funeral service for the Princess of Wales, sung by the soprano Lynne Dawson and the BBC choir. The final phrase is even more evocative for me when placed in the context of the life and death of Diana, Princess of Wales. It is an outdated theology, but there is at least a cosmology that resonates alive with new meaning -

> Libera me, Domine, de morte aeterna, in die illa tremenda.

Perhaps the most eloquent of all the tributes was that of a nation and, indeed, of so much of the world, which stopped in deafening silence as the body of the Princess of Wales was to commence the journey from Westminster Abbey to the Althorp estate.

However, we in this House of Parliament, on behalf of the people of Western Australia, pay our spoken tribute to Diana, Princess of Wales and we pay our respects most especially to her two sons, Prince William and Prince Harry, and to her family and friends. Drawing again on the words that boom out from Verdi's "Requiem", I am sure we all say -

> Requiem aeternam dona ei, Domine; et lux perpetua luceat ei.

HON HELEN HODGSON (North Metropolitan) [3.43 pm]: I rise on behalf of my Australian Democrat colleague to express our condolences on the death of Diana, Princess of Wales, and especially to her young sons. She has been properly called the people's princess, and that is seen in the way her death shocked people all over the world. Although the media was extremely intrusive in her life, it made her familiar to everyone. Her beauty and glamour captured everyone's imagination, and she used that to make a great contribution to public life. Whether one is a republican or monarchist at heart, it must be said that Princess Diana used her role to turn the people's infatuation with her to the benefit of the social causes she supported.

The Princess of Wales made four visits to Australia and during those visits met people who were suffering. In 1983 she visited the victims of the Ash Wednesday bushfires in Cockatoo, Victoria. She was involved in fundraising for the Victor Chang Foundation, and visited heart recipients and AIDS patients. As part of her work she attracted people to charity balls who paid $1 000 a head, which was an enormous contribution to those charities. She used the fact that she was the most photographed woman in the world to assist her causes and charities. She was not afraid to touch people who had AIDS, or to shake the hands of people who had leprosy. She walked in fields of landmines, and worked for homeless people. Mother Teresa described her as extremely sympathetic to the poor people. I also express our condolences on the death of Mother Teresa last weekend.

With the death of Diana, Princess of Wales the world has been robbed of an important goodwill ambassador, and her last campaign against landmines is one we should all follow very closely at the moment. She visited Cambodia, Afghanistan and Bosnia and drew attention to the problem of landmines in those areas.

Diana had many personal dramas and that increased her appeal to the people. Many women could relate to her problems and her way of dealing with them. I feel especially affected by this because I did not think I would be. Princess Diana was about the same age as I am, and her life has been cut short in its prime. She has left two sons, aged 15 years and 12 years. I, too, was left alone without a mother at the same age. I feel very strongly for those sons and I know they will now need the support of their family, on both their mother's and father's sides. I wish to express my condolences, particularly to the sons of Diana.

HON MURIEL PATTERSON (South West) [3.46 pm]: I would like to add a few words to what has already been said. So much has been said about Diana, Princess of Wales and the role she has played throughout her life. To me her greatest role was that she had two sons she brought up in a realistic lifestyle. I speak of the fact that the Royal princes went to kindergarten, and were made to queue and to pay for goods. That is different from the practices in the past, but it is very much in keeping with today's lifestyle.

Every child has been brought up to believe in the beautiful princess. It is not necessary to read many fairy tales to know that princesses are always beautiful. However, I ask that people in this Chamber today and those around do not cast the Queen in the role of the wicked stepmother or anything of that nature, as the media are trying to do. The Queen has dual roles. She is Queen of the Commonwealth, and also mother and grandparent to her family. The monarchy is based on tradition, and traditions cannot be planned. It is there because it works and even in bereavement the Royal family shows us how to be strong and to carry on, as it has done through wars and other national tragedies. People look for such leaders. I marvel at the English people's solidarity and the way they have supported the Royal family.

One part of Earl Spencer's speech which has not received a great deal of publicity, and which was most poignant, was the mention of the long train journeys during which Diana supported him when visiting their parents. He said he believed her long term mental and physical disorders were a result of those early years. Even as a princess she was not absolved from these tragedies. We can learn something from this; that is, the importance and the responsibilities of parenthood.

I thought Tony Blair, the Prime Minister of England, read the scriptures with Shakespearean quality. It was quite brilliant and it would have made so much sense to people who had never listened to scripture readings before. I commend him for that.

I also ask that people do not lose sight of the importance of the monarchy. We, as a nation and as part of the Commonwealth, need good leaders, and we have good leaders at the moment. I join with others in offering my condolences, especially to Prince William and Prince Harry for the loss of their mother.

THE PRESIDENT (Hon George Cash): As is usual, the motion, when carried, will be transmitted to Government House for further transmission to both the Royal family and the Spencer family. I take this opportunity of joining with the members who have spoken in conveying my sympathy to those who have suffered a very significant loss in the tragic death of the Princess of Wales. She was unquestionably a most gracious and generous lady. Our thoughts are especially with her two young sons, Prince William and Prince Harry. We trust that they and the other members of the Royal family and the Spencer family will be comforted by the motion which is to be passed by this Legislative Council.

Question passed, members standing.

STATEMENTS - PRESIDENT

Diana, Princess of Wales - Condolence Book

THE PRESIDENT (Hon George Cash): I advise members that arrangements have been made with Government House, Perth for a condolence book to be made available to members of both the Legislative Council and the

Legislative Assembly to record their words of sympathy and support at this time of sorrow in the tragic loss of the Princess of Wales. That condolence book is in the members' dining room and will be available until 7.30 this evening.

Whips - Telephones in Chamber

The PRESIDENT: By way of information, I indicate that a telephone has been located in the Chamber for the use of the Whips of the Greens (WA) and the Australian Democrats. The use of these telephones will be in accordance with the rules pertaining to the two other Whips' telephones which are also located in the Chamber.

BILLS (2): ASSENT

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

1. Restraining Orders Bill.

2. Casino (Burswood Island) Agreement Amendment Bill.

PETITION - EUTHANASIA

Hon Tom Stephens (Leader of the Opposition) presented the following petition bearing the signatures of 437 persons -

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

1. Every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;

2. Inquiries into the legislation of so-called "strictly regulated voluntary euthanasia" by the House of Lords Select Committee on Medical Ethics (1994), the New York State Task Force on Life and the Law (1994), the Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995) and the Australian Senate Legal and Constitutional Legislation Committee (1996) each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;

3. A referendum on euthanasia would, if successful, be a substantial step towards legalised euthanasia and therefore any bill for a referendum on euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

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

A similar petition was presented by Hon N.D. Griffiths (239 signatures).

[See papers Nos 748 and 750.]

PETITION - FREMANTLE ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY

Hon B.M. Scott presented the following petition bearing the signatures of 76 persons -

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

We the undersigned residents of Western Australia request that you

. oppose any moves to establish a new port at Naval Base

. reject any proposals to rezone the Kwinana Industrial Area's buffer zone for industry

. dismiss the Steering Committee for the Fremantle-Rockingham Industrial Area Regional Study and replace it with people more representative of the Area

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

[See paper No 749.]

PETITION - LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Hon E.R.J. Dermer presented the following petition bearing the signatures of 21 persons -

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

We, the undersigned are concerned members of our community who opposed the way the Industrial Relations Bill was pushed through the Parliament of Western Australia.

We completely support the unions in their opposition to the implementation of this Bill.

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

[See paper No 751.]

Point of Order

Hon PETER FOSS: The petition sounds as if it is not couched in the appropriate terms.

The PRESIDENT: I did not hear the final comments of Hon Ed Dermer. I am happy to look at the petition at a later stage. If there is some question about its admissibility, I will let the House know.

SELECT COMMITTEE OF PRIVILEGE

Report Tabling - Extension of Time

Hon N.D. Griffiths presented a report of the Select Committee of Privilege seeking an extension of the time in which to report from Thursday, 11 September 1997 to Thursday, 16 October 1997, and on his motion it was resolved -

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

[See paper No 752.]

MOTION - STANDING ORDERS COMMITTEE

Private Members' Business - Amendment to Motion

Resumed from 28 August.

HON DERRICK TOMLINSON (East Metropolitan) [4.04 pm]: Before I was interrupted by the parliamentary recess, I was speaking in favour of the sentiment of the motion by Hon Tom Stephens that the Standing Orders Committee consider amendments to our standing orders to enable private members' business to be considered and cleared at regular intervals. I expressed the opinion, however, that the motion by the Leader of the Opposition did not go far enough and hence moved an amendment to the effect that it include the business of the Government as well as private members' business. It is also appropriate that it be the Standing Orders Committee that be directed to devise and recommend those procedures.

In the past two years there have been ad hoc committees to look at the procedures of this House. The first was an ad hoc committee of backbenchers from the government side. That ad hoc committee met informally. It had no specific terms of reference but was simply a group of members who were concerned about the procedures of this House, the times of sittings and some of the conventions observed in debate, which we felt were not conducive to the most efficient discharge of business. That committee met with some derision from time to time by members of the Opposition who thought, I suppose, that we were a little presumptuous to consider that there were matters to be reviewed in the proceedings of this House. However, in spite of comments that we received from time to time from the opposition benches, we persisted and took our recommendations to the then Leader of the Opposition. They were very well received by the Leader of the Government, so well that the Leader of the Government, now the President of the Legislative Council, Hon George Cash, suggested that there should be an informal committee of both sides to pick up the recommendations of the informal backbench committee and proceed to formalise them in some way for consideration as either a standing order or a sessional order of the House. That too met with some success.

I will not try to contemplate the motivation of members of that committee in advancing their propositions, but they did advance them. An agreement was struck between the Opposition and the Government. The only member of the Green Party in this House at that time was not consulted. I acknowledge that; it was an oversight. That agreement became the basis of an agreement for changing the procedures of this House right at the beginning of the current Parliament. Unfortunately the agreement collapsed soon after 22 May when the composition of the House changed markedly and we had quite a different balance of power, as it were, on the government and opposition benches. The agreement that had been made before 22 May was quickly undone and a new agreement forged. I do not know that that agreement has borne fruit in terms of the matters that this motion intends to have addressed. We have not seen any improvement in the management of the business of the House. In fact, we have seen a slowing down of the

business of this House; we have seen the use of standing orders to deliberately obstruct and delay the business of the House.

Hon N.D. Griffiths: Are you talking about between 1989 and 1993?

Hon DERRICK TOMLINSON: I am talking about the current Parliament and the behaviour of this House since 22 May 1997. I put it to you, Mr President, that there has been unnecessary delay in the business of this House. I understand the position of the Opposition in this. There was a time when I was in Opposition. I do not anticipate that I will ever be in Opposition again; I will end my career as a member of the government benches.

Several members interjected.

The PRESIDENT: Order!

Hon DERRICK TOMLINSON: I remember being in Opposition and using standing orders quite deliberately to get under the skin of the then Government. I must confess I still remember the vicarious pleasure of using standing orders in that way. While I stand here and contemplate that, I can also say that it did nothing for the good order and government of Western Australia.

It did nothing to expedite the passage of legislation in this House. It simply enabled the then Opposition to play games - I use the term games deliberately - with the Government and its legislative program. Now, sitting on the backbench of government, I observe the Opposition doing exactly the same thing, and no doubt it was ever thus. What is different now is that for the first time in the history of this House the parties that control the government benches do not have the majority in the House.

Hon Kim Chance: That is not different; it has always been like that.

Hon DERRICK TOMLINSON: I was about to say that when the parties which now form the Government were the Opposition they had the majority. In some respects, it is not different; the difference is in the composition of the parties.

It is necessary, therefore, for members to step aside from their partisan political roles and to examine the procedures and standing orders of this House quite objectively and ask: Do these standing orders best reflect a desire to expedite or to enable the business of government and of private members to be considered and cleared at regular intervals without anticipating what the Standing Orders Committee might resolve? There is a need for review and for change for two reasons: Even though I argued at the commencement of my address that this is not a House of Review, it should be; if it is to endure it must be a House of Review. That will require changes in standing orders, procedures and the culture of this place.

I indicated earlier that it might also require constitutional change to deal with such things as the annual prorogation of Parliament and the insistence that there be at least one Minister in this House. I am sure Hon Peter Foss will expand at length on why it is constitutionally necessary for there to be at least one Minister in this House.

The other reason the Standing Orders Committee should consider the procedures of this House is that the composition of the House has changed. The amendments to the Electoral Act of 1987 ensured that this House was elected on the basis of proportional representation. Some people argue that it is now a much more democratic House. Irrespective of our private opinions on that, it is a fact that the electoral system now enables other than the Liberal Party, the Labor Party or the National Party to win representation in this House.

Parties which gain between 3 per cent and 8 per cent - from a fifth to half of the quota - of the primary vote now hold five seats in this House.

Hon Peter Foss: It is extraordinary.

Hon DERRICK TOMLINSON: Whether it is extraordinary is irrelevant; it is a fact. It is also a fact that it imposes a requirement on the House to reconsider its standing orders to take account of the new composition of the House because it changes the function of the House. It makes it possible for this House to be a House of Review, particularly since the minor parties, if I may call them that - the National Party, the Greens WA and the Australian Democrats - hold the balance of power in this place.

Hon Kim Chance: You waited for all the Nationals to leave before you said that.

Hon DERRICK TOMLINSON: We need not worry about that; I am sure the National Party will read my statement in *Hansard* and agree with me that as a minor party in this place it played a very important role in representing the minority population of Western Australia which is the majority wealth producing sector of the State and should be commended on what it has done.

Hon Kim Chance: I thought the Mining and Pastoral Region was ours.

Hon N.F. Moore: Not really.

Hon DERRICK TOMLINSON: There is a further reason why we need to reconsider this House as a House of Review. In spite of the constitutional construct which creates this House as an equal legislative Chamber with the other place, with the exception that we cannot generate legislation which imposes costs upon government, there is an expectation in the community that we act as a House of Review - as a check and balance on government and on the Executive.

In the five years since the Royal Commission into Commercial Activities of Government and Other Matters reported in 1992 the perception of what that royal commission was truly about has changed. Certainly it found, for example, that certain conduct and practices on the part of certain persons involved in government in the period 1983 to 1989 placed our government system at risk. I am referring to part II of the royal commission's report. In the same part of that report the royal commission observed -

> Some Ministers elevated personal or party advantage over their constitutional obligation to act in the public interest.

At paragraph 1.1.4 it also reported -

> Personal associations in the manner in which electoral contributions were obtained could only create the public perception that favour could be bought, that favour would be done.

At paragraph 1.1.8 it further reported -

> Members of statutory authorities with very significant funds subject to their control seemed to be unaware of, or else indifferent to, their legal and public duties.

Although the royal commission arrived at those findings, it was not merely a royal commission looking into the activities of individuals in government or in positions of authority on statutory agencies in the period 1983 to 1989, it was a royal commission into Parliament. The report of the royal commission made some rather damning observations about the failure of Parliament to be accountable for the Executive or for the Executive to account to Parliament for its actions. It found the Parliament was inept.

Hon Peter Foss: It also found appalling ignorance of what happened to Parliament. It is a bit disappointing.

Hon DERRICK TOMLINSON: It found the Parliament inept in reviewing the actions of government agencies, government departments and statutory authorities.

Hon Peter Foss has observed that there was ineptitude in understanding what had happened between 1983 and 1989, particularly in this House. The royal commission showed that it had no understanding of what happened in this House between 1989 and the calling of the royal commission. It showed no understanding of the action by the Opposition in this House between 1989 and the calling of the royal commission in forcing and compelling the Government to table documents which revealed the extent of ineptitude in accounting to Parliament for the actions of the Government. In spite of that, the royal commission was still a royal commission into the Parliament as much as it was a royal commission into the Government of the day. As a royal commission into Parliament it made the observation at paragraph 1.1.1 -

> The Commission has found conduct and practices on the part of certain persons involved in government in the period from 1983 to 1989 which were such as to place our governmental system at risk. Unfortunately, some of that conduct and some of those practices were peculiar to Western Australia; but there is no reason to believe that many of the fundamental questions raised by our inquiry were unique to this period or to this State. On the contrary, as detailed studies in other States and overseas clearly demonstrate, they have been raised elsewhere as a consequence of events similar to those which we have experienced.

They were also a consequence, in part, of the convention of this House being a rubber stamp on the legislative initiatives of the other House - a House which did not always exercise its responsibility to carefully review and scrutinise legislation and the reports of the activities of the Government in the other House. Hence the royal commission recommended that action be taken to change the culture, the process, the convention in this House so that it could and would function as a House of Review. We have been tardy in responding to that. Fortunately, the changed circumstances of the balance of numbers in this House is forcing us to consider our standing orders and procedures. Hence, I support the sentiment of Hon Tom Stephens' motion, but have moved to extend it to include the program of government as well as private members' business.

It is necessary for me to reveal my reservations on how far changes in standing orders might succeed in changing the culture of this House. It is a House based upon partisan antagonism. The whole climate and culture of this House is partisan antagonism. We can change the standing orders as much as we like; we can change the composition of the House as much as we like, but until we see a change in the culture of this House we will not see a change in or a more effective use of the powers of this House. I was not one of those who were fearful of the consequences of the 1987 amendment. Since 1987 both the Liberal Party and the Labor Party have anticipated the time when minor groups - call them Greens or Democrats, or any name one likes - would win seats in this House. In 1993 Hon Jim Scott became the first member of the Greens (WA) party elected to this House.

In 1993 both the Liberal Party and the ALP anticipated that more than one Greens party member would be elected. I notice Hon Jim Scott nodding his head in agreement. Obviously the Greens anticipated they would win more than one seat in 1993. I think probably in 1993 the Democrats anticipated they would win seats in this House. It did not happen. It was no surprise, therefore, that in 1996 it did happen. Some fear was generated by the knowledge that the minor parties would perhaps seize the balance of power. I did not share that fear. I saw it as a very genuine opportunity to change the culture of this House.

On 9 September, three or four months past 22 May when the composition of the House changed, I stand here a disappointed man, because in spite of the opportunity that the change in the balance of numbers gave to this House to change its practices, that did not eventuate. The parties which are now exceedingly powerful in this House, in spite of their small numbers, are doing nothing to change the culture but are merely exacerbating the partisan antagonism which characterises this House.

Hon Ljiljanna Ravlich: You just have not got it your way!

Hon DERRICK TOMLINSON: Hon Ljiljanna Ravlich will learn that I have never had my way, and I do not anticipate I will ever have my way. I am not interested in my way. I am more interested in the good order of government in Western Australia. I am more interested in this House being a House of Review.

Hon N.D. Griffiths: Why don't you sit down then?

Hon DERRICK TOMLINSON: Hon Nick Griffiths, the aspirant to the leadership of the Opposition, asked why I do not sit down. In three minutes I will, but since I will have few opportunities to speak in this House in future I want to use my remaining three minutes to urge members not merely to support my amendment but also to support the sentiments of Hon Tom Stephens' amendment. I am sure that when Hon Peter Foss rises he will also urge members to look upon this House as truly a House of Review and to seize the opportunity that the motion now affords us.

HON PETER FOSS (East Metropolitan - Attorney General) [4.28 pm]: I second the motion, and I take this opportunity also to speak on it because it is something I have been forward in promoting in this House. I take some credit for trying to ensure that private members' business is brought forward. Members may recall that due to the lock up of our Notice Paper with the large number of motions being placed on it by the Opposition we had great difficulty ever reaching the point of dealing with disallowance motions. I was concerned about that because, although we have a standing order that deals with disallowance motions and provides that, having been moved but not disposed of, at prorogation they were deemed to have been carried, that was no use unless the motion was moved.

Members will recall that this was moved at my insistence as a result of my concern that the very method of bringing forward private members' business had been choked by the Opposition. Therefore, I moved the changes regarding motions of disallowance.

Debate adjourned, pursuant to standing orders.

Point of Order

Hon TOM STEPHENS: I take the opportunity to draw your attention to the clock, Mr President. The clock used to time members' speeches seems to move much more slowly than the main clock on the Chamber wall! The time allotted enabled Hon Derrick Tomlinson to filibuster by that clock.

