



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 28 August 1997

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

PETITION - CHILDREN'S PLAY AREAS

Sun Protection

MR BROWN (Bassendean) [10.03 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned people of Western Australia call on the State Government to introduce a law that requires local authorities and government Departments and agencies to ensure children's play areas are constructed in such a way that children are not exposed to direct sunlight.

We believe steps need to be taken to prevent young children and their parents from contracting skin cancer as a result of being exposed to the sun for extended periods. Such a law should be introduced and implemented at the earliest opportunity but no later than 30 November 1998.

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

The petition bears 37 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 84.]

GRAIN MARKETING AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr House (Minister for Primary Industry), and read a first time.

Standing Orders Suspension

On motion without notice by Mr Cowan (Deputy Premier), resolved with an absolute majority -

That so much of the standing orders be suspended as is necessary to enable the moving of the motion for the second reading of the Grain Marketing Amendment Bill today.

Second Reading

MR HOUSE (Stirling - Minister for Primary Industry) [10.06 am]: I move -

That the Bill be now read a second time.

The Bill amends the Grain Marketing Act, which provides the legislative backing for the Grain Pool of Western Australia. Under this Act the grain pool of WA has statutory marketing powers over the domestic and export markets for prescribed grains, that is, barley, angustifolius lupins, rapeseed - which is more commonly known as canola - and linseed grown in the State.

The amendments arise largely from a comprehensive review of grain marketing arrangements which presented me with its strategic blueprint for the Western Australian grains industry in 1996. The legislative changes proposed are designed to equip the Grain Pool to face the challenges it will need to meet in the rapidly changing world and domestic grain markets, allowing it to achieve higher profitability, productivity and professionalism and deliver grain products that meet customers' requirements and specifications. These changes are supported by the Grain Pool of WA, farmer organisations and the majority of grain growers and are in line with coalition primary industry policy commitments.

The changes are designed to retain the benefits of the export "single desk" provided by the Grain Pool for prescribed grains that has served the industry well for a long time, while allowing new players to enter the domestic market and engage in value adding for prescribed grains.

The major change arising from the amendments is the deregulation of the domestic market for prescribed grains. This will allow for unfettered trade of prescribed grain within the Commonwealth, and brings prescribed grains into line with wheat marketing arrangements that have existed since late in 1989.

In addition, exports of value added prescribed grains will also be deregulated. This has been achieved in the Bill by defining value adding as any process that changes the physical characteristics of the grain. This is to prevent activities such as grading grain to be construed as value adding, which could effectively bypass the Grain Pool as the sole exporter of prescribed grain. The benefits of deregulation of the domestic market and value adding are likely to be significant. It is a recognition that the establishment of value adding facilities in the State is an important development for the industry as it provides alternative outlets for producers to sell their prescribed grains, and exposes producers more directly to market requirements.

There are benefits to the State through greater employment and investment in processing industries such as malt houses and lupin dehulling facilities - indeed investment has already begun in several areas since the announcement last year that the changes before the House were to be introduced. There is also to be a relaxing of the restrictions of the export of prescribed grains in containers and bags, which will be allowed under the permit system administered by the Grain Pool. There will be restrictions on the export of barley to Japan and Thailand due to contractual arrangements currently in place.

The Bill removes linseed from the list of prescribed grains. The ministerial steering group considered that linseed should cease to be a prescribed grain, so that the export as well as the domestic trade in linseed would be deregulated. Linseed is not a significant component of the Western Australian grains industry.

A number of the changes in the Bill relate to the operations of the Grain Pool. One of these is an additional ministerially appointed board member. The Grain Pool Board currently comprises two members with commercial experience appointed by the Minister and seven members elected by grain growers. The chairman is elected by the board. Other provisions relate to improving accountability to growers and government.

The ministerial steering group recommended the Grain Marketing Act should be amended as soon as possible to provide for improved market focus and accountability to the Government and industry requiring the Grain Pool to -

- prepare each year a rolling forward corporate plan - three to five years - defining objectives, giving outlines of strategies, setting out assessments of strategic market directions and giving particulars of performance indicators relevant to objectives;

- prepare each year an annual operational plan, for the information of the Minister, setting out the particulars of actions it intends to take during that year to give effect to its corporate strategies;

- ensure that its actions give effect to its corporate and operational plans with provision for variations to be made in the light of changed circumstances; and

- present in its annual report improved performance measures which assess performance against the strategies and objectives in the annual operational plan and the corporate plan.

In addition, for the first time the objects and functions of the Grain Pool have been put into the Act, putting on record what was previously readily accepted within the Grain Pool. The manner in which the board of the Grain Pool uses industry funds will be more accountable and measurable against these objects, which will give the Grain Pool a clear set of objects to build its operations around. By setting out the functions of the Grain Pool in the Act, the amendments reflect the changing environment in which the Grain Pool is operating. The Act also formally provides for improved accountability to the grain industry by requiring the Grain Pool to present its annual report to an annual general meeting of grower stakeholders. This formalises the annual meeting that the Grain Pool already conducts each year.

One of the recommendations of the steering group was for the change of the producers' council. This is an elected group of 21 growers who act as an independent body to advise the Grain Pool on industry matters and disseminate marketing and policy information to individual farmers and industry groups. While the Bill before the House removes the legislative requirement for the producers' council, it will continue its advisory role. However, its structure and functions may change as needs require, and there is now the flexibility for this to occur without changes to legislation.

While there is no formal provision in the Act, I expect the Grain Pool to maintain close contact with the major grower organisations operating in the State. Specifically I expect grower organisations to be consulted during the development of the Grain Pool's corporate and annual plans. In the next five years there are likely to be many significant changes in the way the Grain Pool operates, and it is important for the Grain Pool to involve growers and grower organisations at an early stage in the evolution of plans for the future.

The Bill contains a number of standard clauses that have been introduced to all legislation relating to statutory authorities following the recommendations of the Burt Commission on Accountability. The first of these relates to the Minister having the ability to issue instructions to the Grain Pool in "exceptional circumstances". I would consider some examples of exceptional circumstances to be if the Minister considered the operations of the Grain Pool were placing the finances of the State at risk, or if the Grain Pool was exporting grain to a country which Australia had a trade embargo against, or if the State had a drought that was so severe that the Minister felt it was prudent to limit exports. This is a provision that I reluctantly put in the Bill, and I hope it will never be exercised. I take some comfort in the provisions that require that before giving an instruction the Minister must inform the Grain Pool in writing he or she is considering giving the instruction, and must give the chairman adequate opportunity to discuss with the Minister the need for the instruction. In addition, the text of the instruction must be laid before each House of Parliament and reported in the annual report. The other accountability clause requires the Grain Pool to allow the Minister access to all information in its possession.

An important provision of the Bill relates to explicitly allowing the Grain Pool to set up or hold shares in companies, both within Australia and overseas, but it may do so only on the recommendation of the Minister and the approval in writing of the Treasurer. While the formation of subsidiary companies may be seen as desirable in terms of the Grain Pool developing a more commercial manner of operation, this must be balanced against the responsibility of the Government to industry and the community as a whole. The amendment explicitly gives the Grain Pool the power to take out grain and financial futures, but only if the board considers the contract to be for the purpose of managing, limiting, or reducing perceived risks associated with the Grain Pool carrying out its functions. For an organisation trading in grain it is necessary to have the ability to hedge grain prices and currency to protect pool returns from rapid price declines. The commonwealth Wheat Marketing Act confers similar powers for utilising futures on the Wheat Board.

The Bill removes the requirement for the Grain Pool to seek ministerial approval to set the remuneration for licensed receivers. This should be a commercial arrangement between the Grain Pool and the licensed receiver - usually Co-operative Bulk Handling. Under the objects of the Grain Pool set out in these amendments, the Grain Pool is required to maximise net returns to producers, by minimising costs as far as practicable. This would be taken into account in the negotiation of grain handling contracts. Under the Act as it stands the Minister must approve all payments made to growers for prescribed grain pools. This is an unnecessary administrative requirement, as the Grain Pool is returning the proceeds of sales from prescribed grain pools to growers, and there are no public or government funds involved. The amendments remove the requirement for such approval.

The Bill allows for the Grain Pool Board to have a deputy chairman. The board has been operating with a deputy chairman, and this change will formalise this practice. Currently the Governor must approve the remuneration of directors. Under the amendments directors' remuneration will be approved by the Minister after consultation with producers at the annual meeting of producers. This is a far more streamlined procedure, which will allow grower "shareholders" to have an influence over the remuneration of directors, while maintaining the safeguard of requiring ministerial approval.

The Act is scheduled for a national competition principles review in the 1998-99 financial year. This will include a public interest test for the "single desk" selling of prescribed grains. As the proposed amendments to the regulation effectively reduce the level of restriction to competition, they represent positive reforms to statutory marketing arrangements in terms of national competition policy.

Finally, the Bill contains a clause requiring a further review of the Act to be completed and laid before each House of Parliament within five years of this Bill being proclaimed. This will allow the Western Australian Government to meet its obligations under the terms of the competition principles agreement to review all existing legislation that restricts competition by 2000 and time to assess the impact of the changes resulting from these amendments.