Hon DERRICK TOMLINSON: On a point of order -

The PRESIDENT: Order! We will deal with one point of order at a time. The Leader of the Opposition will draw his comments to a close as he has not yet raised a point of order.

Hon TOM STEPHENS: I will try to develop one very quickly. It is a great tragedy that standing orders are used to slow down consideration of a motion designed to fix them up!

The PRESIDENT: Order! That is not a point of order.

Withdrawal of Remark

Hon DERRICK TOMLINSON: The honourable Leader of the Opposition accused me of filibustering. I take offence at that; I was sincerely advancing an argument fully and thoroughly. I ask the honourable member to withdraw the aspersion.

The PRESIDENT: Order! That also was not a point of order, and I indicate to Hon Derrick Tomlinson that we do not want to set unreasonable precedents in the House.

Hon Tom Stephens: I withdraw.

The PRESIDENT: Order! The member may withdraw, and that disposes of the matter.

FAMILY COURT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.34 pm]: I move -

That the Bill be now read a second time.

In recently introducing the Family Court (Orders of Registrars) Bill 1997, I commented in the second reading speech that the House should be aware that the Bill was part of a package of legislation which will soon be presented to this Parliament, and that other important Bills include the WA Family Court Bill 1997, which I am pleased to now present to this House.

The Bill seeks to do four main things: First, it continues the Family Court of Western Australia. Second, it introduces new concepts relating to parental responsibility for ex-nuptial children, like those already introduced by the Commonwealth in its Family Law Reform Act 1995 - hereafter known as the "reform Act" - for nuptial children. Third, the Bill establishes a new operational philosophy for the work of the court when dealing with ex-nuptial children, reflected in a stronger emphasis on dispute resolution; again, this is like that established for the Family Court of Australia under the reform Act. Fourth, the Bill follows the recommendation of the March 1993 report of the Advisory Committee on Family Law to repeal section 35 of the WA Family Court Act which gives the mother of an ex-nuptial child sole guardianship and custody rights to the exclusion of the father until the court makes an order to the contrary. Importantly, the changes effected by the reform Act were, inter alia, recommended to be adopted by the advisory committee in its May 1996 report, and this Bill follows those recommendations.

The method of implementation was considered by those involved in administering this area, and it was considered that a cut and paste would be considerably less satisfactory than a re-arrangement and re-enactment. In short, given the volume of amendments in the reform Act which need to be reflected in the Bill, it is considered necessary to repeal the WA Family Court Act 1975 rather than to amend and re-number it.

Specifically, when one considers that the Bill has nearly 250 clauses compared to about 90 sections in the existing Act, that the Act has been amended some 16 times since its original enactment in 1975, and that the Act is now 22 years old, one begins to understand why this decision was made.

Importantly, the approach taken to the Bill has provided the opportunity to improve the order and the arrangement of the original Act in an appropriate and logical way. It is easy to identify the clauses which follow the commonwealth legislation as the corresponding commonwealth Family Law Act 1975 section is referred to in both the arrangement and the Bill itself. Members should note that the references to the commonwealth Family Law Act may not necessarily be amendments brought about by the reform Act, but may be in the present WA Family Law Act.

The WA Family Court Act was an Act to create the Family Court of Western Australia, and for incidental purposes. This Bill, by clause 9, continues the Family Court of Western Australia. As in 1975, inter alia, it continues as a court of record. In that regard the existing provisions of the Act dealing with the constitution of the court, together with the appointment of judges, sittings, jurisdiction and miscellaneous provisions have not been substantially changed.

The bulk of the reform Act amendments replace part III, division 3 of the WA Family Court Act dealing with issues of custody, guardianship, access and welfare with the reform Act amendments. Also substantive amendments have been included dealing with primary dispute resolution including counselling and mediation. Further, part 5, division 9 of the Bill deals with the best interests of the child including situations of family violence and separate representation of children. The proceedings in which the best interests of a child are the paramount consideration

are now clearly stated, and the court must consider the matters set out in clause 166 in determining what is in a child's best interests.

The proposed legislation is necessary and desirable for the proper functioning of family law in Western Australia. It will be accompanied by the WA Acts Amendment and Repeal (Family Court) Bill 1997 dealing with consequential amendments to a number of other Statutes as it became apparent during drafting that these amendments were best contained in a separate Bill.

Consultation in respect of the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill has taken place with the Family Court, District and Supreme Courts, Family Law Practitioners' Association, Department of Family and Children's Services and the Law Society of Western Australia.

There are two principal objectives in introducing this legislation: Namely, to extend to ex-nuptial children in WA the same legal regime as applies to ex-nuptial children throughout Australia, and to repeal and re-enact the Family Court Act. This is essentially to incorporate a range of amendments to reflect changes to the commonwealth Family Law Act which came into effect on 11 June 1996, and a number of amendments to the existing WA Family Court Act.

As referred to above, the Bill does not establish a new Family Court, but rather provides for its continuation, albeit with a new approach for parents and the court in dealing with children, and with new approaches in its procedure.

The Commonwealth Parliament has the power to legislate with respect to children of marriages - that is, nuptial children. This power was expanded between 1986 and 1990 when all States except Western Australia referred to the Commonwealth these powers with respect to ex-nuptial children.

The Family Court of Western Australia is a state court exercising state and federal jurisdiction, pursuant to a Commonwealth-State agreement and section 41 of the commonwealth Family Law Act. This has the effect of two statutory regimes relating to children's issues currently operating in Western Australia. The WA Family Court Act deals with ex-nuptial children and the commonwealth Family Law Act deals with nuptial children. Although under different Acts, to 11 June 1996, the two systems, with one exception - namely, the custodian of an ex-nuptial child - were in the main almost identical. The Bill addresses the issue of the custodian of an ex-nuptial child to achieve consistency.

As well as establishing and providing the basis of funding the state Family Court, in broad terms the Commonwealth-State agreement referred to above requires Western Australia to ensure that its laws in the area are brought into conformity with those of the Commonwealth. The Bill now before the House will achieve that objective.

The Joint Select Committee of the Commonwealth Parliament on Certain Aspects of the Operation and Interpretation of the Family Law Act was established in March 1991 and tabled its report in November 1992. The Commonwealth Government's response included a request to the Family Law Council to provide further advice on the operation of the United Kingdom Children Act 1989. Subsequently, the Family Law Council provided a letter of advice to the commonwealth Attorney General in relation to this in March 1994. The commonwealth Family Law Reform Act 1995 was the result of these reports and recommendations. The reform Act, which completely overhauled the sections of the commonwealth Family Law Act concerned with the welfare of children, came into effect on 11 June 1996.

Specifically, the reform Act amended the commonwealth Family Law Act to establish a new approach to dealing with children's issues. This approach emphasises the concept of parental responsibility for the care, welfare, and development of children rather than giving parents any rights to custody and access, which tend to foster notions of ownership in children. This broadly follows the scheme introduced in England in the Children Act in 1989. The major thrust of the reforms was to shift the focus from parents having a proprietorial attitude towards their children to a concept of parental "responsibility", which is defined as all the duties, powers, responsibilities and authority which, by law, parents and guardians have in relation to children. The reform Act made it clear that parental responsibility was not dependent on whether the parents are married or separated or whether they have never married or lived together.

In particular, the reform Act inserted an object, principles and outline section into section 60B of the commonwealth Family Law Act which provides that children should receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties and meet their responsibilities concerning the care, welfare and development of their children. The reform Act made it clear that the object is based on principles which are consistent with the United Nations Convention on the Rights of the Child. These principles are that children have the right to know and be cared for by both parents; children have the right of contact, on a regular basis, with both parents and any other person significant to the care, welfare and development of the child; parents share the duties

and responsibilities concerning the care, welfare and development of the child; and parents should agree about the future parenting of the child.

The reform Act encourages parents to agree about matters concerning their children rather than seeking an order from the court. Reflecting this notion, the reform Act establishes a scheme for the making of parenting plans. A parenting plan is a written agreement made between parents that may deal with any or all of the following matters: With whom the child is to live; which people the child is to have contact with; the child's financial support; and any other aspect of parental responsibility. There is provision for the registration of parenting plans in the Family Court. The plan then has the effect of a court order and can be enforced.

The reform Act abolished the concepts of custody of, and access to, children and replaced them with provisions based on the concept of parental responsibility. Flowing from this, the reform Act provides for residence, contact and specific issues orders. The making of a residence order does not carry the same level of responsibility for the child's daily care and control as a previous order for custody.

The court must make a specific issues order giving a person responsibility for the child's day-to-day care, welfare and development. A residence order deals with only the person or persons with whom a child is to live and any other aspect of parental responsibility necessary to give effect to this. A contact order deals with the contact between a child and another person or persons. The reason for making orders in this way is to make clear to the parties that parenting after separation involves ongoing responsibility toward the child on the part of both parents, consistent with the new approach to dealing with children which underpins the reform Act. In addition to the new approach to dealing with children the reform Act effected a number of changes in relation to dispute resolution through mediation, counselling and other like forms of dispute resolution which should be used prior to seeking a court imposed decision. The aforementioned is a very broad description of the commonwealth reforms, which in many instances are quite complex. The full picture can be seen only on close examination of all the relevant sections.

As well as following the recommendations of the March 1996 report of the Advisory Committee on Family Law - relating to the adoption of the reform Act amendments - the Bill also follows the May 1993 report of the Advisory Committee on Family Law on proposed amendments to the Western Australian Family Court Act 1975. In regard to the May 1993 report the most significant recommendation was to repeal section 35 of the Family Court Act. The effect of this section is to give the mother of an ex-nuptial child sole guardianship and custody rights to the exclusion of the father until the court makes an order to the contrary. In following the advisory committee's recommendation the Bill seeks to achieve consistency between the state and federal Statutes in this important area. Against this background I will now turn to a broad overview of a number of important parts of this Bill.

As indicated earlier, substantial parts of the Bill are concerned with reintroducing provisions relating to the operations of the Family Court of Western Australia. Against this foundation much of the remainder of the Bill is concerned with effecting legislative amendments to bring about a new approach for parents and the court in dealing with children.

Based on principles consistent with the United Nations Convention on the Rights of the Child, part 5 repeats section 60B of the commonwealth Family Law Act which I referred to earlier.

In my second reading speech to the Family Court (Orders of Registrars) Bill I advised that the situation created by the decision in Horne - 1997 FLC 92-734 - which held that a consent order of a registrar of the Family Court was invalid, would be addressed by this Bill in providing for delegations to registrars and review of their decisions by the court. This is provided for in clause 33 of this Bill. Members would be aware that until this Bill is proclaimed the registrars are not and will not be making orders other than in their capacity as magistrates.

The Bill provides in part 4 that primary dispute resolution methods include counselling, mediation and conciliation. The object of this part is -

(a) to encourage people to use primary dispute resolution mechanisms - such as counselling, mediation or other means of conciliation or reconciliation - to resolve matters in which a court order might otherwise be made under this Act, provided the mechanisms are appropriate in the circumstances and proper procedures are followed; and

(b) to ensure that people have access to counselling -

(i) to improve relationships covered by this Act; and

(ii) to help them adjust to court orders under this Act.

Members should be aware that the Restraining Orders Bill provides for the making of restraining orders. The proposed amendments also address the concerns identified in the report of the review of restraining orders giving rise

to the amendments to the Justices Act 1902 dealing with the inconsistency between contact orders and family violence orders. The proposed amendments follow the commonwealth model and provide that -

(1) A Family Court may make a contact order which is inconsistent with a family violence order, but if it does so it must comply with certain obligations including an explanation to the parties of the obligations the order creates, the consequences of failing to comply with the order, the court's reasons for the making of the order and the circumstances in which the order may be revoked or varied. The court must also provide a detailed explanation of how the contact provided for in the order is to take place and will clarify the relationship between the contact order and the family violence order. Parties may apply to the court for a declaration of the extent to which the contact order is inconsistent with the family violence order. The contact order will prevail over the family violence order to the extent of any inconsistency.

(2) Secondly, if a state Magistrate's Court makes a family violence order and there is an existing contact order, the state Magistrate's Court may, if it is a final family violence order, discharge, vary or suspend the contact order. This is subject to the best interests of the child. If the state court is making only an interim family violence order, it can suspend or vary the pre-existing contact order for a period of only 21 days.

By part 5, division 4, clauses 74 to 82, parents are encouraged to reach agreement regarding the parenting of children, and are able to agree on all matters that can be the subject of a parenting order. A parenting plan, once registered in the court, has the same effect as an order.

Part 5, division 2, clauses 67 to 71 of the Bill is at the heart of the reforms in dealing with the concept of parental responsibility. These reforms replace proprietorial concepts of custody, guardianship and access with the concept of parental responsibility whereby the emphasis is on the obligations on parents rather than on their rights regarding children. Importantly, each parent has parental responsibility, which is a significant change in the case of ex-nuptial children, as at present under the state legislation the mother has sole custody.

Part 5, division 5, clauses 83 to 99 explain what are parenting orders. Among other matters, clause 84 provides that a parenting order may be made with respect to residence, contact, maintenance of the child and any other aspects of parental responsibility for a child. Importantly, by clause 90, the child's best interests is the paramount consideration in making a parenting order. The matters to be taken into account in determining the best interests of the child are dealt with in division 9.

Part 5, division 8, clauses 142 to 148, among other matters, define "location order" and "state information order" as requiring persons and/or state entities to provide information regarding the location of a child. Clauses 149 to 157 in turn deal with recovery orders, which replace warrants for possession. Specifically by clause 154 the child's best interests is the paramount consideration in making a recovery order.

Part 5, division 8, clauses 158 to 161 deal with the notification of suspected child sexual abuse and provide protection where notification or disclosure is made in good faith. Western Australia is obliged under the commonwealth-state agreement to largely conform with commonwealth law in this area. Importantly, the amendments already enacted to the federal law are so fundamental that if Western Australia does not adopt the same concepts as outlined above, the effect will be two completely different legal regimes dealing with children in the State and, in addition, between ex-nuptial children in this State and other States of Australia. For example, nuptial children covered by the commonwealth Family Law Act 1975 will be subject to residency, contact and special issues orders while ex-nuptial children covered by the Western Australian Family Court Act will be the subject of custody, guardianship and access orders.

The Western Australian Government supports the federal reforms as they affect nuptial children. Therefore, it is inequitable that children whose parents are not married should be treated differently from those for whom it has been decided to be the most appropriate regime for children whose parents are, or were, married, in a situation of relationship breakdown. In addition, if the change to emphasising parental responsibility is not made, the different types of orders will be most confusing to the public at large and to those concerned with the enforcement of orders; for example, the police.

Finally, given the need to progress both the Acts Amendment and Repeal (Family Court) Bill and the Family Court Bill together, I shall be seeking leave for these two Bills to be debated cognately. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ACTS AMENDMENT AND REPEAL (FAMILY COURT) BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.46 pm]: I move -

That the Bill be now read a second time.

I am pleased to now be presenting to this House the Acts Amendment and Repeal (Family Court) Bill. This Bill was referred to in my second reading speech to the Family Court Bill which I have just introduced into the House.

The Acts Amendment and Repeal (Family Court) Bill deals with consequential amendments to a number of other Statutes as an important part of the proposed means by which the interests of ex-nuptial children will be advanced in this State. Of necessity, the reforms introduced in the Family Court Bill require numerous amendments to current Statutes. To accommodate this, the consequential amendments are contained in a separate Bill; that is, the Acts Amendment and Repeal (Family Court) Bill.

Consultation in respect of the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill has taken place with the Family, District and Supreme Courts, the Family Law Practitioners Association, Family and Children's Services and the Law Society of Western Australia.

In relation to this Bill there are three matters which I would like to draw to the attention of the House. Firstly, through this legislation I am seeking to amend only the main Statutes which relate to the Family Court Act. I am advised that in addition to the Statutes sought to be amended by this Bill there are various other Statutes which, for example, contain references to matters dealt with under the present Family Court Act, such as custody and guardianship. Amendments to these Statutes will need to be progressed in future.

Secondly, I advise the House that it is my intention, in the Committee stage of the debate on this Bill, to move an amendment to the Restraining Orders Act, which now needs to refer to a family violence order made under the Family Court Bill.

Thirdly, so far as the consequential amendments to the Adoption Act are concerned, I advise the House that, at the direction of the then Minister for Family and Children's Services, not all the presumptions applied by the commonwealth legislation, and which are contained in the Family Court Bill, apply to the Adoption Act.

In the second reading speech to the Family Court Bill I pointed out that in the absence of amending legislation Western Australian children whose parents are not married are to be treated not only differently, but arguably unfairly, in that they will not have the same rights as children whose parents married, and their parents will not have the same responsibility towards them as married parents will have towards their children. I also pointed out that as the Western Australian Government supports the commonwealth reforms as they affect nuptial children it is equitable that those children whose parents are not married should be treated under the same, appropriate regime. To achieve this the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill form an important package of family law reforms in this State. Therefore, I will be seeking leave for these two Bills to be debated cognately. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

MOTION - ORDER OF BUSINESS

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.48 pm]: I move -

That Orders of the Day Nos 3, 5, 4 and 6 be taken in that order ahead of Order of the Day No 1.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.49 pm]: This is an opportune time for me to place on the record the Opposition's desire to deal with two items on the Notice Paper either this week or next week. I do that in response to the Leader of the House's invitation, which he issued in the last sitting week, to provide an opportunity for the Opposition to seek to bring on items which are of interest to it.

In this two week period the opposition parties would like to deal with two items: A motion to establish a native title select committee and the second reading debate of the Labour Relations Legislation Amendment Bill (No 2) that was introduced by Hon Helen Hodgson. I note that the only time that opposition business in this House is advanced is in the motions period. Today that has been occupied by a condolence motion and one of the speeches was made by a Minister. We have asked the Leader of the House to allow us to proceed to motion No 2 tomorrow and No 3 on Thursday. I ask the Leader of the House to recognise that we are responding to his invitation. He says that there is no need for gridlock. He wants to share the time of the House to deal with opposition and government business. In two weeks the opposition parties have only two items to deal with.

Hon N.F. Moore: In two weeks we have dealt with only two Bills. That is the record that you have created in this House.

Hon TOM STEPHENS: I am sure I speak for all opposition members in saying that we are committed to speeding up the process.

Hon N.F. Moore: Why are you standing up and talking? You are wasting time. You cannot help yourself. You speak to every motion that is moved.

Hon TOM STEPHENS: I want to be sure that at the end of this two week period the Leader of the House has made no mistake about what the non-government parties are interested in dealing with.

Hon N.F. Moore: I know exactly what you want; you have written to me. I said that I would talk to you about it and I will consider that request in due course.

Hon Peter Foss: Let us get some government business done.

Hon TOM STEPHENS: I will drink to that. For the present I have no trouble in supporting the motion.

HON J.A. SCOTT (South Metropolitan) [4.52 pm]: I wish to correct the statement made by the Leader of the Opposition. I understand that my colleague Hon Giz Watson wants to introduce a Bill in this place.

Hon Tom Stephens: That is Bills for introduction and that can happen at any time.

Hon N.F. Moore: Just ask Mr Stephens, he is running this place.

Hon J.A. SCOTT: I want to make clear that Hon Giz Watson has business that she wants to progress.

Hon N.F. Moore: Get Mr Stephens to organise it.

Question put and passed.

PROFESSIONAL STANDARDS BILL

Second Reading

Resumed from 25 June.

HON N.D. GRIFFITHS (East Metropolitan) [4.53 pm]: The Australian Labor Party in this House supports this Bill for a number of good reasons. First, the Bill seeks to address problems which affect the wellbeing of everybody in Western Australia, even though everyone may not be aware of those problems. Second, the Bill arrives in this Parliament after a proper, worthwhile process that is an example of how the House should deal with matters in the future. Third, the content of the Bill is sound. Fourth, many professional associations and bodies have found that it is good policy and it has widespread support. I am mindful of an observation in another context that this is a House which seems to revolve around antagonism. That is an inaccurate description because this Bill is an example of a measure which comes before the House as a result of the efforts of people on both sides of the Chamber.