In conclusion, the Bill seeks to make changes to the Grain Marketing Act 1975 that are designed to equip the Grain Pool to face the challenges it will need to meet in the rapidly changing world and domestic grain markets, while putting in place measures that ensure the Grain Pool continues to be accountable to both growers and the Government. The Bill reinforces the Grain Pool's position as the sole exporter of prescribed grains produced in the State, a position which is supported by the majority of producers. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

BILLS (2) - INTRODUCTION AND FIRST READING

1. Building and Construction Industry Training Fund and Levy Collection Amendment Bill.

Bill introduced, on motion by Mrs Edwardes (Minister for Employment and Training), and read a first time.

2. Public Scrutiny of Bills and Regulations Bill.

Bill introduced, on motion by Mr Brown, and read a first time.

LOAN BILL*Second Reading*

MR COWAN (Merredin - Deputy Premier) [10.20 am]: I move -

That the Bill be now read a second time.

This Bill seeks the necessary authority for the raising of loans to enable the State to assume responsibility for the debt raised on its behalf by the Commonwealth under the 1927 financial agreement between the Commonwealth and the States. Authority to borrow for the purpose of redeeming maturing financial agreement debt has been provided for in the Loan (Financial Agreement) Act 1991 and the Loan Acts 1991 to 1995 and, while no additional authorisation was required for 1996, is expected to continue for a number of years until the State assumes full responsibility for this particular category of debt. Redemption of maturing financial agreement debt is in accordance with the agreement between the States and the Commonwealth that the States would assume responsibility for this debt on a phased basis over the period 1990-91 to 2005-06.

The Commonwealth compensates the States and Territories for the additional borrowing costs of this change based on interest margins between commonwealth and state debt applying at, and prior to, the change. In addition, the Commonwealth provides compensation for its reduced sinking fund contributions due to the accelerated decline in outstanding debt on which those contributions are based. The borrowing authority being sought this year is for the raising of loans of up to \$20m for the purpose of the redemption of maturing financial agreement debt only and no authority is being sought for borrowings for public purposes generally. This is the fourth successive year that no authority has been sought for borrowings for public purposes and reflects the success of the Government's management of the State's finances in eliminating the deficit on the consolidated fund and a reliance on borrowings.

The level of borrowing authorisation for the redemption of maturing financial agreement debt has been determined after taking into account the estimated unexpired balance of previous authorisations as at 30 June 1997. It is also necessary to have sufficient borrowing authority to cover the maturing financial agreement debt for a period of up to six months after the close of the financial year pending the passing of a similar measure in 1998. The balance of the authorisation at 30 June 1998 for redemption of maturing financial agreement debt is estimated to be \$11.7m, which should be sufficient to cover the maturing financial agreement debt in the second half of 1998 after taking into account available sinking fund balances.

The machinery nature of this Bill is consistent with the corresponding provisions in the Loan (Financial Agreement) Act 1991 and Loan Acts 1991 to 1995, which have also contained the authority to borrow for the purpose of redeeming maturing financial agreement debt.

In accordance with clause 4 of the Bill, the proceeds of all loans raised under this authority for redeeming maturing financial agreement debt must be credited to an account called the "Redemption of Financial Agreement Debt Account", which is to be part of the trust fund under the Financial Administration and Audit Act and moneys in the account are to be used only for the purpose of redeeming maturing financial agreement debt.

In addition to seeking the authority for loan raisings, the Bill also permanently appropriates moneys from the consolidated fund to meet principal repayments, interest and other expenses of borrowings under this authority. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)*Second Reading*

MR COWAN (Merredin - Deputy Premier) [10.25 am]: I move -

That the Bill be now read a second time.

This Bill, in the form of Appropriation (Consolidated Fund) Bill (No 4) 1996, was presented to Parliament last year, but due to the urgency of other parliamentary business did not proceed beyond its second reading in the Legislative Assembly on 13 November 1996. The Bill has now lapsed, as a result of its not being finalised before the December 1996 election and the prorogation of Parliament, and I now reintroduce it as Appropriation (Consolidated Fund) Bill (No 3) 1997.

The Bill seeks to appropriate out of the consolidated fund the sum of \$70 601 439.99 for capital payments made during the financial year ended 30 June 1996, for purposes and services detailed in schedule 1 of the Bill. The payments, which were of an extraordinary and unforeseen nature, were made under authority of the Treasurer's Advance Authorization Act 1995 and charged to the consolidated fund under authority of section 28 of the Financial Administration and Audit Act 1985. These payments reflect excess expenditures against 1995-96 appropriations and expenditures for which there were no appropriations during 1995-96.

Capital expenditure transactions amounted to \$1 326.2m, a net increase of \$77.6m from the 1995-96 budget estimate of \$548.6m. The unforeseen expenditure appropriation of \$70.6m sought in this Bill and additional expenditure of \$790.9m authorised by other Statutes - mainly resulting from accelerated debt repayments associated with the sale of BankWest - was offset by underspendings of \$83.9m against other votes.

As underspendings against other votes cannot be netted against excesses or new items approved under the Treasurer's Advance Authorization Act, parliamentary authorisation is required for each vote where expenditure exceeds appropriation or for a new item. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ACTS AMENDMENT (STATE SUPPLY AND PUBLIC WORKS) BILL

Second Reading

MR BOARD (Murdoch - Minister for Works) [10.27 am]: I move -

That the Bill be now read a second time.

Government contracting today involves complex relationships with a wide variety of service providers. In this environment it is important that contracting with government is fair, easy and inexpensive for industry. To achieve this, the Government has moved to strengthen its contracting framework.

On 1 July 1996, the former Building Management Authority and the Department of State Services were merged to form a unified, expert contracting agency for government. The new agency is the Department of Contract and Management Services. It is responsible for the contracting functions previously exercised by the State Supply Commission and the Building Management Authority. The State Supply Commission continues with a re-focused role as policy setter and regulator for the full range of government contracting. Its status and effectiveness as regulator is enhanced if it is not actively engaged in the contracts it regulates.

The purpose of this Bill is to provide effective consolidated powers for the Department of Contract and Management Services' contracting and to separate the State Supply Commission's ongoing policy and regulatory powers from the contracting function. A temporary operating framework has been in place since 1 July 1996. It relies on the delegation of powers to the Executive Director of the Department of Contract and Management Services from each of three existing corporate bodies. The Minister for Works is a body corporate established under the Land Acquisition and Public Works Act with powers to procure the full range of public works on behalf of the State.

The Western Australian Building Management Authority is a separate corporate body, also established under the Land Acquisition and Public Works Act, with powers to fund, procure and manage buildings that are public works. The Western Australian Building Management Authority consists of the Minister for Works.

The State Supply Commission is a statutory authority established under the State Supply Commission Act with powers to arrange and coordinate the supply of goods and services required for the operation of each public authority.

This delegation framework is not satisfactory for the Department of Contract and Management Services' ongoing operations. Actions by a delegate of both the State Supply Commission and Western Australian Building Management Authority are deemed to be actions by the original bodies. This does not distance the State Supply Commission from the contracts and practices it is intended to regulate. It obscures the source of the Department of Contract and Management Services' contracting powers and increases the risk of contracts failing through lack of proper legislative authority or administrative process. In addition to this, the former Building Management Authority used the BMA's financial structure to simplify its operational accounting. This has left the Department of Contract and Management Services with a hybrid accounting framework with only building-related funds being able to go through the Western Australian Building Management Authority's account and all other goods and services funds managed in separate departmental accounts. This Bill will amend both the Land Acquisition and Public Works Act and the State Supply Commission Act to resolve these issues.

As a public service department, the Department of Contract and Management Services is not a corporate body and has no legal powers to contract in its own right. It is usual for statutory powers, including the power to contract, to

be vested in the relevant Minister or an equivalent statutory authority. The department exercises these powers on behalf of the Minister or statutory authority.

The Bill will expand the functions of the Western Australian Building Management Authority to give it full works, goods and services contracting powers. This expanded entity will retain its corporate status as consisting of the Minister for Works. It will function with the Department of Contract and Management Services in the traditional Minister-department relationship. To reflect its wider functions and close relationship with the Department of Contract and Management Services it will be renamed the Contract and Management Services Authority.

The Bill will amend the Land Acquisition and Public Works Act to expand the Western Australian Building Management Authority's scope of operation to allow it to contract for all public works and will change its name to the Contract and Management Services Authority. It also will amend the State Supply Commission Act to place contracting for goods and services with the Western Australian Building Management Authority and to retain the regulatory functions with the State Supply Commission.

These changes will provide the Government with comprehensive statutory powers through the Contract and Management Services Authority. The consolidated powers will facilitate strategic contracts combining works construction and maintenance, supply of goods and the delivery of services. They will support delivery and management of high risk and whole-of-government contracts through a central expert agency. They will facilitate private sector service delivery through publicly owned or funded strategic assets.

This Bill also will reinforce the State Supply Commission's role as policy setter and regulator. It will remove any conflict from the State Supply Commission being legally responsible for many government contracts. The State Supply Commission's policy-making powers have been clarified and it is given more flexibility in devolving contracting responsibility to public authorities.