I will mention briefly the problems in our society which the Bill seeks to address. First, certainly over the past generation and in particular over the past few decades the development and operation of the law of negligence has caused people who provide services, particularly but not exclusively professionals, to be open to a greater risk of liability by way of damages than I suspect was envisaged in the prewar years. This has had an immediate effect on the cost of insurance in the operation of many professional practices and other businesses. It has had an effect on the adequacy of insurance to deal with proper risk management. That has in some instances affected the viability of professional practice and business. Second, because of that environment of liability the conduct of business and in particular professional practice has been arguably more defensive than it should be. As a result, the quality of service provided to the public at large - to consumers and to society - has suffered. Third, the consumer derives increasingly less benefit from this environment of increased liability because of the practice of a number of people, some of them professionals, to divest themselves of their assets so that they are able to carry out their chosen profession.

This Bill seeks to address those problems in a number of ways. The manner of doing so is practical and involves a number of considerations which if given effect will minimise the occurrence of those problems that I mentioned in my introductory remarks.

The Bill will enable the creation of schemes to limit the liability of professionals and others. That meets head on the issue of insurance. It involves the consideration of capping mechanisms. I hope it will lead to a reduction in the cost of insurance. The Bill does not rely just on that; it is also concerned to improve standards. That is very important for the wellbeing of our society. The Bill will protect the interests of the providers of service as well as those who

use the service. A major mechanism to give effect to that is the establishment of the Professional Standards Council which will have the role of supervising and approving of schemes which, when they come into operation, will give effect to those other matters. A further role of that Professional Standards Council will be to assist in improving standards and protecting consumers.

I turn to the process that led to this Bill coming into being. The problems that exist in Western Australia exist throughout the Commonwealth of Australia and consideration has been given by many to addressing them. However, two States stand out - New South Wales and Western Australia.

[Questions without notice taken.]

Hon N.D. GRIFFITHS: Before question time I referred to the fact that Western Australia and New South Wales are leaders in policy development in the Commonwealth in respect of matters dealt with in this Bill. I was about to observe that when one considers what has occurred in New South Wales and Western Australia it is interesting there are aspects of bipartisanship which parallel and reflect each other. New South Wales enacted legislation prepared by a Liberal Government and brought forward by a Labor Government. In Western Australia, this legislation is the product of a committee set up with the agreement of this House on the motion of a Labor Attorney General, and this Bill has been brought before us by a Liberal Attorney General. New South Wales and Western Australia are very similar in what their respective enactments seek to achieve.

The policy in this Bill owes a lot to the Select Committee on Professional and Occupational Liability. The Attorney General referred to that in his second reading speech and I do not propose to go over the ground he covered in that speech in any detail. However, I point out that in the foreword to the committee's report dated January 1994, reference is made to the motion moved by Hon Joe Berinson in this House on 6 November 1991. Particular reference is made to the fact that a bipartisan select committee consisting of two Liberal and two Labor members be established to inquire into and report on the limitation of professional and other occupational liability.

The House agreed to that proposition, and in the foreword to the committee's report, under the signature of Hon Max Evans, Hon Joe Berinson is quoted on the purpose of establishing the committee as follows -

> . . . to encourage consideration of the possibility of establishing limits to the civil liability of professionals and other occupational groups, and of the means by which the limited liability could be achieved while still maintaining a proper level of protection for the public.

The committee had a number of changes of personnel over time. Hon Jim Brown was a member and was succeeded by Hon Mark Nevill. Hon Fred McKenzie was a member until the Parliament of 1989-93 was prorogued. Subsequently, in August 1993, I joined the select committee when it was reconstituted by the House. At all times, Hon Max Evans and Hon Peter Foss were members of that committee. This is the first opportunity I have had to speak to the committee's report. I do not often make comments such as this, but I was impressed with the work undertaken by members of the committee. I note in particular the contribution made by Hon Peter Foss. I found it an interesting experience being part of that committee, albeit for a short period. I think I learnt something from it.

The work of that committee has been before the House for some years. In many respects I wish we were dealing with the Professional Standards Bill 1994 rather than the Professional Standards Bill 1997 but, notwithstanding that lapse, the draft Bill which was part of the final report of the select committee contained a number of provisions to which this Bill owes a lot. On reflection, I think this Bill improves greatly that which is set out in the 1994 Bill. I note in particular a distinction between the role of the court in the two Bills.

The 1994 Bill proposed that the court would have a greater role than is proposed under this Bill. It was suggested the court would act to determine that a scheme would come into being. In the Bill before the House, although the court has a role, it is more a reactive role and the scheme will come into being by way of the Professional Standards Council. Then, with the authority of the Minister, it will be published in the *Gazette* and, subsequently, on a date referred to in one of the clauses, the scheme will come into effect with the provision that the court will have a role, albeit reactive, particularly if a problem arises.

The Bill in its terms is a reasonable measure to follow. It refers to the establishment of the Professional Standards Council, and its membership, procedure, functions and administration. It deals with aspects of limitation of liability, particularly the making, amending and revocation of schemes, the contents of schemes, matters to do with capping, the effect of the scheme's compulsory insurance, risk management, complaints, disciplinary provisions and similar matters.

In some respects this measure has been delayed a little too long. The sooner it becomes law, the better. In making that comment I do not want to be ungracious. I acknowledge the work done by the committee, and the fact that two Ministers from August 1993 to late December or early January 1994 made themselves available from their ministerial

responsibilities to sit down with members of the then Opposition and work this through in a bipartisan way. I say that without delving into anything to do with the considerations of the committee in any way, shape or form. Following the release of the committee's report, it was commented on by a number of associations, particularly professional associations. A number of members of this House, and also members in the other place, have been lobbied to have the matter moved along. I know those members of this House who were members of the committee have always been very concerned to move the matter along. It is very pleasing that the Bill is in this House and that its final form has the strong endorsement of informed, interested persons.

I should acknowledge that Hon Fred McKenzie, who was a member of the committee in the Parliament before last, carried on his involvement with the committee. It was a decision of this House in August 1993 that he do so. He made himself available to consult with members of the committee, and it was pleasing to have the benefit of his wisdom and experience when I was afforded the opportunity to sit down with Hon Mark Nevill and members opposite to consider these very important matters. The policy of this Bill should be strongly supported.

HON J.A. SCOTT (South Metropolitan) [5.43 pm]: The Greens (WA) support this Bill. The principles of the Bill are certainly important. In particular, I am pleased that one of the objectives of the Bill is to facilitate the improvement of professional standards and to protect the consumers of those services.

The notes provided by the Minister, for which I thank him because they certainly make our job much easier, indicate that risk management will be part of this process. Clearly, it is most important to ensure slip-ups do not occur in the first place or that they are minimised. When appropriate standards apply in professional areas it means the public is much better off. There is not much point later in the day in being awarded massive costs against some professional if that person does not have the wherewithal to cover those costs or if the detriment caused to a person cannot be properly repaired by monetary means alone. This will very much improve the current situation, especially when one considers the levels of litigation in other countries. Ridiculous amounts of money are sometimes sought, and in community terms that is not necessarily a good thing. Although one litigant might be satisfied, it could mean that other people who are not able to litigate because of lack of funds or for some other reason are losers in those situations.

The Greens support the Bill and look forward to its application. We hope it will be monitored by the ministry and adapted where necessary as time goes on.

HON HELEN HODGSON (North Metropolitan) [5.47 pm]: I have read this Bill with great interest because it has been a long time in the making. It has been in committee under the current Government and the previous Government. As one who has worked in the accounting and taxation profession, I have seen what happens in practice. We have waited a long time for this Bill to arrive in its present form. The problem is that escalating insurance premiums have impacted on the services available to the public and the cost of providing them. It has led to a tendency for professionals to be underinsured and in some cases not to be insured at all.

The professional body of which I am a member has a compulsory insurance requirement to obtain a practising certificate. Without that practising certificate, a member must still have a certain amount of professional liability insurance even if seeing clients on only a casual basis.

The framework that the Bill sets up is excellent, and it allows each profession to set up its own scheme incorporating the requirements for that profession within the framework. I have some concerns that it leaves out one of the professions most seriously affected at the moment - the medical profession. Obviously, medical issues are different from others because personal injury can be so severe and traumatic that the costs are significantly more than those for other professions, which may be dealing with important issues but not life and death or lifelong disability. The medical profession is an example of what tends to happen in this area of professional liability. We have heard much of the lack of obstetrics services in rural areas because general practitioners cannot afford the insurance cover necessary to practise obstetrics. This has had a huge social impact in that pregnant women must go to the city to have their babies delivered because of lack of facilities in rural areas.

I have been told the professions have been frustrated by the time it has taken for this Bill to materialise but, on the whole, there is support for it and they feel it is a step forward. It will allow professions to make sure insurance is in place to a reasonable limit, and it limits the likelihood of excessive claims for damages and spiralling legal costs. It also allows the professions to determine the structure of the scheme, and as long as they comply with the framework set out in the Bill they may determine how the scheme is designed for their profession. On that basis the Australian Democrats support the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.50 pm]: In response to the comments of Hon Nick Griffiths, I give credit to Hon Joe Berinson, the then Attorney General, who had a very close association with Hon John Dowd, the then Attorney-General in New South Wales. Although they were on different sides of politics, on many occasions they agreed on different matters, and this was one of them. Hon Joe Berinson picked up on a Bill

which was being put forward in New South Wales. He asked me whether I would chair a select committee. It included Hon Peter Foss, Hon Jim Brown and Hon Fred McKenzie, and we did a lot of work on this Bill over time.

I give special recognition to Hon Peter Foss, who in 1994 virtually rewrote the New South Wales Bill, to such an extent that that State felt that it should take up his version of the legislation. We held back then, but in 1994 in the dying hours of the New South Wales Parliament it passed the legislation and it continued to have support after the change of government in New South Wales.

Hon Helen Hodgson mentioned the personal injury matter, which this Bill precludes. The New South Wales Minister for Health was against this initiative some time ago; however, a committee has been set up and the Attorney General's office is now drafting a Bill for personal injury claims. I do not know more than that at this stage.

In Western Australia the Australian Medical Association tried to draft a Bill. Hon Peter Foss saw it and believed it needed to be improved. We hope the required work might be done in New South Wales. There have been delays, and I will not go through that aspect. The standards council in New South Wales has already worked with the Law Society, accountants, the institute of engineers, and consulting engineers. The Western Australian Bill will mirror the New South Wales legislation. I understand a few amendments have been found to be necessary, but I do not think we will have time on this occasion to look at them.

The Bill has improved a great deal. It was originally intended that each scheme would be set up under a separate Act of Parliament with a three year expiry period. It would have taken years to pass the legislation. Hon Peter Foss suggested a scheme of going to the courts as a quicker method of handling this matter, instead of obtaining the approval of the Minister.

I dealt with this issue for many years before I came to Parliament. It has been ignored by many people. I thank members for their support for this matter, which has been dear to my heart for a long time. I am regularly in contact with a member of the New South Wales committee. I know what it is doing and we will be running alongside that State with our legislation.

HON PETER FOSS (East Metropolitan - Attorney General) [5.53 pm]: I thank members for their support of this Bill. It has had interesting progress. As Hon Max Evans mentioned, originally New South Wales wanted to cover each scheme with a separate Act of Parliament, with a three year expiry date. I can imagine Parliament would spend most of its time arguing about each scheme on an individual basis, and then doing that again every three years. We went to the higher involvement of the court to try to get away from going to Parliament. I am very glad we were able to persuade New South Wales that its view was an impossible administrative method. Having taken up the idea, it went even further. I was very pleased to see that. I thought we were pushing a certain amount of goodwill by suggesting the court be involved. To see New South Wales take the idea further was welcomed.

There are some suggested new amendments. I have had them looked at locally. At this stage we have not seen them as being advisable, so I have not brought them to the House. Another question deals with doctors and personal injury. At an early stage we recognised the limit set for the professions and occupations would not include doctors, because those claims normally fall under the set amount. Although they might be slightly over $2m, that is probably the limit for a lot of the claims against doctors. It would not do them much good to have a limit of $2m. They have a higher frequency of claims of smaller amounts. Most of them are sole practitioners and it is rather difficult for them to handle such claims. That matter must be looked at, but in another context. As I said, a piece of legislation in New South Wales is dealing with that matter, but it has not been researched by us. If we were to look at such a form of legislation, we would probably set up another committee to do that. Unless there is general agreement on both sides of the House, that would not be brought forward.

An interesting thing is that Hon Fred McKenzie was a consultant to the committee. It was probably one of the first times a non-member of the House has been on a parliamentary committee. Strictly speaking he was a consultant, but he continued to participate in an effective manner as much after his retirement as he did previously.

Hon N.D. Griffiths: A useful precedent.

Hon PETER FOSS:. It is a useful precedent for ex-members to be used in that manner. He is a one-off and a very valuable member of committee, one who shared an electorate with Hon Nick Griffiths and I. He gave a very important touch to the committee. The rest of the members were professionals, and Hon Fred McKenzie was not. It was very important to have him there questioning what we were doing and looking at this matter from the point of view of the customer or client. His contribution was very valuable, and I thank him for being there. I thank all members for their contributions. I think we will have a very good piece of legislation.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

Sitting suspended from 6.00 to 7.30 pm

ACTS AMENDMENT (LEGAL COSTS) BILL

Second Reading

Resumed from 26 June.

HON N.D. GRIFFITHS (East Metropolitan) [7.30 pm]: The Bill has the support of the Australian Labor Party in this House. The Bill is of great import and is one which I am very pleased to speak to. I want to make two points at great length, but I note that not everybody in the community shares my opinion about this very important matter. The Bill does two things: First, it provides for the Legal Costs Committee, which is set up under the Legal Practitioners Act, to make a determination to prescribe a scale of costs for the purposes of the Official Prosecutions (Defendants' Costs) Act 1973 - a very worthwhile measure introduced by the Tonkin Labor Government. It is interesting how the Parliament, Executive and judiciary interact. The process should involve a great deal of scrutiny. Notwithstanding that, I point out briefly that due to an Act which was passed in 1987, there is no power to prescribe a scale of costs for the purposes of the Official Prosecutions (Defendants' Costs) Act. This eventually came to light in a decision of the Supreme Court handed down on 20 November 1995 - time passes.

The Bill further provides for the Legal Costs Committee to have the power to make determinations on the reimbursement of expenses properly incurred in the course of or in connection with business carried out by legal practitioners for clients, whether incurred by a practitioner on behalf of a client, as is currently the case, or by the client directly. These are measures of great import to the community and certainly in respect of its relationship with the legal profession. I trust the House will agree with the course adopted by the Australian Labor Party and accept that this measure is worth passing.

HON HELEN HODGSON (North Metropolitan) [7.34 pm]: I have had the opportunity to look at the provisions of the Bill. This is not the place to debate the amount that lawyers charge for their services. The Bill is to rectify an anomaly that has occurred in the way that legislation has been drafted on what amounts are covered by the legal costs system. On that basis the Australian Democrats support the Bill.

HON PETER FOSS (East Metropolitan - Attorney General) [7.35 pm]: I thank members for their support. Anything involving legal costs seems to get a lot of scrutiny by the court. Members will be glad to know that another scrutiny took place recently about the powers of the court to fix a scale for witness fees. Although the matter is not completely without doubt, as the court always seems to be doing, it would like to have it put beyond doubt. I can remember when in opposition saying to the then Attorney General that we always seemed to have Bill after Bill dealing with the fine legal points of the Supreme Court. I suppose the reason is that it keeps finding them and its own difficulties. We must clear up this point because it is of particular benefit to successful defendants who wish to recover revenue.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Assembly.

WATER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 26 June.

HON KEN TRAVERS (North Metropolitan) [7.36 pm]: The Opposition supports the Bill. We have some minor concerns which will be picked up by the Government's proposed amendments. The Bill deals with the two elements of water theft and water restrictions. Water theft in Western Australia is estimated to cost approximately $2m, the majority of which is suspected to be in the metropolitan area. I suspect that the amount taken in rural areas is higher but is unable to be quantified. Apart from the obvious concern with theft of any nature, water theft causes particular issues of concern. For instance, in an irrigation area, apart from the usual aspect of stealing another person's property, the theft of water provides an unfair advantage and can lead to environmental damage. Overuse of water in some irrigation areas would lead to salinity and mean that the strict monitoring and licensing of risk areas could be undermined.

The Bill deals with water theft in two ways: First, by increased penalties and, second, by a deeming clause which changes the onus of proof. The Opposition has some general concern about the use of deeming clauses which change the onus of proof. We accept, however, that in special circumstances such clauses are needed. We obviously accept that for water theft a case has been made out. It is difficult to find evidence of water theft because the water obviously disappears into the ground. The deeming clause assists only where the unauthorised use of water is on

private property and will not assist in prosecuting people who steal water from public property. In the other place the member for Burrup raised on a number of occasions the example of the theft of water from the Harding River Dam by BGC (Australia) Pty Ltd. Unfortunately this Bill does not add to the ability to prosecute companies which steal water from public land. I understand that the Minister in the other place has indicated that he will be looking into this matter to try to find ways of tightening up the law. I hope he gets the support of members on the government side to do that and is not stopped from ensuring that large commercial thefts will be stamped out once this Bill, which relates more to small landowners, has been passed.

I understand the Government intends that the deeming clause should apply only to prosecution by the Water Corporation and not other water utilities in the new water environment in which we find ourselves operating. I am not sure I agree that this is the case, with the way the legislation is written. I welcome assurance that only the Water Corporation will be able to use the deeming provision.

It is interesting that the Government believes the Water Corporation, as a public utility, holds a special place in the provision of water services. I hope it is a sign that the Government will continue to recognise the important role of publicly owned utilities such as the Water Corporation.

The Opposition fully supports the increased penalties. Obviously water is a scarce and important commodity. The increased penalties contained in this Bill are far more realistic than the previous penalties, particularly those affecting irrigation areas.

Some concerns were raised in the other place about the level of penalty that can be applied to what is termed in the Bill as waste. The Opposition looks forward to assurances that frivolous prosecutions will not occur. The Opposition welcomes the Government's decision to remove the custodial penalties by way of the amendments on the Notice Paper which relate to prosecutions using the deeming provision in this legislation. Obviously fraudulent taking of water, which does not require the deeming provision, will attract a custodial sentence for the first time.

The Opposition fully supports the final clause of the Bill which clarifies the Minister's power to impose water restrictions. In this day and age and in a climate like Western Australia's they are a necessary part of the water legislation. They make good sense especially when the alternative way of minimising water use would be through a pricing mechanism. Obviously for many working families who are struggling to pay their water bills that would not be the best method. The provisions in the Bill allow for a much better system.

This is the first piece of legislation I have dealt with on behalf of the Opposition and I thank the Minister and his staff for assisting me over the past few weeks.

HON NORM KELLY (East Metropolitan) [7.42 pm]: The Australian Democrats support this Bill. I have raised a few concerns with the Minister's staff, many of which will be dealt with in the proposed amendments on the Notice Paper. I have a couple of other concerns which I would like the Minister to address in his response.

The Bill was introduced to provide for tougher penalties for water theft in the metropolitan, country and irrigation areas. I have been made aware that there is a poor success rate in achieving prosecutions mainly because of the difficulty of catching people in the act of stealing water. The only other way to increase prosecutions is for people to confess, which does not seem to happen very often. I have also been made aware of a number of ingenious methods used to steal water. I will not describe them in detail or I might give some people the wrong idea. However, as mentioned in the other place one example is where people place lollies in water meters to affect the water flow and as a result reduce the amount of water recorded on the meter. By the time the Water Corporation investigates, the lolly has dissolved without trace. Other methods are equally ingenious.

The introduction of this Bill brings the expectation that there will be a much higher rate of prosecution. That will largely occur because of the reversing of the onus of proof; that is, deeming provisions which will require people to prove their innocence rather than be proved guilty in a court. The Australian Democrats are concerned that people who cannot prove their innocence could be given a gaol term. Although I realise that would be highly unlikely, even to have it on the Statutes causes the Democrats some concern. I am pleased that the Minister has responded to concerns expressed by both me and Hon Ken Travers that this would not be acceptable. The Minister's response is evident in the Supplementary Notice Paper by way of amendments.

In the metropolitan area the new billing system for water is having a direct influence on the amount of water people use. It makes them more aware of the amount of water they use and encourages them to curtail water wastage. They benefit by receiving a lower water bill. However, an unfortunate consequence of increased water charges could be an attempt to reduce them by illegal activities. I hope this legislation will help inhibit people's desire to do that. As I said, the Australian Democrats' main concerns are with the deeming clauses, which have been addressed.

However, other concerns on which I would appreciate clarification from the Minister are in, for example, proposed section 56B(b), which reads -

> . . . that the owner or occupier of the land at that time did the act or thing, or took, used or consumed the water . . .

It provides, for example, that a tenant on a suburban block can be found guilty through the deeming provision of an action of a previous tenant or a neighbour of that block. In the first case someone who had rented a property might have interfered with the water connection to gain benefit and a new tenant would be unaware that the changes were made. Subsequently, realising something was amiss, the Water Corporation could investigate and it would be up to the new tenant to prove his innocence. Given the high rate of transience by members of the community this provision could be found wanting. In a neighbourhood dispute someone could set up a neighbour by interfering with his water system and anonymously reporting it. Although that might seem an improbable scenario it would be a serious matter for someone trying to prove his innocence if it occurred.

This Bill clarifies the Minister's powers to impose water restrictions. The Democrats fully support this provision. Water is such a scarce resource and will become even more scarce with the increasing demand on it as a result of the commitment to a growing population in this State. It is therefore important that the Minister be able to limit the use of that resource. Another area to which Hon Ken Travers alluded and to which reference was made in the other place concerns theft of water from local government or state land. For example, a construction company requiring water can be provided with a meter and as a result can legally tap into a water main. The Bill provides that that onus is on the owner or occupier of the land. I would like some clarification as to whether this legislation will cover those instances of theft or whether further legislation will be required. I have briefly outlined my main concerns. The Democrats wholeheartedly support the thrust of the legislation and will support it.

HON MAX EVANS (North Metropolitan - Minister for Finance) [7.51 pm]: I thank members opposite for their strong support of this legislation. In this game we always seem to be finding out about new things. I did not know there were so many ways to steal water. I thought the only way to do it was to turn around the meter. I am glad the Government has done this. The sale of water represents about $98m, and that is an important sum. Why should someone be able to get away with this behaviour? I confirm that only the Water Corporation will do this because the other water groups do not have the power to sell water. The corporation should be the only authority doing the deeming and catching those committing offences. I will refer in detail to the other issues in Committee.

Hon Norm Kelly made a good comment about adjustments by a previous tenant. It appears that the tenants in most rental properties do not use water on their garden in any case, but perhaps some do.

Hon Ken Travers: It relates to someone buying a property where someone else has reversed the meter.

Hon MAX EVANS: That relates to the ownership of the property and that could happen. I will be interested in the answer to that.

The member said that a neighbour might have a grudge and do something to a meter and then dob in the person living in the property. Those things happen every day of the week. However, there is still the deeming and the onus of proof. I hope, although I cannot guarantee, that the Water Corporation will take a reasonable stance. It can also check the recent usage of water and trends. Obviously one cannot charge the owner of land for theft from government land. The Minister will look at that issue because obviously, as has been stated by members, it has happened. We should stop it, and the deeming clauses are a start. In the past people had to confess to committing an offence before they were caught. That is very difficult. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 45 amended -

Hon MAX EVANS: I move -

> Page 3, lines 18 and 19 - To delete "or imprisonment for 6 months, or both".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Section 46A inserted -

Hon MAX EVANS: I move -

Page 6, lines 6 and 7 - To delete "or 46".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 52 amended -

Hon MAX EVANS: I move -

Page 7, lines 18 to 20 - To delete "or imprisonment for 6 months, or both".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Section 53 amended -

Hon MAX EVANS: I move -

Page 8, lines 10 to 12 - To delete "or imprisonment for 6 months, or both".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Section 54 amended -

Hon MAX EVANS: I move -

Page 8, lines 21 and 22 - To delete "or imprisonment for 6 months, or both".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Section 55 amended -

Hon MAX EVANS: I move -

Page 9, lines 9 to 11 - To delete "or imprisonment for 6 months, or both".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12 put and passed.

Clause 13: Sections 56A and 56B inserted -

Hon MAX EVANS: Hon Norm Kelly raised this matter: A meter reading is normally done when there is a change of tenants. This should ensure that any evidence of interference with the water supply will be detected. The same would happen on the sale of a house. The Bill provides far more severe penalties if the theft of water is from water mains or government meters, and it is an encouragement to prosecute that all costs will be able to be recovered. Evidence will still be required that stealing has occurred, but it is not possible to attach to the land itself. As the Minister said in another place, he will look at ways of picking up these thefts if the problem is as bad as people say it is. There is probably no reason to believe it is not. I move -

Page 11, line 6 - To delete "or 56".

Hon NORM KELLY: Is the Minister saying that theft from public land would be covered by the fraudulent use of water provisions in this legislation?

Hon MAX EVANS: Yes, if the offenders can be caught, the penalties are severe. If people take water from a government reservation, it would probably be for commercial use, and it would be a big amount of water.

Amendment put and passed.

Hon KEN TRAVERS: I hope it is the case that the Water Corporation will look at recovering the monetary value of the water. I hope the fact that the theft of water from public property will be subject to higher penalties will encourage the corporation to prosecute.In the other place, the member for Burrup put a strong case in relation to a company which took water - BGC eventually admitted to it - and was caught only because the truck which took the water was involved in an accident after leaving the Harding River Dam. I understand the background was that the company had applied for a licence to take water and decided it was taking too long, so it took the matter into its own hands. I understand the argument was raised that the theft was hard to prove and the penalties were not sufficient. I appreciate the point raised by the Minister and I hope that is the case.

Clause, as amended, put and passed.

Clauses 14 and 15 put and passed.

Clause 16: Section 39A amended -

Hon MAX EVANS: I move -

Page 12, lines 16 to 18 - To delete "or imprisonment for 6 months, or both".

Page 12, line 25 - To insert after "subsection (1)" the words "or section 39C".

Page 13, line 19 - To insert after "subsection (1)" the words "or section 39C".

Amendments put and passed.

Hon NORM KELLY: I would like the Minister to comment on the penalties. They are standard throughout the Bill in that the penalty for an individual is $20 000 and for a body corporate it is $50 000. To my mind there does not seem to be a huge difference considering the far greater capacity for bodies corporate to pay fines and in many instances their need to take greater amounts of water.

Hon MAX EVANS: An amendment to be moved later relates to the fraudulent taking of water. The penalty there is $20 000 or imprisonment for two years, or both. The penalty for a body corporate is $50 000. Is the member saying the penalty for a body corporate should be greater?

Hon NORM KELLY: There should be a greater difference between the two, or is this standard?

Hon MAX EVANS: It depends on what one is stealing. I thought it might have more relationship to what the person has stolen, but that rarely seems to happen with the legal codes today. The penalties are $20 000 for an individual and $50 000 for a body corporate, and that should have some effect. One can get a lot of water for $50 000.

Hon Ken Travers: Especially irrigation water.

Hon MAX EVANS: It is a lot of water. Mostly it will relate to factories - chemical factories, wool scourers and the like - which would use a lot of water. I think the pattern of their water usage would give an indication of what was going on. I ask the Chamber to accept these amounts and see what time brings forth.

Clause, as amended, put and passed.

Clause 17: Section 39B inserted -

Hon MAX EVANS: I move -

Page 14, after line 11 - To insert the following new section -

Fraudulent taking of water

39C. Any person who fraudulently takes or causes to be taken any water from irrigation works belonging to or vested in the Corporation, or from any conduit, channel or water-course leading to or from any such works, commits an offence.

Penalty: For an individual - $20 000 or imprisonment for 2 years, or both.

For a body corporate - $50 000.

This amendment seeks to make a clear distinction as to where water is stolen in order to make it easier to pick up the theft.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 18 put and passed.

Clause 19: Schedule 2 amended -

Hon MAX EVANS: I move -

Page 16, line 10 - To insert below "s. 39A" the following -

s. 39C

Amendment put and passed.

Clause, as amended, put and passed.

Title -

Hon MAX EVANS: I thank opposition members, in particular Hon Ken Travers, for their contribution.

Title put and passed.

Bill reported, with amendments.

WATER SERVICES COORDINATION AMENDMENT BILL

Second Reading

Resumed from 19 August.

HON KEN TRAVERS (North Metropolitan) [8.13 pm]: The Opposition supports the principles of this Bill. I hope we can come to some agreement on amendments. I have not seen all the amendments circulating. I would like to see some changes to those that I have seen. The Bill's main aim is to transfer the Water Corporation's assets in the south west irrigation scheme to a group called the South West Irrigation Asset Co-operative Ltd, a private cooperative. I understand that the co-op has decided to divide into two groups; one will hold the assets and another manage them. That is for taxation and other purposes to protect the assets should the management cooperative fail. I have had the opportunity to visit the South West Irrigation Management Co-op. I believe it will be a successful operation. I was impressed with its operations.

My first involvement with the Bill was as a result of the co-op's concern that the Bill pass through the Parliament before 30 June. It had issued a prospectus based on advice it had been given, and an agreement reached with the Government, that the assets would be transferred. The co-op was concerned to complete the asset transfer before 30 June so it could meet those requirements. I understand that in the end those requirements were satisfied by the second reading speech being made prior to 30 June. However, the co-op was uneasy. I was impressed with the co-op's operations and its work in promoting the irrigation area and encouraging people to convert from the flood irrigation system to other methods such as trickle, which is far more environmentally beneficial.

This legislation also sets the framework which will apply down the track for transfers of other irrigation assets of the Water Corporation of Western Australia. That is in part what the Opposition has some concerns about. Although the Opposition supports the transfer of assets to the South West Irrigation Asset Co-operative Ltd it would like to be involved in future discussions about the transfer of irrigation assets in areas such as the Ord and Carnarvon. An amendment that we propose will enable us to disallow any orders that are made. I hope the cooperative approach we have developed over the past couple of weeks with the office of the Minister for Water Resources will continue so we can be involved in any transfer of assets down the track in other areas.

As members may be aware a number of significant changes will be made to water law as a result of a Council of Australian Governments agreement that will come before this place. A number of discussion documents on issues that will change the way we deal with water in Western Australia are currently in circulation for public comment. We are moving towards transferable water entitlements. Those issues, while not specifically related to this Bill, will have some impact on it and will require careful consideration by the Parliament. I hope we can cooperate to find a constructive approach to ensure that happens.

This legislation provides for the transfer of assets and also the right to access those assets by way of easements. That is another reason it is important that the Parliament have the right to comment as these assets are transferred. We will be transferring a right of access to private corporations that is currently held by the Government. It is only fair that the Parliament be given the opportunity to monitor that at every step of the way. For instance, I understand from debate in the other place that a group in the Preston irrigation district is keen to get hold of the ownership of the dam. The State needs to be careful before it hands over assets such as dams.

The Camballin project was mentioned in the other place. I had the opportunity to visit Camballin not long ago. The Minister stated that the Water Corporation did not own any assets at Camballin. I believe that it owns the structure across the Fitzroy River. I urge the Minister to consider removing that structure and also the Snake Creek facility. They are unsafe in their current state of repair and they have the potential to disrupt the ecology of the Fitzroy River. Some points were made in the other place about the value of these assets. They will be transferred at book value; however, the legislation provides that they are exempt from stamp duty. Surely if the book value is nil we do not need that exemption.

I accept the principles in the Bill. I hope that the amendments that are proposed will tidy up the minor concerns that the Opposition has about this legislation.

HON NORM KELLY (East Metropolitan) [8.20 pm]: The Australian Democrats also support this Bill, although we have some serious question marks about how it stands at the moment. Had we been around a few years ago, we probably would have had more to say about the transfer of these public assets into the private sector, even though we can understand how these assets will be owned and managed by the South West Irrigation Asset Co-operative. Our major concerns relate to the possibility that similar assets in other regions can be transferred in a way which bypasses parliamentary scrutiny.

A few hours ago I received a letter from the Minister for Water Resources, outlining proposed amendments to this legislation which address some of our concerns; however, they probably do not go far enough in satisfying my concern that future transfers should be debated in this House. I am hopeful that after further consideration suitable amendments will be made. Apart from that, this legislation is largely subsequent to previous actions of the Government. Basically the Australian Democrats support the general thrust of the Bill.

HON GIZ WATSON (North Metropolitan) [8.21 pm]: My comments will be largely along the lines of those of both the Australian Labor Party and the Australian Democrats. The Greens (WA) have a fundamental concern with the private ownership of services, whether it be water or energy. As Hon Norm Kelly mentioned, had we been party to this debate earlier, we would have expressed that view strongly.

There is a huge concern that a community resource, such as water, should be managed for the best outcome for the entire community. With the move to privatise these resources, we are concerned that it will not necessarily provide the best outcome for the breadth of the community. The transfer of assets to the private sector may not be a concern at the moment when we are looking at a cooperative of local farmers in the south west; however, further down the track a foreign investor might want to own and, therefore, control the Ord River scheme. In flagging that we might be opening ourselves up to that potential, I wonder how we ensure that the management of a vital resource, such as water, can be controlled for the best interests of the community. I argue that one of the most valuable resources in Western Australia is water. What controls can we put on that resource if the drainage channels and equipment are owned privately?

A continuing trend is to reduce the policing of such things as water quality by regulatory authorities, such as the Department of Environmental Protection. It just does not have the capacity to have people in the field to monitor the level of fertilisers and pesticides coming out of the irrigation systems; to ensure the new operators are doing the right thing and maintaining those channels; and to protect the rights of the downstream receivers of those waters and, ultimately, the environment which will receive those waters.

Another issue that concerns me in this privatisation is the question of the liability of the new owners. If they are running equipment, such as pumps, obviously they are also dealing with diesel fuel. We must be assured that management of these things will be completely up to standard and that the water resource will not be jeopardised by spills or other accidents. I emphasise that we must be very careful with this move to privatisation. The trend is always to put the profit motive ahead of the maintenance of the community asset. We voice our concerns to try to ensure that some of the proposed amendments will address these issues about which we have expressed some reservations.

HON MAX EVANS (North Metropolitan - Minister for Finance) [8.25 pm]: I thank members of the Opposition and the other parties for their support of this legislation. As Hon Ken Travers said, two issues are involved: One is the transfer of the fixed assets into the first company, and the other is the exemption of stamp duty. I will have to

check this, but I think the Government still has control of the assets. Movable assets, such as pumps, are not subject to stamp duty. I cannot give any better answer than that.

I accept the points made that this legislation may open the way for future transfers of assets on irrigation properties in areas such as Carnarvon or the Ord River. There is a belief that there should be better protection and that these decisions should be brought back and scrutinised by the Parliament. It has been agreed with the Opposition that we will not proceed to Committee tonight so that all parties can look at the amendments which have only just been presented to them. I do not disagree with what those opposite have said in that regard. I think the Minister is happy to make sure that the legislation is right, and perhaps those opposite are correct when they say that the legislation may not be perfect in its current form.

I refer to the limitation of the right of access to properties. I understand - I will check this tomorrow - under its legislation the Water Corporation has access to this area. It has been suggested that when the channel is transferred to the new cooperative, no-one will have access to it. We could not envisage what would happen in that event. One member talked about limiting that access.

Hon Ken Travers: I was not trying to limit it. I was saying that if we give access to the private corporation, it should come to the Parliament. I was talking about an easement that is in the hands of the Government being given to another corporation which is on private property.

Hon MAX EVANS: I understand all those points, including access, must be clarified by Parliament when we deal with the next irrigation scheme. Mention was made of handing over the Ord River Dam. It is a key asset worth many millions of dollars. Hon Giz Watson referred to the transfer of it to foreign ownership. The Government is holding onto the dam. It will control the water and sell it to another corporation which will on-sell it.

Some members were concerned about these assets being transferred to the private sector. I think the reverse is the situation, and perhaps Hon Ken Travers can confirm this later. According to the farmers, the Water Corporation has not been keeping up the standard of the channels and the water in the south west. Because they will have a vested interest in them after this legislation, they will maintain the facilities better which, in turn, will result in much less wastage of water. Concerns were also raised about fertilisers and pesticides leaching into the water system and not being monitored. Technically speaking, the water coming out of the dam in the catchment area should be pretty pure. Most of the chemicals used on farming properties will be absorbed into the soil. Because they have to pay for the water, the farmers will not be wasting it.

Hon Ken Travers: It is flood irrigation and a fair bit of it runs off. I have asked the Minister about this, but I have not had a response about who picks up any liability for previous environmental damage.

Hon MAX EVANS: That might go back to the last hundred years. The private ownership is of a cooperative. It will raise money to take over the assets. It will run the business system of buying and selling water. It must make a profit to amortise its assets. There will not always be perfect management, but it is in the interests of the cooperative to make certain it works properly. I can see no likelihood of the Government putting the Ord River Dam into foreign ownership. It is in our interests to sell the water from there downstream. There could be foreign owners of land. They will have no extra power. The water is there to be caught in the dam and sold to farmers.

The south west scheme is smaller; the bigger ones are still to come. Huge expansion is expected at Kununurra. The land and water is there and now hydroelectric power is being generated for the pumping systems, which will make them much cheaper to operate. The growth there will be huge. The export market into Asia is very big. There is a good market down here for melons and the like. That will be part of it. We have the sand, the sun and the water. There are good water conditions. We will produce a lot. That is good. These systems are labour intensive. People will be employed by the cooperative to keep channels clear, for example, just as the Water Corporation would do. It is expected they will be kept in better condition than they were before. I thank members opposite for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

ACTS AMENDMENT (AUXILIARY JUDGES) BILL

Second Reading

Resumed from 20 August.

HON N.D. GRIFFITHS (East Metropolitan) [8.32 pm]: I am delighted to be able to speak on this Bill this evening because there are some good parts and some bad parts to this Bill. The Bill has the support of the Australian Labor

Party in this House because overall the Bill will improve society: Society will be better than would otherwise be the case.

As a House, members should support the Bill. My reason for that support is that when I weigh up the various aspects of the Bill I see that it is better than the current situation. The fact that the Bill will enable auxiliary judges to be appointed, albeit in the relatively restrained terms as envisaged, will be better than the current practice of the use of commissioners. Of course, nothing in the Bill says the use of commissioners will not continue, but it will enable another mechanism to be used; that is, an alternative to the use of commissioners. There is a widespread view on the part of many professional bodies, particularly those bodies that represent the legal profession, that in principle the use of commissioners - that is, the use of persons mostly, but not exclusively, from the Bar - to do the work of judges is an unhealthy practice. That is not to say that any particular instance has been unhealthy, but to point out that in principle it is unhealthy because it can give rise to the perception that somebody is carrying out an activity for advancement. That impinges on the separation between the Executive and the judiciary and on the primary principle of judicial independence, which I trust everyone in this House acknowledges is paramount to our constitution. I use the word "constitution" in the wider and more appropriate sense.

Whether the policy in this Bill succeeds turns on the number of judges who will be used. If too many are used instead of appropriate appointments being made to the Bench, that will arguably impinge on that important principle. The negative side of this Bill turns to a degree on that. It also turns to a degree on the extent to which it will alleviate the necessity to address practices, procedures and resources. In some senses it is a stopgap measure. I acknowledge the points made in the second reading speech. I do not propose to go through them because each and every one of them is valid. The Bill will be an improvement. It has the capacity, for the reasons I just mentioned, to make society worse, but on balance it should make society better.