This Bill does not attempt to address all issues of government contracting and works procurement. The amendments to the two principal Acts will make the minimum possible changes consistent with its aim of consolidating powers for the Department of Contract and Management Services and separating the State Supply Commission from the contracting function. This will ensure there is no effect on the important land acquisition powers in the Land Acquisition and Public Works Act or on the existing exemption and contracting framework used by most public authorities under the State Supply Commission Act.

I have commenced reviews of both the State Supply Commission Act and the Land Acquisition and Public Works Act. They will examine the fundamental processes of government goods, services and works procurement. The outcome will be a completely new legislative framework to support the Government's reforms. It will address issues such as devolution of responsibility to individual agencies, competitive tendering and contracting, private sector supply of infrastructure, and competition policy.

These reviews will involve full public and private sector consultation and the drafting of new legislation. This will take time to do properly. The Acts Amendment (State Supply and Public Works) Bill will address the current needs for a strong central contracting body for government and an effective independent regulator to work within existing frameworks. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ACTS AMENDMENT (LAND ADMINISTRATION) BILL

Second Reading

MR BOARD (Murdoch - Minister for Works) [10.34 am]: I move -

That the Bill be now read a second time.

This Bill will amend other Acts following the significant proposals established in the Land Administration Bill to enable a consistent approach. The principal aspect of this Bill is the establishment of a single registration system for crown land tenure and freehold land under one register maintained by the Registrar of Titles in the Department of Land Administration. Necessary substantial amendments will be made to the Transfer of Land Act to incorporate the registration of crown land into the Torrens system of freehold registration.

Another major benefit is the consolidation of the processes for crown land administration into one piece of legislation. The public will no longer have to refer to the Local Government (Miscellaneous Provisions) Act for the Minister for Lands' powers concerning roads. These powers relating to the creation, dedication and closure of roads have been incorporated into part 5 of the Land Administration Bill. The compulsory acquisition, resumption and compensation provisions set out in the Land Acquisition and Public Works Act have been removed from that Act

and reproduced in parts 9 and 10 of the Land Administration Bill. This Bill will provide amendments to other Acts to support the proposals in the Land Administration Bill to enable there to be one consolidated piece of legislation to codify all actions affecting crown land in Western Australia. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

LAND ADMINISTRATION BILL

Second Reading

MR BOARD (Murdoch - Minister for Works) [10.36 am]: I move -

That the Bill be now read a second time.

It gives me pleasure to move the second reading of the Land Administration Bill. This Bill has already been through a comprehensive consultation process since 1988. The first draft of this Bill was prepared and introduced in the other place in December 1995 by Hon George Cash, then Minister for Lands, to provide the public with an opportunity to familiarise themselves with the new proposals and to comment on those proposals over the parliamentary recess. During the public consultation period written submissions were received from a range of government agencies, interest groups and other people. Briefings were also provided at the request of some community groups and state and local government agencies. Following the public consultation period, the 1995 Bill lapsed. Many of the comments received from the 1995 Bill were incorporated into a new Bill in 1996. That Bill was introduced into the Legislative Assembly by the then Minister for Lands, the member for Riverton, on 26 June 1996 and second read on 27 June 1996. There was insufficient time to deal with the Bill before Parliament was prorogued.

In the light of the already detailed information provided in the earlier second reading speech in 1996, and again in the other place on 26 March 1997 when the Bill was introduced by Hon Max Evans, I do not intend to repeat at length the proposals and principles set out in this Bill. Briefly, this Bill will put in place legislation to modernise the administration of crown land procedures in this State to enable the release of crown land in various tenures; to enable crown land to be conveyed to interest holders; and to allow for the registration of all interests and other decisions relating to crown land under the Transfer of Land Act and provide a single registration system for freehold and crown land tenure in this State. Under the Bill are normal commercial options for selling and leasing crown land without compromising the accountability requirements for advertising and public competition.

The Bill will further require local governments to be consulted on all crown tenure proposals and amendments. This additional requirement for consultation with local government will provide a link to the local community and give a further tier of accountability. As a result of the above, interests in crown land will be shown on land titles. These crown land interests will be able to be accessed on the computerised land information system administered by the Department of Land Administration to allow easy searching, public access and accountability to crown land tenure information. In general, most administrative processes affecting crown land under existing Acts have been consolidated into the Bill. Roads have been brought across from the Local Government (Miscellaneous Provisions) Act; the creation of reserves, and the power to sell, lease and grant easements, to name a few, have been brought across from the Land Act; and land acquisition and compensation procedures which originated from the Land Acquisition and Public Works Act.

The Bill will also provide many in-house efficiencies for DOLA to meet customer needs. Two of the biggest efficiencies set up in the Bill are the devolution of the administrative responsibilities concerning the crown estate from the Governor to the Minister for Lands thereby removing the Executive Council process and the establishment of a single registration system for crown and freehold land under one register maintained by the Registrar of Titles in DOLA. For example, a certificate of title for the sale of the freehold interest in crown land will be available immediately on settlement rather than waiting the 13 weeks necessary to issue a crown grant under the Land Act today.

The availability of a certificate of crown land title will enable leases and mortgages to be registered against crown land tenures to give security to the growing number of commercial ventures on reserved crown land. In addition, crown land will be able to be sold with covenants shown on the title for that land to ensure that the land is being used for a particular purpose or is being developed in accordance with certain conditions. Another new initiative is the ability to register positive and restrictive covenants on titles for crown land which will subsist on any transfer to a freehold title. These covenants will protect any heritage, environmental and conservation values on the land. There are significant penalties in the Bill for any breach of these registered covenants by the landowner. Further, a warning of hazards on crown land may be registered by way of a memorial on titles for crown land. The use of these mechanisms on titles for crown land will ensure that the public will be better informed that a parcel of land is maintained for a specific use.

The Bill also contains a number of initiatives for pastoral leases. The need for these were confirmed by recent rangeland management reviews. Pastoral leases will be required to be managed in an ecologically sustainable manner, thereby protecting the rangelands. The increased emphasis on such environmental matters is presently reflected in the appointment of an additional member to the Pastoral Lands Board with expertise in the field of flora, fauna or land conservation management. The Minister for Lands will ensure that all members appointed to the board will have the necessary experience and knowledge to administer the wider range of functions of the board.

The Australian Democrats and the Greens (WA) expressed concerns in the other place about the composition of the Pastoral Lands Board. With the support of the Australian Labor Party, they forced through two very late Committee stage amendments affecting the composition of the board. Firstly, the requirement that the "conservation" member should be a government employee was removed, and, secondly, the membership of the board was increased by one additional member. This additional member is to be appointed by the Minister from among Aboriginal persons with experience in pastoral leases.

The Government has particular concerns about the additional member to be appointed to the board. This amendment was made without detailed consultation with the pastoral industry, the existing Pastoral Board and other relevant groups. It is a matter of record that the Government opposed these amendments. However, the Government will not reject them. The Minister for Lands is prepared in the spirit of the negotiations to ensure that the appointment of this additional member will be from among Aboriginal persons with first-hand experience in pastoral leases. This will enable that person to represent properly all Aboriginal people involved in pastoral leases.

The permit system for diversity of activities on pastoral leases will also take pressure off the rangelands. As mentioned earlier, native title considerations have been carefully examined and the Government's original proposals to provide perpetual tenure to pastoral lessees have not been adopted in this Bill. In particular, the pastoral lease term is now restricted to the current term of the existing pastoral lease. This aspect of the Bill will need to be reviewed after proposed amendments to the Native Title Act by the Commonwealth Government are in place and settled.

There appears to be some confusion in relation to the classification of reserves in this Bill. Reserves in this Bill will have only one classification - class A reserves. All other reserves are simply reserved land. All class C reserves under the Land Act will be known as reserved land under the Bill. The manner of dealing with class C reserves under the Land Act and the present manner of amending reserved land under the Bill have not changed. They are treated in exactly the same way.

Most amendments to class A reserves under the current Land Act can be effected only by an Act of Parliament. This process is time consuming and ineffective where the amendments refer to minor matters like an amalgamation of two reserves vested in the same body. The Bill provides that most amendments to class A reserves will be effected by tabling a proposal in Parliament. If no disallowance motion is lodged within 14 sitting days of tabling, the proposal may proceed. If a disallowance motion is lodged and that disallowance motion is not brought on and is subsequently defeated within 30 sitting days, the proposal will lapse. This amended procedure for dealing with major amendments to class A reserves ensures that Parliament still has the opportunity to debate these amendments. Minor amendments to class A reserves will still require consultation with all relevant people and must be publicly advertised in a newspaper circulating throughout the State. These minor amendments will now be made without an Act of Parliament. A further late change in the Committee stage in the other place now requires that the removal of certain land from a class A reserve for the creation of a road, previously considered a minor amendment, will need to be tabled as a proposal in Parliament in the same manner as major amendments to class A reserves mentioned earlier. The Government accepted this reasonable proposal.

The process of requiring a Reserves Bill has been retained for conservation parks and national parks vested in and administered by the Department of Conservation and Land Management. In addition, given the new tabling provisions in the Bill for most amendments in class A reserves, the Government has recognised another important category of conservation land - class A nature reserves, which will also require a Reserves Bill for any amendment.