A couple of other aspects concern me. Judges of the District Court and the Supreme Court are appointed, they carry on for their term, their term expires, and they may be reappointed, albeit for a period of 12 months. They are reappointed by the Executive. I acknowledge that the reappointment would have at the very least the implicit consent - not the explicit consent because it would not be on the public record - of the Chief Justice or the Chief Judge, as the case may be. Notwithstanding that, the black letter law is that it is done by the Executive, not by the judiciary. The term of office of the judicial officer will expire and will then be added to by the Executive. In a technical sense that impinges on the principle. However, I acknowledge that this is something that is done in other Australian jurisdictions. Realistically there should be no difficulty with that. These points I raise are technical in nature but they must be raised. I do not want to say "in the case that a difficulty may occur", because I do not think a difficulty should occur. I am not sure whether as a matter of practice we should infringe on these principles. I note that it is a practice that has been followed in, I think, South Australia for some time. I am not aware of any difficulties South Australia has experienced.

Western Australia has a longstanding practice that judges retire at 70, save for the completion of unfinished business within reasonable parameters. I note the Judges' Retirement Act 1937. I do not know whether the Attorney General has read that Act.

Hon Peter Foss: Unfortunately I had to read it recently.

Hon J.A. Cowdell interjected.

Hon Peter Foss: I hope I am nowhere near that age.

Hon N.D. GRIFFITHS: We all hope the Attorney General will retire from this House well before he turns 70 - not because we do not enjoy listening to him, but because we all know that is what he wants to do. Section 3 of the Judges' Retirement Act states that every judge appointed after the commencement of the Act who attains the age of 70 years shall retire from office on the day on which he attains that age. It contains a proviso in the general terms to which I referred. I note that the Australian Constitution was amended after the events that led to the federal election of 1975 to require federal judges to retire at 70. I note also that the relatively recent case of Kable may affect these appointments.

Hon Peter Foss: Interestingly, judges of the High Court and the Federal Court have retired at a later age since it became mandatory for them to retire at 70 than they did when it was unlimited.

Hon J.A. Cowdell: Not Sir Edward MacTiernan.

Hon N.D. GRIFFITHS: He was appointed before that time. It is interesting that Their Honours have the capacity to interpret an Act accordingly, and I wish them well.

This Bill has the support of the Australian Labor Party in this House because on balance it is better for Western Australia that it be passed than otherwise.

HON HELEN HODGSON (North Metropolitan) [8.41 pm]: The purpose of this Bill is to deal with some of the problems that have arisen in the judicial system by making available auxiliary judges. The second reading speech states that auxiliary judges may be appointed to deal with the courts' case load when, for example, judges take annual or long service leave. Will that be the only situation when auxiliary judges will be used or will they take on a more permanent role in the court system?

The Bill provides that the appointment of auxiliary judges will not exceed one year and that if a judge were hearing a case when his term expired, his appointment could be extended for a further 12 months. That raises a minor concern that I have about this Bill. If a significant period of time had elapsed between a judge's retirement and his appointment as an auxiliary judge, would he be required to update his knowledge of the procedures or changes that had occurred?

The Bill provides that pensions that are paid to retired judges will take account of any remuneration they receive from acting as auxiliary judges. That is an excellent way of dealing with the issue of remuneration. Auxiliary judges will be subject to the same conditions as full judges, and dismissal can be effected in the same way as for other judges of the court.

This Bill is a commendable initiative to try to deal with some of the problems that are being experienced in managing the courts' case load, and the Democrats support the Bill, subject to the minor reservations that I have raised.

HON PETER FOSS (East Metropolitan - Attorney General) [8.43 pm]: I thank members for their support of the Acts Amendment (Auxiliary Judges) Bill. The points raised by both members are interesting. We do have a bit of experience in this matter because magistrates have a compulsory retirement age of 65, with the possibility of extension to 70. I recently suggested to the Governor that we grant a particular magistrate an extension for one year; and after having granted him that extension, I moved for him to be granted an extension until the age of 70 because he appears to be in good health and is a great contributor to the bench. We wanted to move from the system of annual renewals and give him an extension to age 70 precisely because of the point raised by Hon Nick Griffiths. We had some assurance that he would remain hale, hearty and cerebral to the age of 70 -

Hon N.D. Griffiths: He had a blood test?

Hon PETER FOSS: No. He showed no signs of deterioration, and in view of the fact that Supreme Court judges can serve to the age of 70 and we have no test for them, we felt it was appropriate in that instance.

Hon N.D. Griffiths: They have appellate courts. They are the test.

Hon PETER FOSS: Yes.

Hon Helen Hodgson asked whether the absence of judges on annual or long service leave will be the only occasion on which auxiliary judges will be used. They will be used whenever there is a fluctuation in the courts' case load. Fluctuations can occur for all sorts of reasons. A court may have a trial that is so long that one judge is taken out of the court system for most of the year, or a lot of judges may decide to take long service leave. Unfortunately that is about to occur, because a number of judges are coming up for retirement and will take their long service leave prior to retiring. That is another reason that auxiliary judges are important.

It is difficult to predict case loads in the Supreme and District Courts. That is why from time to time we need additional judges. It is interesting that often a sudden increase in capacity has a very good result. For example, when we had the blitz two or three years ago where we put on extra commissioners and called over all the cases and threatened to bring them all on the following month, it was amazing how many cases suddenly settled. The court system was sufficiently shaken out by the sudden deployment of extra capacity that the need for that capacity was reduced, whereas to merely add another judge tends to be of benefit for only a month or two and the system then begins to operate according to Parkinson's law, where the work expands to fill the time allotted to it.

Hon N.D. Griffiths: It depends upon how you measure benefit, because sometimes the fact that a case is hanging around causes the matter to be settled.

Hon PETER FOSS: That is sometimes the case. Hon Nick Griffiths may recall that blitz some years ago.

Hon N.D. Griffiths: I do. It was very expensive for the litigants because their cases were called on regularly and it cost them money every time they came up, and that is what caused them to settle.

Hon PETER FOSS: One of the reasons they settled was that the lawyers suddenly found that their cases were likely to be on the next month and they told their clients that they had better get everything ready to go, and the net result was that they settled. It is not just an exercise in capacity but also an exercise in psychology. That is quite important.

The next question was whether auxiliary judges would be required to bring themselves up to date. Judges will not be appointed unless the chief judge in that jurisdiction is of the view that they are competent, as is always the case when we appoint commissioners and judges. Generally speaking we would use people who were still reasonably familiar with the jurisdiction, and judges would not take on appointment if they did not think they were competent to do so. The view of the Solicitor General would also play a major role in those appointments. It would be a matter of judgment in each instance, and an adequate number of people are available to assist in that decision making.

I thank members for their comments in support of this Bill.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [8.50 pm]: I move -

> That the Bill be now read a second time.

The Small Business Development Corporation was established in 1983 to encourage, promote, facilitate and assist the establishment and development of small business in the State. The Small Business Development Corporation Act was reviewed in 1995. The review found that the Small Business Development Corporation has clearly met the primary objectives of the Act and has played a valuable role in business development in this State and should continue to be supported by the Government. The review recommended an expansion of the Small Business Development Corporation Board to allow it to more effectively represent the interests of regional and remote small business.

Other significant recommendations which have been acted upon, include -

> the transfer of the responsibility for the State Enterprise Centre and the associated administration of the Business Enterprise Centre network from the Department of Commerce and Trade to the Small Business Development Corporation, which was effected on 1 July 1995;
>
> the Ministerial Small Business Advisory Council, established in 1993, was disbanded with the full support of council members. The Small Business Development Corporation has now taken on the advisory role previously performed by the council.

The amendments contained in this Bill reflect the Government's determination to maintain its support for small to medium size enterprises through the activities of the Small Business Development Corporation. The Bill seeks to amend sections of the Small Business Development Corporation Act to incorporate administrative amendments as recommended by the Treasury Department, the Public Sector Management Office and the parliamentary counsel. This will ensure the Bill conforms with current government administrative and legislative requirements.

The expansion of the Small Business Development Corporation Board from six to eight members, with no fewer than two members to represent the interests of regional small business, will enhance its role as the primary source of ministerial advice on small business throughout the State and conforms with a commitment under the 1996 coalition business policy. This will have positive implications for regional and remote small business in ensuring that their interests are given due consideration.

I turn now to specific provisions within the Bill. Clause 4 amends section 3(1) of the Act to clarify the definition of managing director to mean the chief executive officer of the corporation, appointed by the Premier under contract, in accordance with the Public Sector Management Act, and no longer by the Governor. Clause 5 amends section 5(1) of the Act to expand the Small Business Development Corporation Board from six to eight members, with no fewer than two members to represent the interests of regional small business. An amendment defines the term "metropolitan region" in line with the Metropolitan Region Town Planning Scheme Act. To conform to common practice within the public sector, clause 6 amends section 11 of the Act to outline the powers of delegation, areas in which the Minister may give direction, and areas in which the Minister must have access to information.

Section 12 of the Act is no longer necessary and is to be repealed. The appointment of a chief executive officer is provided for under part 3 of the Public Sector Management Act. Section 18 of the Act is to be repealed and substituted for a more modern formulation of secrecy provisions including an increase in the penalty for any breach

by a public servant from $2 500 to $10 000. Clause 9 substitutes the various references to the "Governor" throughout the Act with the "Minister". This will mean that board members will be appointed by the Minister and not the Governor. The amendments contained in this Bill will strengthen the Government's ability to deliver effective information and services to the State's small to medium size enterprises. They will make the Small Business Development Corporation Board more effective in representing small business throughout the State. Finally, it will also ensure the Act is more workable in its adherence to current public sector accountability and management practice. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

FAMILY COURT (ORDERS OF REGISTRARS) BILL

Returned

Bill returned from the Assembly without amendment.

CEMENT WORKS (COCKBURN CEMENT LIMITED) AGREEMENT AMENDMENT BILL

Second Reading

Resumed from 20 August.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [8.54 pm]: It is pleasing to note the speed with which the House is attending to the Government's appetite for legislation. I am sure the Opposition will be able to deal quickly with this Bill. We support the Bill, which will put into effect an agreement Act for Cockburn Cement Ltd. As outlined in the second reading speech, this agreement Act will replace the licence held by Cockburn Cement for some 26 years. During that time, a royalty arrangement has not existed. It is pleasing to note that the situation will change, and that the company has willingly given up a concession that it has enjoyed for such a long time. The income derived from royalties to the State will be $270 000 in the first full year, and respectively $540 000 and $800 000 in the next two years. That reflects a dramatic increase in revenue to the State as a result of this agreement Act.

HON GIZ WATSON (North Metropolitan) [8.56 pm]: The Greens welcome this move to oblige Cockburn Cement Ltd to pay royalties under this agreement. It has been of some concern to us that the state agreement Act has allowed this company to operate for so long without paying any royalties to the State. This move is long overdue. However, I wish to raise some concerns.

The first concern relates to the alternative materials which the company may wish to exploit. I seek clarification of the definition of those materials, because it will have some bearing on the amendment. I also query the reason for the amendment to remove an obligation for Cockburn Cement to be limited by a range of laws and obligations of certain agencies and to be restricted only to the legal requirements of the Environmental Protection Act. The company should be subject to the same laws as other corporate and private citizens. To limit it to the provisions of new clause 10C of the agreement could provide the company with special privileges. I seek an explanation of the intent of that change and an explanation of the reason this amendment refers only to crown land and not private land.

Debate adjourned, on motion by Hon Norm Kelly.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Business of the House

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [9.01 pm]: What an absolute disgrace it is that at nine o'clock the Leader of the Government should move to adjourn the House without giving us an opportunity to deal with any non-government business! The Opposition would like the House to deal with its business. The Leader of the House has not yet indicated a preparedness to allow the House to consider or bring to resolution any matter on the Notice Paper put there by anyone other than Government Ministers.

At nine o'clock the Leader of the House has had his insatiable appetite for his government legislative program satisfied: He has had seven separate items dealt with and brought to a resolution, and has then had the gall to move to adjourn the House one hour before it is necessary. As an experienced member of this House, he knows that anyone on this side of the House would be absolutely offended by such an approach to orders of the day. He shepherds out the issues with which the Opposition wants the House to deal.

I had hoped that the Leader of the Government in this place would at least give some undertaking tonight that an opportunity will be made available for some consideration and resolution on the item flagged by the Opposition as requiring consideration this week; that is, the native title select committee, which stands as Order of the Day No 21 on the Notice Paper. If the Minister wants to deal with some other item of non-government business, it is open for discussion. He asked us as an Opposition what we wanted the House to deal with, and I flagged that one item for this week. However, he has rushed to adjourn the House at nine o'clock as soon as his legislative program has adequately progressed.

The Leader of the House needs to come to terms with the rights of this House to deal with issues other than those which the Government has placed on the agenda. I speak only on behalf of the Labor Party in reference to the one item flagged for consideration this week. We ask the Minister even at this stage to consider withdrawing or voting against his adjournment motion, and to bring on Order of the Day No 21. If he had any regard for the balance in this place between Government and non-government business, he would recognise that the one hour remaining before the House usually adjourns represents an opportunity to make some progress on non-government business. Eventually the Leader of the House will see that his attitude will place his Government in a situation in which the House will rapidly lose any tolerance to its approach.

Adjournment Debate - Satellite Television Receivers

Hon TOM STEPHENS: I was going to take the opportunity at 10 o'clock, when I presumed the adjournment debate would be held, to speak to an answer delivered in this place today to a question I asked of the Minister representing the Minister for Commerce and Trade. This related to the need to ensure equal television access for all Western Australians, particularly those living in rural and remote regional Western Australia. It would appear that people in regional areas face the prospect of purchasing a new receiver decoder at a cost of $1 200 to maintain access to the two television stations of GWN and ABC they currently receive through satellite telecasts.

I am very concerned to see the response of the Premier, which was effectively delivered through the Minister for Commerce and Trade, to this approach adopted by the Federal coalition Government. In marked contrast to the way the Premier postured and pranced on the national stage whenever possible to complain about any initiative of the Keating Labor Government which was perceived in some way to have disadvantaged Western Australia, this Government has simply written a letter to Senator Alston, the Minister for Communication and the Arts, expressing some sort of disquiet. The State Government is not applying the appropriate pressure to the Howard Liberal Government to protect the interests of regional residents of this State. These people are about to experience a financial penalty by virtue of these new arrangements with television reception.

I will make my own representations vigorously to the Federal Government because it is clear that this State Government is adopting a limp-wristed approach in protecting the interests and needs of the residents of Western Australia; this approach contrasts dramatically to the way it behaved with a Federal Government of a different political hue. I urge the Government to join me in a more fulsome defence of the rights of regional and remote families. The answer to my question stated -

> Since GWN has selected PanAmSat as its satellite television delivery program and the ABC has selected Optus, when the change from analog to digital technology occurs, those people dependent on a satellite dish to receive television will need to buy a new integrated receiver decoder to replace their current B-MAC decoder, and a second dish, complete with low noise converter, and a second, different, IRD.

Members will be aware that in the Estimates Committee, when dealing with the Education budget, I raised my concerns about the impact of the same technology on station families. Such people face the cost of purchasing a decoder in order to maintain access to the School of the Air, the Royal Flying Doctor Service and the like. We are yet to hear from the Government whether funds will be allocated to protect the interests of those families to ensure that this penalty does not fall so unevenly on families who cannot afford the extra impost. Many station people are not affluent, and they do not experience the good times which were sometimes part of station life in the recent past. Many of these people are battlers for whom forking out $1 200 in order to maintain the Royal Flying Doctor Service or the School of the Air is a substantial penalty. Communities and individuals throughout the remote parts of this State will have to contribute from their pocket to adapt to this change in technology, which will produce dramatic savings for the Federal Government with no commensurate concern on the part of the State Government or the Federal Government for the plight of families in remote areas.

I commented recently on the penalty that mobile phone users face in remote Western Australia, as they require a guarantee that they will continue to access the analog mobile telephone technology beyond the date from which digital technology will be the norm. Nothing indicates that every community which currently uses analog systems will be guaranteed access to digital technology.

Finally, I return to my first point, The Leader of the House, even in the adjournment debate, could provide some assurance to the House that just one item of non-government business will be dealt with.

Hon N.F. Moore: If you sat down, I could.

Hon TOM STEPHENS: We want one item considered and brought to resolution this week. The Leader of the House asked me, and I said one item.

Hon N.F. Moore: You raised it with me today.

Hon TOM STEPHENS: I raised it by telephone and discussions behind the Chair. However, none of the indications given leave me with any confidence that no matter what we give the Government, non-government business will be allowed to be brought forward for resolution. I ask for that assurance tonight before the House adjourns.

Adjournment Debate - Business of the House

HON HELEN HODGSON (North Metropolitan) [9.10 pm]: Prior to the dinner suspension this evening the Leader of the Opposition commented on the business of the House. He referred to Order of the Day No 38, which is an item of business standing in my name on the Notice Paper.

The Leader of the Opposition is not authorised to speak for the Australian Democrats on when items of business on the Notice Paper in either my name or my colleague's name will be debated. Unfortunately, he raised the issue in the House before I had the opportunity to speak to the Leader of the House. Since he raised the issue I have had the opportunity to speak to the Leader of the House about when the Democrats would like to deal with that item of business. Its carriage through this House is not in the hands of the Leader of the Opposition.

This incident highlights the need for a business management committee, which is the subject of another item on the Notice Paper. These sorts of misunderstandings would not occur if a member from each party was present in the same room at the same time to indicate the items their party would like brought forward and when they would like them brought forward. The fundamental question this House should resolve this week is the establishment of a business management committee and the operations of that committee. It will assist in limiting the misunderstandings that are currently occurring.

Adjournment Debate - Churchlands Senior High School Fire

HON E.R.J. DERMER (North Metropolitan) [9.12 pm]: I raise a matter which is of the utmost gravity and urgency. I refer to the terrible fire at the Churchlands Senior High School which occurred on 25 May this year. All members were shocked by the fire and those members who are parents were shocked by the notion that some schools in Western Australia, places to which we confidently send our children each school day, are a risk to our children's lives to the extent that they are fire hazards.

Members were further shocked when they read the comments of the Minister for Education in an article in *The West Australian*. The article states -

> Mr Barnett said fire had spread quickly through the old school. Many WA schools built in the 1950s and 1960s were prone to fire damage.

The article also said that the fire spread quickly because the ceilings at that school were essentially made out of straw. The comments of Mr Miners, the school principal, were even more disturbing. The article reads -

> "But the school was built in 1963. Quite obviously the state of the wiring would be such that it could have been an electrical fault.
>
> "From what I understand it may have started somewhere around where we have computers so it could have been an electrical fault."

Further on the article is even more disturbing -

> State School Teachers' Union president Brian Lindberg said the fire reinforced what the union had said for a long time: there were not enough fire protection measures such as adequate water supplies and sprinkler systems in schools.
>
> "I understand there have been P and C meetings over a number of years about concerns about water access should there be a fire," he said.

What struck me at the time was the horrific possibility that students and staff could have been in the school at the time of the fire. My response, as a representative of not only the people of North Metropolitan Region, which includes

the Churchlands Senior High School, but also the people of Western Australia was constructive and positive. The principal duty of an opposition member is to make positive and practical suggestions to Ministers and to acknowledge improvement and point out where possible improvements might be made in the performance of Ministers with a view to improving the quality of service for, and protection of, Western Australians.

In that vein Hon Ljiljanna Ravlich and I asked a number of questions on 17 June pertaining to the Churchlands high school fire and the very concerning point raised by the Minister in his comment to *The West Australian* that many schools in this State were fire hazards. Hon Ljiljanna Ravlich asked whether schools had smoke detectors. My understanding is that a smoke detector is a cheap item of technology with the capacity to save lives and enormous damage to buildings. The answer to her question was -

> No; however, an ongoing program to install detection systems is under way.

No indication was given as to how long that would take. Hon Ljiljanna Ravlich also asked a constructive question about the location of fire walls in schools and how much money was allocated for that purpose. The Minister's reply indicated that new schools were built to comply with fire regulations. The Minister did not commit himself to a time frame for making sure that existing schools met the minimum fire standard.

On the same day, I asked a question about the security of children in schools. I asked how many schools in Western Australian were constructed with straw ceilings and how many schools had been built using the same design and structure as Churchlands Senior High School, which was demonstrably dangerous. I also asked whether the Minister had instituted a comprehensive fire hazard assessment of Western Australian schools and initiated a program for the installation of sprinkler systems. I understand the Minister in the other place commented on sprinkler systems in schools and said they were not helpful in a fire. I find that hard to understand and I am keen to receive the Minister's advice on that issue. When I receive his answer to the question I will be so informed.

I went on to ask that if the recent fire at the Churchlands Senior High School had occurred during school hours was the Minister satisfied that the existing evacuation procedures would have been sufficient to ensure the safety of the students and staff. I also asked whether the Minister intended to have a review of school fire evacuation procedures following that fire. My questions were in the form of sensible and practical suggestions. As a parent of primary school students - I am sure the parents of high school children seek the same reassurance - I want to be reassured that schools in Western Australia are not a deathtrap for students and staff.

Frankly, I was surprised when the Leader of the House suggested that my question should be placed on notice. I was expecting a prompt reply to the question, given the urgency and gravity of the issue. My question was asked on 17 June and I acceded to the Minister's request and put the question on notice. The fire occurred in late May and the questions asked by Hon Ljiljanna Ravlich and me were put on notice and it worries me that they are still on notice. There has been no response to these grave questions. How long must we wait for an answer? More importantly, how long do the students of Western Australia and their parents have to wait for the Minister, in living up to his responsibilities as a sworn Minister of the Crown, to give some reassurance? How long do we have to wait for a decent answer to what are the fire evacuation procedures at schools and whether there will be a review of fire procedures in schools? How long do Hon Ljiljanna Ravlich and I have to wait for action to be taken to protect children?

This example reflects on the Government's attitude to questions raised by the Opposition and other non-government parties in this House. Each day we are reminded by the prayers said in this Chamber of our responsibility to consider the welfare of Western Australians. The work we do is focused on providing positive suggestions and criticism to encourage the best from Ministers in discharging their responsibilities.

I implore Ministers to take on board these constructive suggestions put forward by members of Parliament in fulfilling their duty to the people of Western Australia. They should examine their performance and give serious consideration to the suggestions put forward. I hope that self-examination will lead to an improvement in performance, improved service for the benefit of Western Australians and, most importantly, in this particular instance, improved safety and security for our children.

Adjournment Debate - City of Wanneroo

HON KEN TRAVERS (North Metropolitan) [9.20 pm]: I rise to discuss a proposal to split the City of Wanneroo. It is interesting that I do so on 9 September, which is the last date on which written submissions may be made by the public on this proposed split. I know most members are aware of the chequered history of the Wanneroo City Council in recent years, and the infamous activities of a number of councillors over the years. Only last week more councillors brought that council into disrepute. However, during my time as member for the North Metropolitan Region I have had the opportunity to deal with a number of councillors from a range of political persuasions. They are people with good intentions who are generally working for the good of the community. They have cooperated

with me in the interests of the people of the North Metropolitan Region whom we jointly represent. I make that comment because I do not want to be seen to be attacking a number of individual councillors who are doing the right thing.

I refer to the proposal to split the City of Wanneroo and the process by which the Government has embarked on community consultation. Over the last couple of weeks I have attended three of the four meetings held by the Local Government Advisory Board to discuss with the public their views on this proposal. In those meetings, almost overwhelmingly, there was opposition to the proposal put forward, not just on the basis that they did not like the proposal but because they felt that not enough information was provided for them to comment on it. I quote from a story in the *Wanneroo Times* about a meeting held last week at the Joondalup council offices -

> A Koondoola resident, who said he was open minded when he entered the meeting, said the split seemed a "fait accompli" and was applauded when he asked who conceived the idea and why.
>
> "Convince me why it should be considered in the first place," he said.

That probably sums up my concerns about the process adopted. A number of months ago the Government asked the Local Government Advisory Board to investigate this matter. It did so and came back with a document and two other volumes for the Government to consider that provided six options, one of which was to do nothing, for splitting the cities of Wanneroo and Stirling. They were all well thought out and well planned options.

Unfortunately, the Government rejected all six options - no reason has yet been provided - and came up with a seventh option from nowhere that bore little resemblance to any of the options in the original reports. It is a matter of concern that the Government is about to split the City of Wanneroo and, if people are of the view that it should happen, the opportunity may be lost to get local government in the North Metropolitan Region into order. We are all aware of the problems created when the City of Perth was split. The towns of Vincent and Cambridge are now seen to be economically unviable, although the councillors are doing an excellent job. The community spirit in the Town of Vincent, which is where I live, is excellent, and I applaud all members of that town council for the good job they are doing. Nonetheless, they are faced with a difficult situation in terms of their financial viability. The Government was given an opportunity to make some changes to local government and to get it right in the North Metropolitan Region.

Referring once more to the split of the City of Wanneroo, the original advisory board gave three reasons for the need for change: Community focus, representation and future development. The Government's proposal addresses none of those issues. I make the analogy that one of the arguments in favour of splitting the City of Wanneroo was the lack of community consultation. The City of Wanneroo was seen to be divorced from its community in the way it made decisions. I quote from page 36 of the report "Options for Wanneroo and Stirling" when reference is made to the Kyle inquiry -

> In respect to a reference to investigate the process followed by the City of Wanneroo leading to the construction of community amenities on Chichester Oval, the Inquiry noted that the decision making process of the council denied residents an opportunity to be consulted (1992: 11-5). It was the Inquiry's view that the Recreation Association, designed to be representative of the community, had denied the community an opportunity to be consulted on the issue (1992: 9-4).

The Government is approaching the splitting of the City of Wanneroo by the same process used by the City of Wanneroo in its decision making. That is why it must be got rid of. This Government engaged experts to prepare a report, but has ignored it. The community was involved in a half-baked community consultation process, and is told to like it or leave it. A far better option to allow the people to have a say would be to hold a referendum. I note that a proposal was made - it is not a bad proposal - and was again reported in the original options paper, that a referendum be held on a district by district basis so that those districts that wished to secede could be heard. When I attended the meeting, that was the view of an overwhelming majority of residents within the City of Wanneroo.

Hon B.K. Donaldson: How many people were at the meeting? About 10 were at one meeting.

Hon KEN TRAVERS: That is probably a sign that the people in the City of Wanneroo realise it is a fait accompli. It is a bodgie process and they will have no part of it. Why is the Government so afraid of letting the people in Wanneroo have a say about their local government? There are provisions in the Local Government Act for referendums. If it were happening in the area represented by Hon Bruce Donaldson, I am sure he would want a referendum to be held before changes were made.

Hon B.K. Donaldson: That is where I live.

Hon KEN TRAVERS: I am talking about the area the member represents.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers is doing very well without the help of the interjections.

Hon KEN TRAVERS: The people in the cities of Wanneroo and Stirling and the towns of Vincent, Cambridge and Bayswater - all of which are in the North Metropolitan Region -

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich, there is a standing order that prevents members from interjecting, especially when they are not in their own seat.

Hon KEN TRAVERS: The people in the City of Wanneroo and the other areas I mentioned and the Local Government Advisory Board should be given the option to comment on the report by the experts that the Government chose. They should not be left with some backroom deal from the Liberal Party which is a solution to its political problems.

The Chairman of the Local Government Advisory Board, Rob Rowell, went through a difficult process in the meetings where he was in the unfortunate position of having to justify, on behalf of the Government, a recommendation that was not his. He said he did not believe a number of the issues had been adequately addressed and thought he might have to put in a dissenting report as chairman. That is a telling comment on how this process has operated, and I ask the Government to go back to the drawing board and let people in the North Metropolitan Region have some say in the splitting of their local government authority. This Government should not deny them consultation in this matter, as did the Wanneroo City Council.

Adjournment Debate - Business of the House

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.30 pm]: I have said on the odd occasion in this place that I never cease to be amazed by what I hear in this place. I have not ceased to be amazed tonight. For the first time since I have been here I have heard the Leader of the Opposition complain about the House rising early. To remind myself of why Hon Tom Stephens does these sorts of things I glanced through his speech on the motion to set up a select committee into Aboriginal native title. I cannot find the reference at the moment, but he referred to the theatrical nature of his performance in this Chamber. On that occasion he was not being theatrical but was being the normal Hon Tom Stephens. Tonight he has regrettably relapsed into the theatrical and put on a performance, which is regrettable in the sense that it has happened so often.

Members will know that whenever we are looking at the business that the House will attend to, I invariably ask members whether they are ready to proceed with a particular order of the day in the Notice Paper. If they are not, I ask, "When will you be ready? I will take into account your requirements before we deal with that matter."

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: If members opposite do not think that process should continue, they should carry on with that sort of interjection. I believe and have always believed that members should be given the opportunity to be ready to make a speech and contribute to a debate. When the Leader of the House is organising the Notice Paper he should take that into account. If members are not ready to deal with an order on the Notice Paper, I tell them that we will deal with it the next day. A simple example tonight was the Cement Works (Cockburn Cement Limited) Agreement Amendment Bill. The Democrats were not ready to proceed and I said, "Move an adjournment." That is what happened. I said to the opposition Labor Party, "If you are not ready tonight, we will do it tomorrow." However, the fact of the matter is that today we have dealt with six Bills.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I could be forgiven for being a little surprised at that rate of progress. It has taken us the last three weeks to deal with two Bills. To deal with six in one day is a little surprising to say the least. I would have proceeded with the rest of the government business on the Notice Paper but Hon Eric Charlton is not here to cover the Western Australian Coastal Shipping Commission Amendment Bill, and the Human Tissue and Transplant Amendment Bill is very significant and should not start at this late time of the night. I decided that we would adjourn once we had got as far as we could go at least on the Cement Works (Cockburn Cement Limited) Agreement Amendment Bill.

Several members interjected.

The PRESIDENT: Order! There is no need to interject.

Hon N.F. MOORE: I have listened to Hon Tom Stephens talking about the order of the day he wants to deal with. I find it quite amazing that he indicated tonight that the Opposition dealt with those Bills in a hurry so that we could get on with his motion. I would be appalled if that is the attitude the Labor Party has taken towards legislation in this House. In three weeks we passed two Bills. I am not complaining about that because that is the way it goes, but today the Labor Party has agreed to deal with six Bills in a hurry and the Leader of the Opposition has then said, "The reason we have done it is so that we can get on with the order of the day I want to deal with."

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I do not have a problem dealing with the native title select committee order of the day. However, I have a problem dealing with it tonight, because I have not even read Hon Tom Stephens' motion. I am giving myself the same privilege as I give the Opposition. I will not deal with a motion until I have a chance to get my mind around the issue. I did not expect today that we would be dealing with Order of the Day No 8 or 9. I said to the Leader of the Opposition, "Let us do Orders of the Day 3, 5, 4 and 6 in that order."

Hon N.D. Griffiths interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I said, "If we get that far, we will knock off." Everybody laughed and said, "You will not get anywhere near that far; don't be so stupid." They thought it was a joke. I could not believe the good fortune of the Government to get four Bills dealt with. Then we did Order of the Day No 7 and that Bill went through. Then we got onto Order of the Day No 8, and that almost got through but we allowed more time for the Democrats to look at it in detail. It has been a very surprising day. I had not spent any time preparing myself to talk at great length on the native title select committee proposition. In my office I have a file which arrived today and which is about four inches thick. I will go through the file chapter and verse, because Hon Tom Stephens is seeking to set up a committee which is totally inappropriate at this point in time. I will explain to him at great length why that is the case. I am not ready to deal with it tonight, in the same way as many members are not ready to deal with business of which they have control.

I moved to adjourn tonight when the business had been concluded. Hon Tom Stephens said earlier today that there were only two issues the non-government parties wanted to deal with in the next two weeks; they are the native title select committee, Order of the Day No 21, and the Democrats' Order of the Day No 38. Hon Helen Hodgson, the Leader of the Democrats, raised that matter. I am not arguing that we should not have a management committee, but what has happened is not a reason for having a management committee. It is a matter of the Leader of the Opposition asking somebody if he could speak on their behalf - it is as simple as that. If Hon Tom Stephens takes it upon himself to make decisions for everybody, he will find that from time to time people will not agree with him. Interestingly, Hon Jim Scott asked, "What about us? We want to do something as well." However, Hon Tom Stephens got up and said, "On behalf of the non-government parties we want to do two items in the next two weeks." Here he is whingeing on the very first day of that two weeks because we have not yet dealt with one.

Hon Tom Stephens interjected.

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

Hon N.F. MOORE: We have plenty of time in the next two weeks to deal with the matters that have been raised. I have had a discussion with Hon Helen Hodgson about the matters she wishes to deal with, and we will deal with them. Hon Giz Watson has asked whether she can deal with one of the Bills for introduction. A heap of those on the Notice Paper are from the Leader of the Opposition. He has not asked to deal with them, and they have been on the Notice Paper for months and months. He has never got around to dealing with them, but we will deal with those, and we will deal with his issue when the time comes.

Hon Tom Stephens: When will the time come?

Hon N.F. MOORE: The Leader of the Opposition will know when I say, "Order of the day such and such, which is the native title select committee." I will then debate it with him until we make a decision about it. That is when it will happen. He has asked whether we can deal with that and another order of the day in two weeks. I do not have a problem with that. It is only fair that I should have the same opportunity to prepare myself for a debate as I give to other members. We are not debating the motion tonight because I am not ready; in fact, I am not ready to deal with the Cement Works (Cockburn Cement Limited) Agreement Amendment Bill, which I am handling on behalf of the

Minister for Resources Development. I did not think we would reach it either; I thought that would be at least the week after next.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: The House will deal with these issues when the time comes. I repeat, this is the first time I have heard a speech like that from Hon Tom Stephens in which he said that the House is adjourning too early.

Question put and passed.

House adjourned at 9.38 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

HERITAGE - REGISTER

Carnarvon One Mile Jetty

115. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Fisheries:

In light of the Carnarvon One Mile Jetty being permanently entered on the State Register of Heritage Places -

(1) Will the Government undertake to provide the necessary funding to maintain the jetty in a manner suitable to its status?

(2) If yes, when will this funding be made available?

(3) If yes, how much funding will be made available?

(4) If funding won't be made available, why not?

Hon E.J. CHARLTON replied:

(1) No funding is proposed for maintenance or repair of the jetty, except to prevent unauthorised access to the section of the jetty that has been closed on safety grounds and to address any essential safety issues. The Carnarvon One Mile Jetty no longer serves any transport related purpose. Transport's Strategic Plan for Maritime Facilities makes provision for the ownership, control and responsibility for jetties to be taken over by the Local Government Authority accompanied by a lump sum payment equivalent to the estimated cost of demolishing the structure.

The funds transfer is to acknowledge the cost that the Government would otherwise have to bear to demolish the jetty and is not intended as a contribution to future maintenance or administration of the jetty. However, once paid the actual application of the funds would be a matter for the Council to decide, recognising their eventual obligation to fund the removal of the jetty.

(2)-(3) Not applicable.

(4) The jetty no longer serves any transport related purpose, with other projects having greater funding priority.

ROADS - INFRINGEMENT NOTICES

Cancellation

120. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

The Auditor General's report on Road Safety (p.4) shows that thousands of infringement notices are cancelled each year or not issued because of the lack of full owner onus legislation.

(1) Does the Government acknowledge that honest citizens who own up to traffic offences are penalised while those withholding information because of lack of full owner onus legislation are allowed to get away without paying infringement notices?

(2) What plans does the Government have to introduce full owner onus legislation to make sure vehicle owners are unable to avoid liability under infringement notices issued in respect of their vehicles by stating they were not the driver at the time of the alleged offence?

Hon PETER FOSS replied:

(1) Yes.

(2) The Road Safety Council at its 19 June 1997 meeting recommended to the Ministerial Council on Road Safety that full Vehicle Owner Onus legislation be adopted in Western Australia. The Ministerial Council on Road Safety at its August 1997 meeting discussed this issue and instructed the Road Safety Council to prepare a report for the Ministerial Council's next meeting.

ROADS - MT WINDELLS

Funding

199. Hon MARK NEVILL to the Minister for Transport:

(1) What funds have been spent on the Mt Windells Road from the Great Northern Highway through the Karijini National Park?

(2) What route will this road take through the park?

(3) Is it intended to develop an access road through Bee Gorge?

(4) What funds are to be expended in the -

(a) 1996/97 financial year; and
(b) 1997/98 financial year?

Hon E.J. CHARLTON replied:

(1) $23.4 million.

(2) The 76 kilometre east-west route links Great Northern Highway approximately 30 kilometres south of the Nanutarra-Munijina Road to the Marandoo Mine Access Road approximately 45 kilometres east of Tom Price.

(3) There are no plans to develop an access road through Bee Gorge.

(4) In respect of the southern access to Karijini National Park -

(a) $17.8 million included in (1) above.
(b) 1997/98 $15.3 million.

RAILWAYS - WESTRAIL

Prospector Service - Extra Railcars

467. Hon MARK NEVILL to the Minister for Transport:

Will the Minister take action to ensure extra rail cars are available for the *Prospector* train service during busy periods such as school holidays and Christmas?

Hon E.J. CHARLTON replied:

Westrail has eight railcars to operate its Prospector and AvonLink passenger train services. There is no intention to enlarge the present fleet. By scheduling (where possible) maintenance and upgrading work on the railcars during off peak travel times, every effort is made to have the entire fleet of railcars available at peak travel times such as those during school holidays and at Christmas. Plans are being prepared for a replacement train for future services to Kalgoorlie.

MOTOR VEHICLES - PUBLIC WASH DOWN FACILITY

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

(1) Is the Minister for Primary Industry aware that after the closure of the obsolete public wash down facility operated by the Shire of Greenough there will be no public wash down facility for large vehicles north of Midland?

(2) Can the Minister advise if the Government will be in a position to provide financial assistance to the Geraldton-Greenough Regional Council so that it could construct a large wash bay facility suitable for washing large vehicles such as livestock transport vehicles, road train multiple unit vehicles and large earthmoving plants?

Hon E.J. CHARLTON replied:

(1) Yes.

(2) In June I contributed $1950 for the removal of effluent from the Narngulu Truck Washdown Facility. I have initiated an assessment of the long term requirements of truck washdown facilities in Western Australia.

FAMILY AND CHILDREN'S SERVICES - CHILD IMMIGRATION

Home Office Guidelines

596. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Family and Children's Services:

(1) Does there exist in the Public Records Office a Child Welfare File SAWA CWD A56 607/46 ACC 1417 AN 320/3 entitled Child Immigration Western Australia Policy and Procedure?

(2) Does there exist in Volume 2 of that file a letter dated 18 October, 1947, from the United Kingdom High Commission, Canberra, accompanying Home Office guidelines for the emigration of children who have been deprived of a normal home life?

(3) Does paragraph 1 of those guidelines state that the question of the emigration of children who have been deprived of a normal home life can only be considered in the light of the standard of care which they may hope to enjoy in the United Kingdom as a result of provisions made by the Education Act 1944 and the Curtis (Care of Children, Cmd. 6922) Committee taking effect?

(4) Does that paragraph indicate that the Curtis (Care of Children, Cmd. 6922) Committee considered that a substitute home for a child deprived of a normal life must provide-

(a) affection and personal interest; understanding of his defects, care for his future, respect for his personality and regard for his self esteem;

(b) stability; the feeling that he can expect to remain with those who will continue to care for him till he goes out into the world on his own feet;

(c) opportunity of making the best of his ability and aptitudes, whatever that may be, as such opportunity is made available to the child in the normal home; and

(d) a share in the common life of a small group of people in a homely environment?

(5) Did further paragraphs of those guidelines touch upon standards of care; continuing responsibility of the "parent" society; appointment of liaison officers; appointment of local committees or boards of governors; selection of staff; selection of children for emigration; life within the Homes; education and training for careers; provision of hostels; aftercare; contact with the outside community and records?

(6) Was a copy of those guidelines sent by the Child Welfare Department to any organisation or institution that received child migrants from the United Kingdom?