Under the Bill, the 46 existing class B reserves will remain and have been saved to continue to be cancelled or amended only in accordance with the Land Act. The compulsory land acquisition and compensation provisions set out in parts 9 and 10 of the Bill have been adopted, with either no amendment, or very minor amendment for clarification purposes only, from the provisions of the Land Acquisition and Public Works Act.

In preparing legislation for crown land in this State, especially following the Mabo and Wik decisions, the State is sensitive to the native title principles developed under the Native Title Act. The Native Title Act, being a commonwealth Act, is the superior Act. Any state Act that conflicts with a commonwealth Act is invalid to the extent of that conflict. This Bill provides for the administration of crown land and is subject to the Native Title Act.

Members will be aware that the drafting of this Bill has been a complex and difficult task. It has been a major step

to get one amalgamated Bill. Once this has been achieved, further reviews may be necessary to clarify and evaluate some particular provisions in the Bill. This is one reason that the Government and the Minister for Lands support the review clause moved by the Australian Democrats in the other place. With the support of the Opposition, this Bill can still be passed early in this session. If this occurs, the Minister for Lands, in response to concerns raised by pastoralists, will instruct DOLA to take all necessary steps to ensure that this Bill, together with the Acts Amendment (Land Administration) Bill are proclaimed and implemented by DOLA early in 1998. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report - Fourth Session, Thirty-fourth Parliament

MR WIESE (Wagin) [10.50 am]: I present for tabling the sessional report of the Joint Standing Committee for the fourth session of the thirty-fourth Parliament. I move -

That the report be printed.

This is the twenty-third report of this committee. It details the activities of the committee during the fourth session from its first meeting on 24 March 1996 to 12 November 1996. During that period 440 legislative instruments were examined by the committee; 48 matters required further action; and four motions of disallowance were proposed. The committee receives copies of regulations tabled in Parliament, together with explanatory memorandums. Of those explanatory memorandums, 226 were considered to be unsatisfactory. That is a reflection of the committee's working to address the situation, and now many departments are becoming accustomed to the required standards. The situation is improving. I commend the report to the House.

Question put and passed.

[See paper No 632.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report - Australasian and Pacific Conferences

MR WIESE (Wagin) [10.52 am]: I present for tabling the Joint Standing Committee's report on the sixth Australasian and Pacific Conference on Delegated Legislation and the third Australasian and Pacific Conference on the Scrutiny of Bills. I move -

That the report be printed.

The report details the activities of the conference which was held in Wellington earlier this year. It also details matters addressed by the delegates from Australia and overseas. Members will find it interesting to note the type of activities undertaken and the matters considered by Delegated Legislation Committees and Scrutiny of Bills Committees which operate in Australia. I commend the report to the House.

Question put and passed.

[See paper No 633.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report - Road Traffic Regulations

MR WIESE (Wagin) [10.53 am]: I present for tabling the Joint Standing Committee's report on the Road Traffic (Drivers' Licences) Amendment Regulations (No. 2) 1997 and the Road Traffic (Licensing) Amendment Regulations (No. 2) 1997. I move -

The report be printed.

The report is very significant. Members may be aware that a similar report was tabled in the Legislative Council earlier this week, and that subsequently a motion of disallowance - notice of which was given by the committee - relating to these regulations was dealt with in that House. After debate on the motion in the Legislative Council, the regulations were disallowed. Therefore, it is appropriate that members receive some detail of the contents of the report. I commend the report to members for subsequent reading.

The Joint Standing Committee on Delegated Legislation is charged by this Parliament with the responsibility of scrutinising legislative instruments that the Parliament has delegated to the Executive. Scrutiny of the legislation by

the committee is the only practical way in which delegated or subordinate legislation can be considered by members of Parliament. It is impossible for individual members to look at 440 instruments and decide whether they are properly put together and brought before Parliament.

By the rules of the committee it is charged with the performance of a scrutiny function, first, in relation to the legislative instruments to determine whether they comply with legal principles and fall within the power of the enabling Act. Secondly, it considers the delegated legislation by looking at broader issues such as the rights, liberties and freedoms of individuals and whether they are contravened by the delegated instruments created by departments and Ministers.

The committee is required to report to the Parliament on any regulation that appears not to be within power. Where the committee holds a view that a regulation should be disallowed, the committee's rule 6 places an obligation on the committee to report that opinion and the grounds thereof to the House of Parliament before the end of the period in which the matter is considered. It is then up to the House of Parliament to decide how to deal with the matter. However, the committee is obliged to bring these matters to the attention of the Parliament.

In this case, the committee had cause to consider regulations 3(c) and (d) of the Road Traffic (Drivers' Licences) Amendment Regulations (No. 2) and regulation 3(a) of the Road Traffic (Licensing) Amendment Regulations (No. 2) 1997. The same report was tabled in the upper House. At point 2.1 on the first page appears a typographical error. The report reads -

These regulations are subject to a disallowance motion in this House.

That sentence applies to the printed report for the upper House. This report should read -

These regulations were subject to a disallowance motion in the Legislative Council.

Such an error will not occur in future reports being presented in this House.

When examining these regulations, the committee spoke to departmental officers, and has allowed the departments an opportunity to seek legal advice, which was provided to the committee. The committee has sought independent legal advice relating to the issues which arise in the regulations. The committee has formed the view that the regulations are beyond the power delegated to the Governor in Executive Council by the Acts, and that they should be disallowed.

The committee report deals at some length with the material relating to the regulations. Firstly, I will deal with the drivers' licence regulations which have increased the fees payable on the issue of a driver's licence from \$26 to \$29 for annual licences, and from \$90 to \$92 for a five year licence. The increases became effective from 1 April 1997. That is, they were in place until the night before last. On the basis of the information supplied to the committee by the Department of Transport it is clear that the increased charges were put in place to meet the costs of introducing new digital imaging technology to be used in the production of a new plastic licence card for each driver. This technology will enable digitally recorded material to be put onto these licence cards by way of security features such as holograms and security patterns. It will also enable the photographs to be digitally recorded onto the licenced cards. The committee was advised by the department that licence cards are produced by a contractor and currently cost \$2.64 per licence. The result of bringing in the new technology is that a new contract is in the process of being let; it has not been finalised. It is anticipated that the contract will be in place by the end of the year and the card will be available by the end of the year. The department estimates the cost of the new card to be \$4.50, an increase of \$1.86. With that increased cost in mind the department increased the licensing fees by \$3 for the annual licence and by \$2 for the five year licence. The additional \$1.14 and 14¢ are supposed to reflect the administrative costs associated with issuing the cards.

Regulation 3(a) of the Road Traffic (Licensing) Amendment Regulations (No 2) increases the recording fee which is payable for vehicle licences from \$12.50 to \$14. Those increases have also been effective from 1 April 1997. The department advised the committee that the increases are required to meet the costs of, and to fund, Western Australia's commitment to participate in the National Exchange of Vehicle and Driver Information Systems. The committee was told that NEVDIS will provide a better interchange of information between the States. Currently it is being done manually and the introduction of the scheme will allow this work to be done on-line electronically. A central NEVDIS server will be provided in the Eastern States. Each State will be connected to that server and vehicle and driver information will be readily available and transferable between States.

It is also claimed that the benefits to the community will be significant from the introduction of this scheme. The department advised the committee that it has estimated there will be direct cost savings in improved collection of fees, reduced numbers of unregistered vehicles on the roads, better collection of fines, a reduction in transaction times, a reduction in car fraud, a reduction in accidents with problem vehicles, a reduction in accidents with problem drivers

and a reduction in licence fraud. The committee believes that the benefits sought are all desirable outcomes which would be generally supported by the Parliament and the community.

The department advised the committee that the NEVDIS initiative is a five year program. It has an estimated total cost of \$12.5m. The increase of \$1.50 in the recording fee has been arrived at on the basis that it will bring into the consolidated fund a total of \$12.5m over five years. The department has made some efforts to provide a breakdown of how this revenue will be spent over the five years. The first phase of the project relates to purification of the existing data on the system and connection with the Eastern States server. This has been costed at \$724 874. This phase has already commenced and should be completed by early 1998. The balance of the initiative appears not to have been fully costed and, although the committee sought such information in an attempt to verify that the regulations were within power, the department has not been able to quantify or detail the breakdown of this expenditure. The lack of that information did not assist the committee in its consideration of whether the regulations were within power.

A major concern of the committee is that the new technology is not yet available and Western Australia will not be participating fully in an exchange of driver and vehicle information in 1997. As from 1 April 1997, vehicle drivers have been paying the higher fees but have not been receiving any improved service or benefit. The committee is concerned that the increase in each impost may be a tax for which there is no legislative authority for the department to levy based on that circumstance.

The committee looked in detail at the legal position and I do not intend to relate to the Parliament in any detail the contents of the legal advice it received. After considering the legal advice the committee decided that the fees exacted by the regulations are not for identified services that are rendered to the customer. The increases apply notwithstanding that digital imaging technology will not be available until the end of this year and Western Australia will not be a full participant in NEVDIS for five years. The improved services are not yet rendered to those who pay the fees. On that basis the committee decided that the imposts are not fees for services and do not constitute an exception to the concept of a tax.

In considering the regulations, the committee was required to determine their validity when they became operative. These regulations became operative on 1 April 1997 and the department has not been able to show that a person who pays the fee now will receive any related benefit, specific enough to satisfy the legal definition of "what is a fee". The legal advice provided to the committee was that -

such imposts equate to taxes;

nothing in the Road Traffic Act 1974 appears to authorise the imposition of any charge amounting to a tax, and

for these reasons the imposts in question are ultra vires or beyond the power contained in the Act to impose by way of regulation.

It is not the first time the committee has addressed this issue. It has reported to the Parliament on a number of occasions on fees imposed by way of regulation. The committee's seventh, tenth and twentieth reports dealt with similar issues. In each case the committee concluded that the increased fees amounted to taxes which were not authorised by the relative legislation.

The committee has taken legal advice from Queen's Counsel and experts in constitutional law and has been consistently advised that only costs related to the provision of a specific direct benefit to the individual required to pay the fee are recoverable under a general legislative provision which authorises the rendering of fees for services or licences. The legal advice provided to the committee on this occasion was consistent with the advice received in the past.

The committee reiterates that it is its function to consider and report on any regulation that appears not to be within power. Further, where the committee is of the opinion that any regulation should be disallowed, rule 6 of the committee's rules places an obligation on the committee to report that opinion and the grounds thereof to the House. The committee is of the opinion that these regulations are beyond power and would be struck down as being ultra vires by a court, if challenged. It was with some reluctance that the committee made the recommendation to the Parliament that these regulations should be disallowed. The committee was very supportive of the intention of the department, the Minister and the Government in respect of these fee increases. However, the committee would not be performing the task given to it by the Parliament if it were to ignore regulations which are not within the powers granted in the Act to the Executive, and which the committee believed would be struck down by the court if subjected to challenge.

Mr Bridge: You should not have regrets about that.

Mr WIESE: We have done our job. The committee's recommendations are detailed in the report. As I indicated, they have been dealt with by the upper House and the regulations have been disallowed. The committee is not content with just dealing with the legal issues involved in this case. It has been working for some time to bring a report to the Parliament dealing with a whole range of complex legal issues with which this and other reports have dealt. It will not just report on these legal issues, but will propose solutions to problems highlighted by this report. I hope the committee will be in a position to bring that report to the Parliament within the next month or so. When it does so, I believe the report will be of great assistance to the Parliament, Ministers and departments when they are dealing with the broad issues involved in determining whether a particular fee proposed to be imposed by regulation is a fee or a tax which cannot be imposed by regulation.

I hope members of this House will read this report and come to grips with some of the issues raised. I once again express very strongly my hope that departments and the Ministers responsible for those departments, who are ultimately responsible for the setting of fees by regulation, will take strong note of the matters raised in the report, which matters have been raised in previous reports. I hope they will address the situation and ensure that this does not arise in the future. I commend the report to the House.

Question put and passed.

[See paper No 634.]

CASINO (BURSWOOD ISLAND) AGREEMENT AMENDMENT BILL

Second Reading

Resumed from 20 August.

MS WARNOCK (Perth) [11.13 am]: The Government's Casino (Burswood Island) Agreement Amendment Bill will amend the previous Labor Government's Casino (Burswood Island) Agreement Act of 1985. In effect, this relatively short Bill will corporatise the Burswood Property Trust, and convert it from a trust to a conventional company. Another effect of the Bill will be to reunite the separate entities at Burswood; that is, the casino, the convention centre, the hotel and the dome under one ownership structure. A company called Burswood Limited will own all the separate assets at the Burswood Island complex, and the company will no longer need to pay management fees through a management agreement to foreign interests. Fewer foreign interests will be involved in running the casino on a day to day basis.

The Opposition supports this Bill which represents the seventh time the original agreement has been amended. The Bill will also give Parliament greater control over the agreement. Among other things that will result from this corporatisation, it will improve the trust's ability to retain funds and raise finance, and it will broaden the trust's development and investment opportunities. The new articles require the head office of the Burswood company to be located in Western Australia, at least two-thirds of the directors to be Australian citizens, and the presiding director at board meetings to be an Australian citizen. These and other changes are important improvements and worthy of support.

Making changes that are, one hopes, improvements to the Act brings to mind the original debate about the casino because it is the reason the whole development on Burwood Island took place. As someone who became a member of this place after those days, it is very enlightening to read the debate recorded in *Hansard* in 1984. At that time there were grave reservations in this House about the establishment of the casino, just as there was support from some members of the then Opposition - one or two of whom are members of the present Government.

The first Australian casino opened at Wrest Point in Hobart in 1973. Burswood was the seventh casino to be opened in Australia, and since then revenue from casino gambling has become a substantial contributor to government coffers all over the country. There is widespread concern about the social effect of excessive gambling. Prime Minister John Howard is on record several times expressing his concern about the amount of gambling in the country and that Governments rely on casino revenue to such an extent. There is social concern about that still and the fact that money spent on gambling may rob some households of much needed cash. There is also continuing concern, as there should be, about the need to keep both organised and street level crime away from the casino.

Looking back for a moment to the debate held in May 1984, it is interesting to recall that the present Deputy Premier and a former Premier, Ray O'Connor, the member for Mt Lawley, did not oppose the legislation to set up a casino control mechanism. The Minister of the day spoke of increased state revenue and employment; the casino as a tourist attraction and entertainment centre; and the importance of good legislative controls on this form of gambling. At the time there was nothing on Burswood Island, which had been a rubbish tip. This was the vision the Minister had at the time and I quote from his speech -

The Government has given long and careful consideration to the matter of casino gaming in this State. It is convinced from all the evidence available throughout Australia that problems attributable to casino operations are, in the main, unsubstantiated by facts.

A casino tourist resort complex will add a much needed social amenity to Perth, it will stimulate employment both directly and indirectly, and it will further enhance the economy of the State through increased tourism.

That was the view expressed by the Minister at the time on Tuesday, 29 May 1984. The Opposition of the day, with one or two exceptions, spoke of the Bill as "an invitation to corruption". That was the phrase used by the then Leader of the Opposition, Bill Hassell. The Opposition also said the idea of a casino was opposed by a majority of people in Western Australia. That may well have been true. Opposition members spoke of concerns about the growth of crime and that too many locals would spend their money at the casino. They doubted whether jobs or tourism would be aided by a casino. One speaker said it would have an adverse effect on family life, and another said that mostly the poor would gamble. That remains a concern of many who have criticised the growth of gambling in Australia since 1984.

The present Deputy Premier had some sensible down to earth views, as one would expect of him. I know it is dangerous to praise the Government too much, but I say again that the Deputy Premier sounded very sensible when he spoke about this issue at that time.

Mr Pental: This must have been a long time ago.

Ms WARNOCK: It was on Tuesday, 29 May 1984. At that time the Deputy Premier said -

It seems to me that two principles are involved in this debate. One is how far the Parliament of Western Australia should go to protect people from them themselves; the other is how far we should go in the expansion of legitimate forms of gambling in Western Australia.

That is still a very interesting question, given the debate we are likely to have before too long on poker machines. Many of us still ask ourselves how far we should go in protecting people from themselves and how much further should we go in expanding opportunities in gambling in Australia.

Many speakers alluded to a matter which has attracted a lot of attention in the media lately, due largely to extremely heavy lobbying from the hotel industry and the club industry; that is, the introduction of poker machines. At that time, in 1984, most on both sides expressed complete opposition to poker machines, and that still may well be the case. Any utterances in the media of late appear to reflect the view of the Premier and the Minister in the other place, both of whom oppose the introduction of poker machines, and the Leader of the Opposition and I certainly oppose them as well. However, many others on both sides may have changed their minds, although I am not aware of the number because we have not yet had a debate on the matter. The member for Merredin again stood apart at that time when he asked whether it was reasonable to accept some forms of gambling in society, but to moralise about others. I suspect we will have that argument in this place again before too long.

I have made some inquiries for the interest of the House about the effect of the casino. When debating matters relating to the casino, albeit on a matter of corporate law, it is interesting to look at the effects and compare them to what was expected - or even feared - at that time. Today, about 11 years after its official opening, the Burswood Casino has between 10 000 and 11 000 patrons daily. About 33 million people have been through the casino since that time. It is the third best known tourist symbol or icon in Western Australia, after the City of Perth and Kings Park which is our most visited tourist site. I know some more religious people dislike the use of the word "icon" in that way, but that is the way the tourist authorities refer to these things. By that, I mean things by which one recognises Western Australia, in the same way as people recognise Sydney by the Harbour Bridge and the Opera House. About 3 000 people are employed in the casino and the hotel. Of its revenue, which last year was about \$464m, 60 per cent comes from offshore gambling, and 40 per cent from the local market. The concerns at the time the casino was established possibly came from people representing the hotel industry, saying that one more luxury hotel was not what Perth needed and it had enough of them already. After that we had the America's Cup which was a different ball game altogether as far as the local hotels were concerned. The occupancy rate of the hotel is 85 per cent for most of the year, which is pretty good, the majority of which comes from offshore. Mostly convention business fills the hotel. That has been hotly pursued by the previous Labor Government, and also the present Government.