(7) If yes, to which organisation or institution was a copy sent, and upon what date was such a copy sent?

(8) Will the Minister for Family and Children's Services table a copy of the Home Office guidelines?

(9) If not, why not?

(10) Does the Government accept that the standards of care for children deprived of a normal home life, as enunciated by the Home Office, were standards that should have been obtained in institutions in Western Australia that received child migrants from the United Kingdom?

Hon E.J. CHARLTON replied:

(1) No, there is no file in existence within the Public Records Office titled Child Welfare SAWA CWD A56 607/47 ACC 1417 AN 320/3. A56 and 607/47 are two different files.

(2) The letter from the Office of the High Commissioner for the United Kingdom, Canberra, dated 18 October 1947 exists in Volume 3 of File Number A56 "Immigration - Child Immigration W.A. Policy and Procedure - Selection and Recruitment of Migrants Conferences - Instrument of Delegation Etc".

(3) Yes.

(4) (a)-(d) Yes, points (a)-(d) are contained within that paragraph.

(5) Yes, these points are covered in the document.

(6) Yes.

(7) Copies were sent to:

Under Secretary for Lands and Immigration - 3 December 1947
Secretary, Child Welfare Department - 24 December 1947
Secretary, Catholic Episcopal Migration and Welfare Association - 24 December 1947
Hon. Secretary, Presbyterian Children's Homes - 29 December 1947
Manager, Methodist Homes for Children - 29 December 1947
Secretary, Anglican Orphanage Board of Management - 29 December 1947

(8) Yes.

(9) Not applicable.

(10) The document does not set out particular standards of care. It is probable that the philosophy of care it proposed for 1948 was more advanced than was generally the case for institutions of that time.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - CONTRACTS

"Take or Pay" Clause

599. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) Do contracts with the Department of Conservation and Land Management (or its Executive Director), for the sale of sawlogs from State forest contain a "take or pay" clause?

(2) If yes, is the clause enforced?

(3) If yes, would the Minister for the Environment advise who were the buyers, what were the dates, what were the species and the volumes and grades of sawlogs involved for the past two years?

Hon MAX EVANS replied:

(1) Yes. I refer the Member to clause 12 of the standard contract of sale used by the Department of Conservation and Land Management. Other relevant clauses are 9, 11 and 23. [See paper No 753.]

(2) Appropriate circumstances to apply the provision have not arisen.

(3) Not applicable.

MINING - KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

Renewal Licence Conditions

656. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer to question on notice 3999 of October 31, 1995, with reference to a letter dated September 27, 1995 signed by the Minister for the Environment titled "Conditions of Licence 5794" which in part states that "All newly issued licences and licence renewals will contain the clause as they are issued". The Minister was asked in that question "Can the Minister confirm that this action will be taken in the future?" and the Minister's response was "yes" -

(1) Is the previous Minister for the Environment correct when he informed the Parliament the renewal licence (licence number 6420) for Kalgoorlie Consolidated Gold Mines Pty Ltd, when first issued in February 1997, did not contain the clause relating to discernible impairment to or to "surrounding vegetation"?

(2) If not, why not?

Hon MAX EVANS replied:

(1) Yes.

(2) This came about as the result of an administrative error. It has since been corrected.

MINING - FIMISTON TAILINGS STORAGE FACILITY

Hydro Geological Investigation

657. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer to question on notice 893 of October 22, 1996 -

(1) The Minister for the Environment has stated "It was agreed at the meeting that an extensive hydro geological investigation will be carried out to determine the mechanisms affecting ground water levels so that appropriate and effective remediation and control strategies can be implemented as soon as possible". Has this hydro geological investigation been carried out and completed?

(2) If not, why not?

(3) If yes, will the Minister provide me with a complete copy of the hydro geological investigation?

(4) If the extensive hydro geological investigation has not been completed will the Minister or the department immediately instruct the operator of the Fimiston tailings storage facilities to urgently conduct an extensive hydro geological investigation to determine the mechanisms affecting ground water levels on Prospecting Licences P26/1848 and P26/1858?

(5) If not, why not?

(6) Has the operator of the Fimiston tailings storage facilities carried out any "remediation and control strategies" to reduce the elevated ground water levels on Prospecting Licences P26/1848 and P26/1858?

(7) If not, why not?

(8) If yes, can the Minister provide details of what specifically has been done and carried out to reduce the elevated ground water levels on Prospecting Licences P26/1848 and P26/1858?

(9) If not, why not?

Hon MAX EVANS replied:

(1) Kalgoorlie Consolidated Gold Mines (KCGM) has carried out and completed the hydro geological investigation.

(2) Not applicable.

(3) The report meets the requirements of Groundwater Well Licence number 55919 issued by the Water and Rivers Commission. As a result of this, it may be available through a request to the Water and Rivers Commission.

(4)-(5) Not applicable.

(6) KCGM manages the groundwater levels on its tenements in accordance with the requirements of the regulatory agencies involved. The levels are controlled primarily by cut-off trenches and groundwater recovery bores around the perimeters of the tailings impoundments.

(7) Not applicable.

(8) The remediation and control strategies are comprised of the recovery of about 4000 cubic metres per day of groundwater from about 8 kilometres of cut-off trench (which is incorporated in the design tailings impoundment perimeters) and operation of more than 30 recovery bores.

(9) Not applicable.

POLLUTION - SPILLAGE

Mining Leases 26/86 and 26/383

658. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer to questions on notice 383 of April 10, 1997, 961 of October 30, 1996 and 171 of March 11, 1997 -

(1) The Minister for the Environment has stated for question on notice 383 of April 10, 1997 "No, because from the Department of Environmental Protection's perspective the environment was not affected as the spillage was contained within areas designed for mining related purposes." Is the Minister correct when stating "Therefore, no estimate of an "affected" area was made" when in fact an estimate of an affected area was made?

(2) If not, why not?

(3) Can the Minister explain how and why "from the Department of Environmental Protection's perspective the environment was not affected as the spillage was contained within areas designed for mining related purposes"?

(4) If not, why not?

(5) Does the department take the view, in this incident or any other incident, that because an area has been designed for mining related purposes a tailings spill cannot affect the environment?

(6) If yes, why?

(7) If not, why not?

Hon MAX EVANS replied:

(1)-(7) This incident involved a small spill of water/tailings onto an area of land already cleared and likely to be used for heap leach trials and ultimately for a waste rock dump. The spill was contained within the operator's lease boundary and the area involved will be subject to rehabilitation at the end of the project's life, or before, if the area is no longer required as part of the operation. The Department of Environmental Protection views each case on its merits and in doing so takes into account a range of issues in determining an appropriate response. I am confident in the ability of the department to determine when a matter is minor and where it is significant enough to warrant further action.

COMMERCE AND TRADE - "ABORIGINAL ECONOMIC DEVELOPMENT IN WESTERN AUSTRALIA"

Strategy Document

675. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:

In reference to the strategy document "Aboriginal Economic Development in Western Australia" published in March 1997, will the Minister for Commerce and Trade advise the total cost for -

(a) research;
(b) production; and
(c) distribution of the strategy document?

Hon N.F. MOORE replied:

(a) $22,000 - including a series of fifteen regional workshops with Aboriginal people to obtain comment on the draft strategy, plus the cost of departmental staff and travel for consultation with stakeholders which would be very difficult to identify as separate costs.

(b) $6,608 for 2,000 copies.

(c) $500 in postage.

MINISTERS OF THE CROWN - MINISTER FOR COMMERCE AND TRADE

Albany Foreshore Redevelopment - Meetings

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

(1) What meetings has the Minister for Commerce and Trade had in the past twelve months, either in his Ministerial office or elsewhere, regarding stage two of the Albany Foreshore Redevelopment?

(2) Which of those meetings were called by the Minister?

(3) What action did the Minister take to influence other Ministerial colleagues to either place a moratorium on stage two of the Albany Foreshore Redevelopment or have it discontinued altogether?

(4) What other action did the Minister take to stop stage two of the Albany Foreshore Redevelopment either permanently or temporarily?

(5) Has the Minister taken a submission to Cabinet which may halt stage two of the redevelopment either temporarily or permanently?

(6) Has the Minister lobbied any rural groups in the past twelve months calling for them to lobby against stage two of the Albany Foreshore Redevelopment?

(7) If so, which groups were they?

(8) Is stage two of the Albany Foreshore Redevelopment supported by the Government?

(9) What action does the Minister intend to take to ensure that this development is expedited?

Hon N.F. MOORE replied:

(1) One meeting was held at the Great Southern Development Commission in which the foreshore project was discussed amongst a range of other issues.

(2) None to specifically discuss the foreshore.

(3)-(4) None.

(5)-(6) No.

(7) Not applicable.

(8) Yes.

(9) To maintain the project as a high priority through the Great Southern Development Commission.

CORRUPTION - ANTI-CORRUPTION COMMISSION

Guide

719. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

(1) Who printed the brochure entitled "Guide to the Anti-Corruption Commission"?

(2) What was the total cost of the brochure?

(3) What was the cost of the distribution of the brochure?

(4) To whom was the brochure distributed?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

(1) Supreme Printers, 114 Railway Parade, WEST PERTH.

(2) $1 847 for 10,000 copies.

(3) It is not possible to calculate. Approximately 8 500 brochures have been distributed. Some have been sent by mail and some by courier, some were collected in person; others have been handed out at talks or to people who have visited the Anti-Corruption Commission.

(4) Various people including:

- all State Politicians (multiple copies);
- all principal officers of notifying authorities under Section 14 of the Anti-Corruption Commission Act 1988 (multiple copies) including all Local Government Authorities;
- Government agencies who have requested copies;
- members of the public and other anti-corruption agencies who have made telephone enquiries or visited the Anti-Corruption Commission;
- public officers who have attended talks given by members and staff of the Anti-Corruption Commission.

FISHERIES - DUNHAM RIVER

Fish Deaths

737. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Fisheries:

(1) What steps is the Minister for Fisheries taking to ascertain the cause of dead fish in the Dunham River in the East Kimberley region?

(2) Are the media reports accurate which suggest these fish deaths are pesticide related?

(3) When will the Minister have a definitive indication of what caused these fish deaths and when will any remedial action be taken to ensure that there are no further deaths of fish in the Dunham and Ord River systems that are caused by pesticides or other products used by agriculture in the area?

Hon E.J. CHARLTON replied:

(1)-(3) Since the reports of fish deaths in the Dunham River, staff from the Water and Rivers Commission, Water Corporation and the Fisheries Department have been undertaking investigations to determine the causes of death. The investigations are presently inconclusive.

INDUSTRIAL RELATIONS - SELF-EMPLOYED PEOPLE

Number

738. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Small Business:

How many people were self-employed in -

(a) 1991;
(b) 1992;
(c) 1993;
(d) 1994;
(e) 1995;
(f) 1996; and
(g) 1997?

Hon N.F. MOORE replied:

The Australian Bureau of Statistics provides data on the number of self-employed persons in Western Australia by financial year, with the most recent data currently available being for the 1996/97 financial year:

1.	1991/92	97,700
2.	1992/93	101,500
3.	1993/94	106,400
4.	1994/95	111,500
5.	1995/96	119,280
6.	1996/97	114,300
7.	1997/98	Not available as yet.

According to the ABS, the above figures are 12 month averages derived from the labour force survey. The survey is conducted on a monthly basis from a sample of approximately 30,000 private dwellings.

INDUSTRIAL RELATIONS - PROPRIETARY LIMITED COMPANIES

0-10 Employees

739. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Small Business:

How many proprietary limited companies were there with -

(a) 0-5 employees;
(b) 5-10 employees in -

(i) 1991;
(ii) 1992;
(iii) 1993;
(iv) 1994;
(v) 1995;
(vi) 1996; and
(vii) 1997?

Hon N.F. MOORE replied:

(a)-(b) There is no data available on the number of proprietary limited companies categorised by the number of employees.

INDUSTRIAL RELATIONS - WORKFORCE

Size

751. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

What was the size of the workforce in Western Australia (including contractors and sub-contractors) in -

(a) 1980;
(b) 1981;
(c) 1982;
(d) 1983;
(e) 1984;
(f) 1985;
(g) 1986;
(h) 1987;
(i) 1988;

(j) 1989;
(k) 1990;
(l) 1991;
(m) 1992;
(n) 1993;
(o) 1994;
(p) 1995;
(q) 1996; and
(r) 1997?

Hon PETER FOSS replied:

The figures for 1987-1997 can be obtained from Trend data in a publication called *Labour Force Australia (Cat. No. 6203)* produced by the Australian Bureau of Statistics. The figures prior to 1987 are published as original data only from the same publication. Figures for the month of June each year were chosen. The workforce is defined here as all employed persons who worked at least one hour in the reference week and includes employers, own-account workers and contributing family members.

INDUSTRIAL RELATIONS - WORKFORCE

Size

752. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

What was the size of the Western Australia workforce (excluding contractors and sub-contractors) in-

(a) 1980;
(b) 1981;
(c) 1982;
(d) 1983;
(e) 1984;
(f) 1985;
(g) 1986;
(h) 1987;
(i) 1988;
(j) 1989;
(k) 1990;
(l) 1991;
(m) 1992;
(n) 1993;
(o) 1994;
(p) 1995;
(q) 1996; and
(r) 1997?

Hon PETER FOSS replied:

(a)-(r) These statistics are unpublished data that may be obtained directly from the Australian Bureau of Statistics.

MINISTRY OF JUSTICE - "OFFICE OF THE STATE CORONER" PAMPHLET

Publication in Languages other than English

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

(1) Is the Attorney General aware that the pamphlet produced by, or on behalf of, the Ministry of Justice entitled Office of the State Coroner is published in the English language only?

(2) Will the Attorney General give consideration to producing the information contained in the pamphlet or part of it in languages other than English as is the case with a number of State Government publications?

Hon PETER FOSS replied:

(1)-(2) I believe the member is referring to the pamphlet entitled "When A Person Dies Suddenly". While this pamphlet has only been produced in English, the information it contains, as indeed with any service of the Coroner's Office, is made available via interpreter service as necessary. Apparently, the Coroner's Office places considerable emphasis on in person contact, particularly by trained counsellors of that office. I would also add that this pamphlet is provided to a next of kin of the deceased by a Police Officer, who explains its contents at that point.

LAND - TITLE DISPUTE

Lot 17, Moran Street, Beaconsfield

770. Hon J.A. SCOTT to the Attorney General:

In the matter of the title dispute between Jan Ter Horst of 20 Moran Street and Mr Ilett of 8 Beard Street, Beaconsfield -

(1) Was the title held by Jan Ter Horst cancelled and two new titles registered even though the original title was subject to a caveat?

(2) Does section 139 of the Transfer of Land Act state: ". . . the registrar shall not enter in the register book any change in the proprietorship of or any transfer or other instrument purporting to transfer or otherwise deal with or affect the estate or interest in respect to which such caveat may be lodged"?

(3) Will the Attorney General take action to reinstate the original title of Lot 17, Moran Street, to the original or proper party in order to comply with the Transfer of Land Act section 76?

(4) If not, why not?

Hon PETER FOSS replied:

(1)-(4) These questions should be directed to the Minister for Lands who administers the Transfer of Land Act 1893.

ROADS - FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY

Cost

827. Hon J.A. SCOTT to the Minister for Transport:

(1) What is the projected cost of building the Fremantle-Rockingham Controlled Access Highway ("CAH")?

(2) Why was the western side of the coastal ridge chosen as the site for the Fremantle-Rockingham CAH?

(3) What are the estimated additional costs of building the CAH on the coastal limestone ridge as opposed to using the existing road alignment along Cockburn Road?

(4) What is the estimated cost of upgrading Stock Road as the major north-south transport route?

Hon E.J. CHARLTON replied:

(1) An indicative cost of building the Fremantle - Rockingham Controlled Access Highway to a four lane divided standard between Hamilton Hill and Naval Base with a bridge over the railway at Coogee is $60 million.

(2) The alignment of the Fremantle - Rockingham Controlled Access Highway is located so as to minimise any impact on the System 6 conservation area located immediately to the east.

(3) The option to building the Fremantle - Rockingham Controlled Access Highway along Cockburn Road has not been considered as they both serve distinctly different transport functions.

(4) The cost of upgrading Stock Road to six lanes with grade separation at major intersections would be in the order of $100 million.

QUESTIONS WITHOUT NOTICE

TOURISM - BRAND WA ADVERTISING CAMPAIGN

London Launch - Elle Macpherson's Presence

742. Hon TOM STEPHENS to the Minister for Tourism:

As the contract between Elle Racing Pty Ltd and the Western Australian Tourism Commission was terminated on 1 July this year -

(1) Who arranged for Elle Macpherson to attend the London launch of Brand WA?

(2) When were those arrangements made?

(3) Is there a new contract with Elle Macpherson?

(4) Will Elle attend any other launch? If so, where?

Hon N.F. MOORE replied:

(1)-(4) The Western Australian Tourism Commission negotiated with Elle Macpherson to attend the launch of the Tourism Commission's advertising program in London. The negotiations were conducted about two or three weeks ago. I can give the member the exact date, if he gives me notice that he requires that. That arrangement has nothing to do with the contract with Elle Racing Pty Ltd. Elle Racing's contract with the WATC has been terminated, as the member rightly pointed out. There is no formal relationship between the Tourism Commission and John Harvey's company, Elle Racing Pty Ltd. However, it was felt appropriate by the Tourism Commission that it seek to continue an arrangement with Elle Macpherson personally for the launch of the advertising program. Therefore, the Tourism Commission negotiated with her and her company for her to attend the launch in London. There is no contract beyond that, other than the contract that was entered into for that arrangement for Elle Macpherson to be involved in the launch of the campaign in exchange for certain considerations.

I hope Elle will be involved in future programs for Western Australia. I hoped she might have been able to be involved in further advertisements the Tourism Commission hopes to produce in Western Australia, because a number of areas should feature in further advertising programs. Regrettably, from our point of view - not from hers - she is pregnant and therefore is not interested in being involved in television commercials in the near future. Beyond that, I do not know what may eventuate for any negotiations or arrangements between Elle Macpherson and the Tourism Commission.

I am pleased she was able to accept the arrangement to visit London and to be part of the launch of the campaign. She performed exceptionally well on that occasion. Something like 40 media organisations were present in London. As members may be aware, it was a difficult choice to continue with that launch in view of the death of the Princess of Wales; however, it did proceed and it was a very successful launch. I hope it will translate into a large number of English men and women coming to Western Australia as tourists.

As a matter of interest, the industry in the United Kingdom made a significant contribution to the cost of the advertising program - some $600 000 out of $1.5m - which demonstrates how important the industry in the UK sees this program to encourage tourists to Western Australia.

DEPARTMENT OF PRODUCTIVITY AND LABOUR RELATIONS - INDEMNITY

Television Advertising

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

Was the Attorney General consulted about any indemnity to do with the Department of Productivity and Labour Relations' television advertising?

Hon PETER FOSS replied:

No.

SCHOOLS - TRANSPORTABLE

Feasibility Study

744. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

This is a repeat of the question I asked on Thursday, 28 August, and was told to ask again today.

(1) Did the schools rationalisation unit of the Education Department examine in 1995 the feasibility of transportable schools?

(2) If so, did the study conclude that relocatable schools were not cost efficient?

(3) If so, why did the Government promise on 13 November 1996 to build a relocatable school at Landsdale?

(4) Why did the Minister not advise the House of this in response to the question I asked on 27 August 1997?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) A consultant examined the feasibility and likely cost of providing a modular system built primary school at Cooke Point in Port Hedland in 1995-96. This was to be a permanent school, but of modular construction. The Education Department would have had the ability to remove or add classrooms as required. The study commenced in late 1995 and was completed in 1996.

(2) The study indicated that the modular system built construction was more costly than traditional construction.

(3) The announcement on 13 November 1996 was for a custom built, totally relocatable school, with a predetermined life on the Landsdale site of 10 to 12 years. At the conclusion of the fixed period the school was to be moved to another location. Additionally, the significant transportation costs associated with the proposed school at Cooke Point in Port Hedland would not apply to a new school in the metropolitan area.