The luxury, top-end so-called junket market makes up one-half of the business of the casino. The fear that all Western Australians would spend most of their days gambling in the casino has not eventuated, although many do. The very wealthy overseas gambling market makes up most of the business of the casino. Burwood is in tough, relentless competition with the big Eastern States casinos. I imagine it would be in even tougher competition since

the opening of the very large Crown Casino in Melbourne. The revenue of the casino has grown steadily and it has paid a large amount of both state and commonwealth tax; I believe about \$80m a year.

The casino has supplied me with some facts and figures. Its operating revenue has ranged from \$250m in 1991 to \$464 million in 1996. The payroll tax costs in 1996 were \$96m, compared with \$50m in 1985-86. The size of this tax means it is doing a fair bit of business. There has been an injection of \$41m in the purchase of goods and services in 1996-97. The casino has been extraordinarily successful as a business.

As to the concerns about crime, both local and organised, it is hard to come across evidence of huge amounts of it which are specifically connected with the casino. There has been a rise in crime since that time, and it is of enormous concern throughout the community. We have discussed many times in this place lately the rise in drug crime and drug addiction. As far as I am aware from several conversations I have had with the people involved with the security at the casino and the Western Australia Police Service, it is hard to connect those matters with the opening of the casino. I am not saying there is no crime; rather it is hard to connect those two events.

There is a concern among a number of people about problem gambling. There was a view that this would rise dramatically with the opening of the casino. There is also a concern among a number of people in the community that it will rise very worryingly if we invite poker machines into the State. It is a small problem in Western Australia, although for those who suffer the addiction, it is a very serious problem, and I do not minimise that at all. The Centrecare organisation in town has the task of helping people who are obsessed with gambling. Funds from the results of gambling in Western Australia are put aside for that business.

I will refer to crime again for a moment. Among other organisations I spoke to this week in pursuing this issue was the Crime Research Centre at the University of Western Australia, which has done no research on it at all. This organisation is commissioned by various people to research matters of either concern or interest to them. It is interesting that no research has been done about this subject and this centre knows of no other research that has been done on it in Australia. Perhaps it should be done. With the rise in casino gambling in Australia, perhaps we should know a lot more about it. I spoke informally to police officers in Western Australia who are concerned with gambling. They could not come up with any figures yesterday, but they said that there was no evidence of large scale organised crime associated with the casino's operation. That was a matter of great concern in 1984 when the establishment of the casino was being discussed. I got the impression that policing is fairly tough, as well it might be.

The age limit is another thing about which people were concerned in the original debate in 1984. They were concerned about the influence of the casino on young people. The age limit for people to enter the casino is 18 years, and that is also well policed by the casino security staff. I am reassured by having no evidence of anything different. If there were any evidence I would be interested to hear it. As a community we would be expected to take strong action.

I also pursued this week the question of the effect on tourism. Some speakers said in 1984 that they did not think the casino would assist tourism particularly. The casino and the Western Australian Tourism Commission pointed out that there is no research directly linking an increase in tourism to the casino. From looking at the number of people visiting the casino when on package tours from overseas and the amount of money they spend, it would appear fairly obvious that the casino has been influential in increasing tourism. In 1985-86 international tourists to this state numbered 175 000 and in 1995-96, which is the most recent year for which I have been able to obtain figures, international visitors numbered 515 000. According to the figures I have, many of the visitors come from Asia and one would assume that many would come to gamble at the casino. Tourism has increased significantly during that period. Obviously the casino has had an effect on the State's revenues, which we must applaud.

In conclusion, when this matter was suggested by the previous Labor Government in 1984, people were quite rightly very keen to strenuously examine the idea of introducing another form of gambling into Western Australia. That the matter was accepted is now of course history; it went ahead and the casino is there for all to see. Some 10 000 to 11 000 people a day visit the casino. I see the casino as having been very beneficial to the State, although I have become concerned, as have many other people, about how much government revenue now comes from gambling taxes. Of course, with the recent High Court decision, that source of state revenue has become even more contentious. I feel no inclination to create other opportunities for gambling, with such things as poker machines, because of what gambling might do to some people in the community and how much revenue will be siphoned off from the excellent Lotteries Commission, which provides such important funding to the broader community and small community groups. That is a real fear and something about which we should be very wary. If there is any suggestion that we should introduce that form of gambling, obviously a similar public debate will ensue. We support the Bill.

DR GALLOP (Victoria Park - Leader of the Opposition) [11.33 am]: I will comment on the Bill and request that the Minister respond to a couple of queries I have on it. I have some interest in this legislation, first, because the

Burswood Resort Casino lies within the boundaries of my electorate and is a source of employment for a significant number of my constituents. The park and the golf course are also important assets not only for local residents in my area but also for many Western Australians and overseas visitors. Secondly, the resort and casino form a major component of our economy, employing as they do about 3 500 Western Australians and contributing nearly \$70m to the state revenue. Consequently I have a local as well as a general interest in the issue.

The casino has on balance been a success story for the Western Australian economy. It attracts people to Western Australia. However, when casinos and gambling become too extensive throughout a community, they act negatively as sources of employment, economic prosperity and social good. A casino which can attract people from overseas into the State can add to employment and the economy of the State. The figures produced by the member for Perth indicate that 60 per cent of the people who use the casino are overseas visitors, which leads one to conclude that on balance the casino adds significantly to employment and growth in our community. However, if we take gambling too far, wealth and income in the community are redistributed from productive to non-productive activities. We must always seek to achieve a balance. The great gambling explosion that has occurred in many similar countries throughout the world has made it harder to achieve that balance in any one jurisdiction. If we were to extend gambling too far in our State, I believe that we would lose out socially and economically.

The amendments to the agreement which will permit corporatisation of the trust and enable the new Burswood public company to hold all units in the trust and acquire all the A and B class shares in Burswood Resort (Management) Limited, which is the manager of the trust, are a good move for accountability and future managerial structures. The current structure leads to divided control processes, which makes it much harder for a proper administration of the resort. Corporatisation is a good measure, which the Opposition supports.

I would like to raise two issues with the Minister who is dealing with the legislation. The first issue is the car park land that surrounds the Burswood Dome. I have had representations from the former Deputy Mayor of the Town of Victoria Park, councillor John Bissett, who has a particular interest in this issue because of its importance for the Town of Victoria Park. Will the Minister confirm that the car park land which surrounds the Burswood Dome and is currently controlled by the Burswood Park Board is ultimately owned by the Town of Victoria Park, so that in the event of the Burswood Park Board deciding in some way to change its use of the land or to shift its purpose, the land would revert to the Town of Victoria Park? This important asset was put into the original legislation for the City of Perth, part of which has now become the Town of Victoria Park in that area. Will the Minister confirm that the ultimate ownership of that land surrounding the dome is with the Town of Victoria Park?

The second issue is the incorporation of the tennis centre reserve into the Burswood Park reserve which will be managed by the Burswood Park Board. I have had some interest in this issue for some time, given the initial decision of the then Labor Government and the Minister for Sport and Recreation, Hon Graham Edwards, which made it possible for Western Australia to have the tennis centre. An enormous amount of work went into that issue from the Western Australian tennis association. I will put on record that it was very pleasing to see that last year, Alan Hicks was given the honour of being one of the citizens of the year in Western Australia for the work he has put in on behalf of tennis in Western Australia. Tennis West is very supportive of this. Will the Minister confirm that from the points of view of the Government and the Burswood Park Board the future of Tennis West's state facility will be assured and that it will be the winner out of this new relationship? That is important to get on the record so that those who have an interest in tennis can be assured of their future in that park.

The casino has added to our State's economy and to employment. However, if we were to extend the gambling principle too far in Western Australia, something which has generally been a good thing could become a bad thing. I hope all members of Parliament take that on board when they are lobbied on the spread of poker machines in licensed clubs and hotels throughout the State. I support the Government on the corporatisation. I would like the Deputy Premier to confirm whether the Town of Victoria Park has ultimate ownership of the land that surrounds the dome and that currently is a car park and whether Tennis West will have a secure future in that area, despite the fact that the Burswood Park Board will manage the reserve on which the tennis centre is placed.

MR COWAN (Merredin - Deputy Premier) [11.40 am]: I thank the member for Perth and the Leader of the Opposition for their contribution to this debate and for their support of the Bill. The member for Perth indicated that although it has been nearly 15 years since the casino was first mooted in this place and the legislation enabling that was passed through this Parliament, nothing has changed. The vexing questions that we were asking ourselves as a Parliament in 1984 remain; that is, to what extent we protect the citizens of Western Australia from different forms of gambling, and, at the same time, promote something that, at that time, was thought would contribute significantly to the economy of the State - and it has.

There is no doubt Burswood Resort Casino has made a significant contribution to the economy of Western Australia. As the member for Perth outlined, it also has been a significant attraction for overseas visitors to this State. No-one makes a secret of the fact that the resort runs specific holiday programs for people wishing to gamble and play golf.

They have become popular holidays. Many visitors from overseas have made it clear that they like to come to Western Australia because of the friendliness of the people in this city, because of the courtesy that is extended to them when they visit this city, and because of the relaxed atmosphere within which they can enjoy a break from their normal regime of business. For those reasons, as the member for Perth adequately outlined, there has been a growing level of attraction to this State from overseas, and much of it can be attributed to the facilities provided at the Burswood Resort. I thank the member for Perth and the Leader of the Opposition for their support of the provisions contained in this legislation.

I assure the Leader of the Opposition that I have been advised by the Minister and also by the chief executive officer that the Minister intends to honour the original agreement on the land between the State and the Perth City Council to which the Leader of the Opposition referred. I understand the casino is seeking to acquire land around the dome for car parking purposes and that that is a matter of negotiating on price. That will be a commercial venture. I am sure the Town of Victoria Park will set its aim very high and that other people will have different ideas. At some stage they will reach agreement, but there will be a lot of discussion about that. I am not in a position to indicate where those negotiations might rest, but I am in a position to indicate that the Minister has said he intends to honour the agreement that was originally struck with the Perth City Council. Because of the breakup of the Perth City Council, the Government intends to honour that agreement with the Town of Victoria Park. I hope that assurance satisfies the Leader of the Opposition.

The reserve on which Tennis West operates will become part of the responsibility of the Burswood Park Board. However, there is no intention by the Government to reduce in any way the level of support it has given to Tennis West. The concept is that once the board is responsible for the reserve, the surrounds will be kept to the same high standard that has been maintained by the board for the grounds around the Burswood Resort. It is fitting that a degree of ambience in that area is maintained. Most people will recognise that the resort board is likely to be the body that has the greater amount of money to sink into maintaining that area to the standard expected.

Dr Gallop: What's your success rate on that par 3 over the lake?

Mr COWAN: I have not had the privilege of playing golf on the Burswood course. One day I might indulge in that, but I am struggling to keep my handicap to a reasonable figure.

Mr Brown: In three and a half years' time, perhaps?

Mr COWAN: I may have some more time - who knows? I cannot answer that question.

Dr Gallop: There is a par 3 over the lake with a green on the island.

Mr COWAN: I look forward to the challenge. I hope I have given the Leader of the Opposition the reassurance he needs. I thank the Opposition for its support of the Bill. I commend the Bill to the House.

Question put and passed.

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

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Second Reading

Resumed from 21 August.

MR BROWN (Bassendean) [11.48 am]: This Bill seeks primarily to expand the board of the Small Business Development Corporation. To the extent that it seeks to do that, the Opposition supports the legislation. The Opposition will have some things to say in Committee about what might be deemed the procedural or mechanical clauses of the Bill, but in essence these have been drafted, I understand, by parliamentary counsel to conform with other Statutes of recent times.

I have some questions about the Small Business Development Corporation. The primary purpose of the Bill is to expand the board. Under the current Act the composition of the corporation consists of the chairman and four persons, one of whom shall be a person representative of small business in country areas of the State, appointed by the Governor as members of the corporation, and the managing director ex officio.

The Bill seeks to change the composition of the board: The managing director will remain a member of the board but, in addition to the chairperson, instead of four persons being appointed by the Minister, it is intended to appoint six persons, of whom two shall be representatives of small business in areas outside the metropolitan area. Therefore, the board will change from six members to eight members. I understand from the second reading speech that the commitment to increase the size of the board was made by the coalition in the lead-up to the last state election.

Mr Cowan: It was, but it was mainly brought about as a result of the review of the Act.

Mr BROWN: In his second reading speech the Minister referred to the review of the Act. A couple of years ago the Small Business Development Corporation was given responsibility for looking after the business enterprise centres around the State. I note from the 1995-96 annual report that it has been the practice of the board to invite a person from the business enterprise centres group to be an observer at board meetings. The 1996 annual report of the Small Business Development Corporation states -

During 1995/96, Barrie Stearne, Chairman of the Business Enterprise Centres' Chairman's Advisory Group, has attended Board meetings representing the interests of the Business Enterprise Centres.

I understand debate occurred earlier this year on the degree to which the chairman's group should be involved with the SBDC board. I understand also that, although the new positions will be filled at the discretion of the Minister, it is intended to appoint someone who is from or represents - whatever terminology one may use - the business enterprise centres. Given the role of the centres in facilitating new businesses and assisting the development of new and existing businesses with a variety of issues, that is eminently sensible. However, the Minister may wish to confirm that is the case when he responds.

I seek clarification on appointment matters. In his second reading speech the Minister indicated that a broadening of the composition of the board will enhance its role as the primary source of ministerial advice on small business throughout the State. Perhaps the inference is incorrect, but it appears as if there has been something wrong with the advice so far; or does it mean that this recognises a larger number of people needs to be involved in the provision of advice to the Government, than has been the case in the past.

The other matter on which I seek clarification relates to the appointment of persons from outside the metropolitan region. The Bill states that the definition of "metropolitan region" is as defined in the Metropolitan Region Town Planning Scheme Act. It is sensible to use that definition. However, neither the Bill nor the second reading speech clearly indicates what will constitute a person from outside the metropolitan region. Will it be a person who lives in the metropolitan region but has a business interest outside the region? Will it be a person who lives predominantly outside the metropolitan region? Clarification by the Minister will be helpful in the future when one is looking at the intention of the Act and the Minister's intention in bringing this matter forward.

Another question that arises is that, given that the majority of business enterprise centres operate outside the metropolitan region, if the additional person appointed to the board was from a business enterprise centre or was connected with a centre outside the metropolitan region, would that person be deemed a representative or a person who could speak on behalf of the non-metropolitan region and business enterprise centres? Perhaps in reply the Minister can indicate his thinking on those matters. We do not oppose this change. We agree that it is the prerogative of the Government if it wishes to increase the number of members on the board to enhance its advice. If that is the case that should be encouraged.

Because the board will be revamped, I take this opportunity to talk about some of the matters the new board may consider. Myriad issues must be addressed, and certainly in the 50 minutes remaining to me I could not do justice to all of them. The Small Business Development Corporation must consider myriad issues. By its very name its role is to foster and develop small businesses. I will address some of those matters because they are important in the context of this debate about what the new board with an enhanced advisory role might be doing.

The first matter that I suggest the new board might consider has been around for a long time and concerns commercial tenancies. The Deputy Premier would be aware, as would all members of this House, that in the last Parliament attempts were made by members on this side of the House, in response to considerable heat that was generated by the small business community, to introduce amendments to the commercial tenancies legislation that would provide a better balance between landlords and tenants.

This matter has been around for a number of years, and for a variety of reasons, including the marketplace becoming increasingly competitive, attention has turned increasingly to the implementation and control of fair market rents. Last year, when pressure for change to the legislation mounted considerably before the state election, the then Minister for Fair Trading introduced into this House a Green Bill on commercial tenancy laws. She said in tabling that Bill that the Government intended, if re-elected, to hold negotiations with the stakeholders about that Bill and to introduce a commercial tenancies Bill in the first session immediately after the election. That first session has come and gone and we are now into the second session, but no Bill is before the Parliament. We understand from a distance that although discussions have been held with the stakeholders, a range of industry sources and small business operators have real concerns that the Government appears to have changed its position with regard to some of the changes and protections proposed in the Green Bill that might have advantaged small businesses.

I raise these matters in the context of a corporation that is charged with the responsibility of providing advice to the

Government on small business issues. It appears that there is some problem with the administration of these matters within government, because advice is provided to one Minister but the control of the legislation rests with another Minister. The corporation has made its position very clear. A newsletter issued by the Small Business Development Corporation in September 1996, issue No 3, refers under the heading "Fair Deal for Small Firms" to the need for legislation to protect small businesses and states -

Trade dealings between small and large firms will come under the spotlight when an inquiry into fair trading is heard by the House of Representatives Standing Committee on Industry, Science and Technology.

According to Warren Gibson, SBDC Government Liaison Officer, small firms are often at a disadvantage when dealing with larger firms because of a lack of 'bargaining power'.

"Small firms often have no real choice and are forced to take the deal being offered by a large firm," Warren said.

The SBDC made a submission to the inquiry, on behalf of small business in Western Australia, presenting examples of harsh and unfair conduct imposed on small operators, by their larger counterparts. Issues concerning franchising and retail tenancy arrangements formed the basis of the submission, but other issues are also to be examined by the Committee.

It is clear from that newsletter that there is continuing concern about the operation of the retail tenancies laws. The 1995-96 annual report of the Small Business Development Corporation refers to the number of inquiries that had been made about those laws and states at page nine that 3 000 clients were assisted by the specialist adviser on commercial tenancies legislation, and that the issues dealt with were rent reviews, variable outgoings, redevelopment clauses, interference with the flow of traffic to retail shops, renewal of leases, assigners' obligations on assignment, and so on. It is obvious from those figures that every day many people are inquiring and expressing concern about the current legislation.