(4) In response to the member's question about the cost of relocatable or transportable schools in comparison with permanent schools, two studies were recently undertaken: An assessment by a consultant of the likely cost of providing a primary school of modular system built construction at Cooke Point, Port Hedland, and an analysis by a consultant, in consultation with Treasury, of the financial feasibility of a leased relocatable primary school at Landsdale.

EDUCATION - EARLY EDUCATION PROGRAMS

Four and Five Year Old Children - Cost

745. Hon B.M. SCOTT to the Leader of the House representing the Minister for Education:

(1) What is the full cost each year to provide an early education program to a five year old for four sessions a week in a preprimary centre on a school site and to a four year old for two sessions a week in a preprimary centre on a school site? What is the breakdown of this total cost in terms of the teacher's salary; the assistant's salary; supervisory, advisory, relief and professional development for both the teacher and assistant; the cost of the building; maintenance of the building; administrative costs for gardening, cleaning, telephone and electricity; insurance costs to cover public liability insurance, workers' compensation, voluntary workers' insurance and building and contents insurance; the cost of consumable items; and equipment and maintenance of equipment?

(2) What is the cost to government of a five year old in a community kindergarten for four sessions a week and of a four year old in a community kindergarten for two sessions a week?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The cost of providing programs for four and five year old children cannot be separated from the cost of primary programs. Primary schools are staffed according to total student enrolments and principals have the discretion to allocate resources to each of the year levels. Additionally, school running costs such as maintenance, cleaning, telephone and electricity, for example, are charged at the global level for each school. For budget reporting purposes, preprimary costs are calculated by attributing part of the global school running costs and corporate overheads on the basis of full time equivalent student enrolments. The average annual recurrent cost for each four and five year old child in a government preprimary centre is estimated to be $4 813 for each equivalent full time child in 1997-98. The cost for a five year old child based on four sessions a week attendance will be $1 925 and for two sessions a week the cost for a four year old will be $963.

(2) The cost of providing programs for four year olds and five year olds in community kindergartens cannot be separated because a large percentage of four year old children attend kindergarten in a maximised situation. That is, they are placed in programs where there are vacancies due to insufficient five year olds in a preschool to fully maximise the teacher's time. The average annual cost of support provided by the Education Department for each equivalent full time four and five year old child in a community kindergarten is estimated to be $6 002 in 1997-98. The cost for a five year old based on four sessions a week attendance will be $2 401, and for two sessions a week attendance the cost for a four year old will be $1 200.

EDUCATION - ABORIGINES AND TORRES STRAIT ISLANDERS

Number Employed in Senior Positions

746. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

With regard to the Education Department's employment policy -

(1) How many Aboriginal and Torres Strait Islanders hold school principal positions?

(2) What is the total number of school principal positions in Western Australia?

(3) What is the number of Aboriginal and Torres Strait Islanders in level 7, 8 and 9 positions in the Education Department?

(4) What is the total number of level 7, 8 and 9 positions in the Education Department?

(5) Prior to 11 August 1997, how many Aboriginal people occupied the position of district superintendent in the Education Department?

(6) What is the total number of district superintendent positions in Western Australia?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Two Aboriginal and Torres Strait Islanders hold school principal positions.

(2) The total number of school principal positions in Western Australia is 768.

(3) Five Aboriginal and Torres Strait Islanders are in level 7, 8 and 9 positions in the Education Department.

(4) The total number of level 7, 8 and 9 positions in the Education Department is 101.

(5) Prior to 11 August 1997, two Aboriginal people occupied the position of district superintendent.

(6) Prior to the restructure of districts, there were 29 district superintendent positions. All positions were abolished, and the new structure has 21 district director positions.

AGRICULTURE WESTERN AUSTRALIA - WA RANGELAND MONITORING SYSTEM

Funding

747. Hon GIZ WATSON to the Minister representing the Minister for Primary Industry:

(1) Is it correct that Agriculture Western Australia is planning to scrap the Western Australian rangeland monitoring system - WARMS - which monitors the condition of pastoral lands?

(2) If yes, how does Agriculture Western Australia intend to assess the sustainable use of these lands?

(3) If no, will Agriculture Western Australia continue to fund WARMS?

(a) If no, will Agriculture Western Australia suggest that the Pastoral Board increase rents by enough to pay for WARMS in future?

(b) If yes, given the state of the pastoral industry does the Minister believe the pastoral industry can sustain any further cost burdens?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

(3) Yes.

(a) Not applicable.

(b) The Government is not seeking industry funding for WARMS.

HOUSING - KEYSTART LOANS LTD

Loans in Arrears

748. Hon TOM STEPHENS to the Minister representing the Minister for Housing:

On 28 May 1997 Homeswest advised that 479 Keystart loans were more than 60 days in arrears. On 28 August 1997 the Minister advised that a total of only 413 Keystart loans were in arrears. How does the Minister reconcile the difference in these figures?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The two previous questions asked were as follows: On 28 May 1997 the Minister was asked: How many Keystart loans are currently more than 60 days in arrears? The Minister responded that as at 30 April 1997, 479 Keystart loans were more than 60 days in arrears. This number included loans that were classified as mortgagee in possession but excluded loans in arrears less than 60 days, as required by the question.

On 28 August 1997 the Minister was asked, inter alia, two questions: How many homes which have been foreclosed or returned to Keystart have not been sold; and how many Keystart loans are currently in arrears? The Minister responded that there were 147 loans as mortgagee in possession and 413 Keystart credit foncier loans including arrears less than 60 days.

The two questions asked about arrears were different. The first question asked how many loans were more than 60 days in arrears, and did not request the mortgagee in possession loans to be specified separately. The second question required a further categorisation into mortgagee in possession and arrears of less than and greater than 60 days current arrears. The second answer only included credit foncier loans in arrears.

For comparison, the figure of 479 loans in arrears, which included mortgagee in possession loans but excluded those loans less than 60 days in arrears, would compare with 466 loans in July calculated on the same basis. The decrease in the number of loans reflects the improvement in arrears over this period.

ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

Incinerator Site - Clean-up

749. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:

(1) Has the Department of Environmental Protection forwarded any recommendation to the Minister for the Environment on the decommissioning options for the PCB contaminated Stephenson and Ward Pty Ltd Incinerator site?

(2) If yes, what were the recommendations, and was this done before the conclusion of the consultation process through the community liaison committee chaired by Professor Arthur McComb?

(3) What is the status of the McComb report? Does it -

(a) reflect the views of the committee, or

(b) reflect the views of Professor McComb?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) In planning the proposed clean up of this contaminated site, the Department of Environmental Protection prepared a proposal for remediating the site based on extensive scientific examination of the soil and ground water. This was submitted to the EPA, which recommended it be assessed at the level of informal review with public advice. The Minister upheld this level of assessment after considering appeals against it, and then appointed Professor Arthur McComb of the Murdoch University Institute of Environmental Science to chair the community liaison committee and act as an independent adviser to the EPA.

The Minister understands that in June 1997 the DEP submitted to the EPA a draft work plan for the site clean up in order that the EPA can consider the advice that it will give, and that the EPA will receive advice from regulatory agencies and Professor McComb. The DEP has kept the Minister aware of its progress on this project, but the work has been directed primarily towards the EPA's consideration of the matter and receipt of its consequent advice.

(2) The Minister understands that the DEP work plan recommends clean up of the site and adjacent road reserve land to the Australian and New Zealand Environment Conservation Council residential land standard for PCBs - 1 part per million - except for some low level contamination - less than 20 ppm - beneath the actual incinerator, which it is recommended be contained and then excavated and removed in the future when land use may change. As part of the work plan, a risk assessment of the site was completed by the then Rust PPK Pty Ltd Consultants. Its essential conclusion was that the site could be retained in its current state until change of land use, based on purely technical grounds.

(3) The Minister has not been involved in the preparation of the report by Professor McComb. The Minister understands that it will reflect his views of all the information he has considered but that some members of the committee that met yesterday indicated they could not support various parts of the report. The Minister has been advised that Professor McComb's report to the EPA will acknowledge that these different views exist.

TELEVISION - REMOTE AND REGIONAL WESTERN AUSTRALIA

Purchase of Second Satellite Dish

750. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:

(1) Is the Minister aware of reports that people in remote and regional Western Australia may have to purchase a second satellite dish if they want to continue receiving Australian Broadcasting Corporation and Golden West Network broadcasts?

(2) Can the Minister confirm whether there is any substance to these reports and outline what steps the Government is taking to minimise the cost implications for people in remote and regional Western Australia?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The Minister for Commerce and Trade wrote to Senator Alston, the federal Minister for Communications and the Arts, on 26 August outlining the impacts of the conversion of remote area television services to compressed digital video broadcasting. Since GWN has selected PanAmSat as its satellite television delivery program and the ABC has selected Optus, when the change from analog to digital technology occurs, those people dependent on a satellite dish to receive television will need to buy a new integrated receiver decoder to replace their current B-MAC decoder, a second dish, complete with low noise converter, and a second, different, IRD.

The view of the Western Australian Government is that the Commonwealth Government should offer some financial assistance towards the purchase of these new decoders, estimated to cost at least $1 200 each. The latter is a considerable burden for remote area residents simply to retain the services they already enjoy. The Commonwealth stands to make a considerable saving from the introduction of CDV through both reduced transmission costs by the national broadcasters and the elimination of subsidies to the remote commercial television broadcasters. The Minister strongly recommended to Senator Alston that a proportion of these savings be used to offer a subsidy to all existing satellite receiver owners and community retransmission site owners who will be forced to convert to CDV. The Minister has yet to receive a reply from Senator Alston.

EDUCATION - ABORIGINAL DISTRICT SUPERINTENDENTS

Retention in Department

751. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

(1) Can the Minister confirm that there were two Aboriginal district superintendents prior to the Education Department restructure?

(2) Can the Minister confirm that neither of these Aboriginal superintendents was a successful applicant for the 21 newly created district director positions?

If yes to the above -

(3) Will these two experienced Aboriginal educators be retained by the department?

(4) If yes, in what capacity?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) In the previous structure, two district superintendents were Aboriginal.

(2) One opted for an early retirement and one was not successful.

(3) The unsuccessful applicant remains an employee of the Education Department.

(4) The unsuccessful applicant will have the opportunity to negotiate a suitable position.

DRUGS - PENALTIES

Trafficking and Using

752. Hon RAY HALLIGAN to the Attorney General:

Some notice of this question has been given.

(1) What are the current maximum penalties for -

(a) drug trafficking; and
(b) drug users?

(2) Do these penalties differ for hard and so-called soft drugs?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) (a) There is no such offence as drug trafficking under the Misuse of Drugs Act 1981 or the Customs Act 1901. Importation of illegal drugs is a commonwealth offence under the Customs Act. The maximum penalty for importation of a commercial quantity of any of the narcotics drugs is imprisonment for life. The maximum penalty for importation of a trafficable quantity is a fine not exceeding $100 000 or imprisonment for a period not exceeding 25 years or both. The Misuse of Drugs Act provides for a maximum fine of up to $100 000 or up to 25 years imprisonment or both for the possession of or cultivation of drugs with the presumption to sell or supply them. There are sanctions within the Misuse of Drugs Act relating to drug trafficking under section 32A that enable the court to make a declaration that a person is a drug trafficker, and as a result an application can be made to the Supreme Court for confiscation of their proceeds of crime.

(b) The penalties for drug users are dealt with in the Misuse of Drugs Act. The maximum penalty for possession or use of drugs or plants as a simple offence with no presumption to sell or supply is a fine of up to $2 000 or up to two years imprisonment or both. There is a range of other drug offences that carry various maximum penalties depending upon the nature of the offence and the type and quantity of drugs involved.

(2) Refer to (1)(b).

GENDER AWARENESS - WORKSHOPS

Format

753. Hon HELEN HODGSON to the Attorney General:

Some notice of this question has been given.

On 19 August 1997 a progress report into the gender bias task force report was tabled in this House. That report stated that a workshop on gender awareness was conducted in January 1996, and an additional workshop was proposed for September 1996 as part of the Stipendiary Magistrates Association annual conference. In reference to those workshops -

(1) Who delivered each workshop?

(2) What format did each workshop take and how long were they?

(3) How many judges and/or magistrates attended each?

(4) Did Magistrate Ron Gething attend either workshop?

(5) Have any further workshops been conducted since September 1996?

Hon PETER FOSS replied:

(1)-(5) The association is not within my ministerial responsibility.

TOURISM - ELLE RACING

Payment of $140 000

754. Hon KEN TRAVERS to the Minister for Tourism:

Some notice of this question has been given.

(1) Can the Minister confirm that Elle Racing Pty Ltd was paid $140 000 by the WATC on 19 December as part of the 'contra' deal for home porting the Elle yacht in Fremantle?

(2) If yes, can the Minister explain why this money was paid to Elle Racing Pty Ltd when the yacht was never home ported in Western Australia?

Hon N.F. MOORE replied:

(1) On 19 December 1996 the sum of $140 000 was paid to Elle Racing Pty Ltd by the Western Australian Tourism Commission pursuant to the agreement dated 5 November 1996.

(2) Because WATC was legally obliged to make the payment.

HEALTH - ALZHEIMER'S DISEASE

Support Programs

755. Hon B.M. SCOTT to the Minister representing the Minister for Health:

As members know, this week is Alzheimer's Week -

Hon Barry House: I forgot.

Hon B.M. SCOTT: I just hope the Minister has not forgotten the answer. Will the Minister outline to the House what the Government is doing to support these people and their carers in the community?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Government is committed to providing a service to keep frail aged and disabled people, including those with Alzheimer's and dementia, in their homes through the home and community care program. Services provided include home help, personal care, home nursing, home maintenance, respite care, delivered meals and allied health services. This state-commonwealth matched funding program provides services to this client group through a broad range of non-government, local government and some state government organisations.

The funding for this program for 1996-97 was approximately $75m and the funding for 1997-98 is still being finalised. The Government is prepared to contribute an additional $3.5m to the program but, of course, that will have to be matched by the Commonwealth Government. This is part of the Government's commitment to provide quality services to the growing number of aged people in our community so that they can remain in their own homes for as long as possible.

MINING - KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

Land Clearing

756. Hon GIZ WATSON to the Minister for Mines:

Some notice of this question has been given. As a result of the unauthorised clearing of 230 hectares of land by Kalgoorlie Consolidated Gold Mines associated with the building of KCGM's Fimiston II tailings storage facility on 24 general purpose leases and one mining tenement during January and February 1995, can the Minister advise -

(1) Whether forfeiture proceedings of those leases were initiated against KCGM?

As forfeiture did not take place -

(2) What was the rationale for this decision given that KCGM has previously breached conditions on its other tenements?

(3) Was any other action taken against KCGM in relation to the unauthorised clearing of land associated with these tenements?

(4) If so, can the Minister provide full details as to the extent of those actions?

Hon N.F. MOORE replied:

(1)-(4) I regret that, in view of the notice given, I do not have an answer. I ask the member to place the question on notice.

MINISTERS OF THE CROWN - MINISTER FOR LABOUR RELATIONS

Employment of Mr Mark Smith

757. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Labour Relations:

Some notice of this question has been given. In relation to the employment of Mark Smith, former CSA secretary, by the Minister -

(1) When was the position in the Minister's office advertised?

(2) How many applicants were there for the position and what was the selection process?

(3) For what period is Mr Smith's contract?

(4) What will Mr Smith be paid under the contract?

(5) Has Mr Smith been employed by the Minister or any agency under the Minister's control prior to this contract?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(4) Mr Smith is engaged through his organisation on a contract for service for the period 25 August to 7 November 1997 and will be paid up to a maximum consultancy fee of $9 605.20.

(5) No.

ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

Incinerator Site

758. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:

Some notice of this question has been given.

In relation to the Environmental Protection Amendment Regulations (No. 3) 1996, No. 6, Schedule 1 - Prescribed Premises (Regulation 5) Part 1, is the Stephenson and Ward medi-collect incinerator capable of undertaking incineration under category 60 of Schedule 1?

Hon MAX EVANS replied:

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

HOUSING - KEYSTART LOANS LTD

Mining and Pastoral Region - Homes Repossessed

759. Hon TOM STEPHENS to the Minister representing the Minister for Housing:

Some notice of this question has been given.

(1) How many home buyers who purchased homes under the State Government's Keystart lending scheme have had their homes repossessed in the past 12 months within the Mining and Pastoral Region?

(2) How many home buyers who purchased homes under that scheme have had their home sold after that home was repossessed in the Mining and Pastoral Region?

(3) Does the Minister acknowledge that the commercial attractiveness of that scheme should be re-evaluated so that low income earners who take advantage of the offer are not at risk of taking up an overvalued house and land package at interest rates above the competitive rates set by market leaders?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(3) This information will take some time to tabulate and I ask that the member put the question on notice. Before a response can be prepared, can the member also define what he means by the "Mining and Pastoral Region"?

MINING - KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

Land Clearing

760. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

Some notice of this question has been given.

As a result of the clearing of 230 hectares of land by Kalgoorlie Consolidated Gold Mines associated with the building of KCGM's Fimiston II tailing storage facility on 24 general purpose leases and one mining tenement during January and February 1995 -

(1) On what date did KCGM advise the Department of Conservation and Land Management of its intention to clear those tenements of timber?

(2) On what date did KCGM commence clearing the tenements of timber?

(3) Was any timber lost as a result of the tenements being cleared? If yes -

(a) what quantity of timber was lost;

(b) what quantity of sandalwood was lost;

(c) was any financial recompense proposed from KCGM for the lost timber;

(d) was financial recompense obtained from KCGM for the lost timber;

(e) what was the proposed or actual recompense for sandalwood or general timber; and

(f) was any compensation sought from KCGM by CALM in relation to the contractors?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Mid-August 1994.

(2) 7.30 am on 7 February 1995.

(3) Yes.

(a) 800 tonnes of green firewood.

(b) Nil.

(c)-(d) Yes.

(e) Sandalwood - nil.
General timber - $4 000.

(f) Yes. An additional amount of $2 000 was sought by CALM and paid to Saxon Wood Holdings for additional costs and repairs incurred for operating in the chained area.

FISHERIES - WEST COAST ROCK LOBSTER

Pot Maximum

761. Hon KIM CHANCE to the Leader of the House representing the Minister for Fisheries:

I note that the Minister has recently announced changes in the management of the western rock lobster fishery which ostensibly were designed both to maintain fleet size by allowing licence reactivation and to correct anomalies in access by the abolition of the 7 and 10 rule.

(1) Will the Minister for Fisheries advise precisely what, if any, are the conservation, economic, social or other benefits of the 150 pot maximum pot holding rule in the western rock lobster fishery?

(2) Will the Minister correct the inequity which currently exists which allows holders of less than 150 pots to increase their pot holding and share of the total fishery without buying another licence, but which does not

allow holders of 150 or more pots to increase their pot holding and share of the total fishery without buying another licence?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The Fish Resources Management Act 1987 sets out the conservation, economic and social objectives of fisheries management in Western Australia. The 150 pot rule is just one element of the west coast rock lobster managed fishery management plan. The 150 pot maximum holding has been in place for some years and was again recommended to remain in place by the Rock Lobster Industry Advisory Committee, with majority industry support.

In essence, this limit essentially addresses a concern of industry on issues of perceived equity between small and large boat operators in the fishery and is an influencing factor impacting on fleet size. Any removal of this limit could be expected to lead to further reductions in fleet size and a concentration of capitalisation, with the potential to impact on small coastal communities as small units are replaced by fewer, larger units in the industry.

(2) I am advised that RLIAC is not convinced that the current maximum limit of 150 pots has disadvantaged large pot holders in the fishery. Their share in the fishery, as a proportion of total pot holdings, is exactly the same today as existed prior to temporary pot reductions. They are seeking a bigger share in catch by lifting the total limit on the number of pots which can be held against a licence. The Minister for Fisheries is not persuaded that the current rules need to be changed.