In the short time that the Leader of the Opposition has given me responsibility for this area, I have been inundated with small business organisations and operators who have spoken to me of their concerns about commercial tenancies. Many small operators believe strongly that the current legislation does not provide fair dealing and that there is a significant power imbalance in the relationship between landlords and tenants that disadvantages small operators. I have been asked to meet with people in the back of coffee shops and all around the place, not because people are afraid of meeting with the opposition spokesperson, but because some operators fear that if the concerns that they relayed to a member of Parliament were aired in the Parliament, some form of discriminatory action might be taken against them. One can argue about the degree to which those concerns are real or perceived. However, obviously, different perceptions are held on this question of who are the managing agents, those who are the small operators and those who are the owners. However, frankly, from talking to all stakeholders, regardless of where they come from, I know they will all agree that the imbalance of bargaining power has been used to hurt small business operators.

Mr Board: In that instance, you are primarily talking about small retailers.

Mr BROWN: What they do not agree on is the degree to which that problem is still present. Some say it previously existed but industry has taken over and practices are much improved, but others complain bitterly that that is not the case. In any event, some legislation certainly is needed in this area because the intensity of feelings is running quite high.

I now refer to a publication from the Western Australian Retailers' Association, which is holding a rally this weekend dealing with the issue of commercial tenancy laws. I refer in part to an article which appears in its publication, the second page of which, under the heading "The State Government Abandons Small Retailers", reads -

The long awaited amendments to the Commercial Tenancy Legislation have now been completed by the Minister for Fair Trading, Mr Doug Shave.

Retailers were hoping that these amendments would resolve and define more clearly their position with regards disputes and unconscionable practises being promoted by some landlords/agents.

Let it be clear the amendments as proposed by Mr Shave will not apply to current leases.

It then outlines that current lessees will still be forced to pay management fees; honour ratchet clauses; pay sinking funds; pay land tax that landowners pass on to tenants; argue over the measurement of floor area; argue over the guarantee clauses; argue over what should and should not be included in variable outgoings; and fight unfair rent reviews. It then outlines the deficiencies in the legislation as it is now proposed by the Minister. Indeed, a level of concern is evident and is being indicated to me very clearly.

It has also been indicated to me that the Government intends to introduce legislation on this matter in October. My understanding is that Parliament is to rise at the end of November and unless the legislation is introduced fairly soon, it will be difficult to consider this year. Given that legislation takes a minimum of two parliamentary weeks to pass through each House, and seven sitting weeks remain following this week, unless the Government extends the parliamentary session - the Leader of the House has quietly intimated that all of the seven weeks might not be utilised - a question mark hangs over whether the legislation will pass this year. If the legislation does not pass this year, the Government's bona fides will be seriously tested by the small business community, particularly the small business retailers, after being promised by the former Minister that the legislation would be introduced in the first session of Parliament.

The House of Representatives Standing Committee on Industry, Science and Technology - an all-party committee containing members of the coalition Government and the Labor Opposition - produced a report, which I understand was unanimous, headed "Finding the Balance", and it is interesting that the report deals with these issues. With those parties represented, one might expect it to take a fairly evenhanded and gentle approach to landlords, small business operators and so on. It has done nothing of the sort.

This all-party committee saw fit to include in its report a quotation from a small business operator who gave evidence to the committee. It is quite a chilling quote that the committee placed at the introduction of the substantial report; it is up-front and gives the reader a smack. It reads -

I once had a thriving business in an industry few could match my enthusiasm for . . . [What the retail leases tribunal could not consider] is the devastating effect the past five traumatic years have had on me and my family, which not even our once rock solid 27 year marriage could survive. We were once confident, positive thinking go-getters but now we're broken dispirited relics of our former selves with several stress related health problems, not the least being acute depression, insomnia, nervous tension and obesity. I went through premature menopause and my once cheerful workaholic, loving partner is now an angry, aggressive alcoholic. Our children suffer too, helplessly watching both their parents fall to pieces before their eyes, and their quality of life diminish. At 50 years of age, we've been left with a massive business debt which we have insufficient earning power to repay and . . . we now face the real prospect of being homeless as well.

The chains has been allowed to gobble us up and the landlords allowed to trample us down. Our pleas to politicians fall on deaf ears and the legal system treats us with contempt. The end result is the tragedies exposed almost daily on the national news. Why must it be so? We too are entitled to our place in the sun. [The Fair Trading inquiry] has it within its power to recommend that justice is done and if I believed in God anymore, I'd pray that you will ensure it is.

It is a powerful quote. It is up-front in its message. The report contains many recommendations, and I will not go through them all. Interestingly, some of the report's key recommendations are missing in the Government's Green Bill and certainly are not regarded as part of the Minister's proposal. Recommendation 2.4 of the House of Representatives committee report reads -

The Committee recommends that the Uniform Retail Tenancy Code provide:

- (a) for minimum lease terms of five years;
- (b) for sitting tenants to have the option of lease renewal for a further five year term;
- (c) for sitting tenants to have a right of first refusal of the lease for subsequent five year periods; and
- (d) for the option of casual leasing in clearly defined circumstances but only at the request of the lessee.

The continuance of leases has been raised with me over and over again by small business operators. I gave them an undertaking that I would raise that matter on their behalf in this House at a convenient moment. It is not in the green Bill and it was not raised in the discussions that have taken place between the stakeholders. It is a major deficiency. There are many other recommendations, but I will not go through them all because I wish to discuss other matters.

Suffice to say, commercial tenancy is a critical issue. We will no doubt debate it if and when we see the Bill, which has been promised now for some time. It is a matter of concern to the Small Business Development Corporation.

Ms MacTiernan: Does the Deputy Premier have any idea when the Bill might be coming in?

Mr Cowan: I have.

Ms MacTiernan: Would you care to share it with us?

Mr Cowan: I will. I have the right of reply to the debate and I will deal with it then.

Mr BROWN: The legislation is needed to ensure an appropriate balance exists so that people who are in certain circumstances relatively powerless will have protection under the legislation.

Another matter that has been raised with me concerns the role of the Small Business Development Corporation. Although it has been put to me that the corporation undoubtedly provides good quality advice to small business operators, it has also been put strongly in certain quarters that the corporation should be doing more than providing advice. It should be advocating on behalf of small business and individual small businesses, particularly when they run into difficulties with commercial tenancy or other matters.

A number of issues have been raised with me concerning the viability of small business. One which was raised recently - I do not think the Small Business Development Corporation can do much about it other than try to put a proposition to the Government - relates to payroll and other taxes. I recently received from a colleague of mine a copy of correspondence forwarded to the Premier by Blakers Pump Engineers, a small company, dealing with a recent government decision and its impact on the company and its employees. It relates to the recent changes to payroll tax. Part of the letter from the Managing Director of Blakers, Mr R. G. Blakers, states -

We employ thirty (30) people, and I often make the comment that I have a "phantom" on our payroll, and his name is Richard Court. That relates to the tax we pay for the most iniquitous tax ever invented - a tax on employment.

Some four (4) years (plus) ago, you were elected on a platform of abolishment of pay-roll tax, plus open, honest and accountable Government. You have failed on all counts.

Further on he states -

About two weeks ago we received a Pay-roll Tax Circular - P1/97 which outlined "proposed amendments" to pay-roll tax scheme. Page 1 reads fine with an increased liability threshold (good news!) and most of Page 2 also reads like good news with a 0.3% reduction in the rate of tax. It is at the bottom of page 2 and page 3 that you come to the "sting" (the dishonest bits).

If the proposed legislation becomes law, it will be back-dated to July 1, from which date the payroll has to be "grossed-up" to include all employer contributions to superannuation, plus that other iniquitous tax, Fringe Benefits. Mr Court, what you are doing is to give a slice with the left hand, and then take the whole bloody loaf with your right hand. You, like most others, mouth platitudes (read lies) to small business at election time, and then proceed to screw the hell out of them afterwards, because they are the most vulnerable, and you believe they will not (cannot) fight back. I strongly suggest you don't bank on winning a third term.

The effect of your "proposed changes" on this company will be that we shall have two phantoms (Richard Courts) on our pay-roll. Are you really serious about trying to reduce unemployment (through small business) when you are prepared to surreptitiously introduce such increases to the tax you promised to abolish in two terms?? I think not!!

This is the upshot -

Every member of our staff (and therefore their families), will receive a copy of this letter by way of explanation as to why we shall be reducing our contribution to their superannuation to the legal requirements, and periodic pay increases above award requirements must be eliminated to meet your increased pay-roll tax grab. I and my family, have voted Liberal all our lives, but you have now lost us forever.

I have spoken to the small business community about that matter and reflected on the debate that occurred in this Chamber when that Bill went through. The Deputy Premier may remember that debate because he had to stand in for the Premier for part of it. I raised questions at page 3849 of *Hansard*, in which I inquired whether the changes would be revenue neutral or likely to increase the level of payroll tax. The Deputy Premier replied that it would be revenue neutral at the moment but it would increase payroll tax revenue to the State over time.

I pointed out to the Premier that in arguing for this change he had not addressed the issues of equity and efficiency. One page 3860 of *Hansard* the Premier said -

Efficiency is being improved by ensuring that all forms of remuneration provided by employers are subjected to payroll tax, clarifying the application of taxation Statutes in a number of respects to reduce compliance costs . . .

When small business operators raised with me the question of increased compliance costs and I referred them to the Premier's comment that it would not happen, and therefore it had not happened, they looked at me with some disbelief. On the question of equity, the Premier had this to say -

Equity is being increased by facilitating a better land tax outcome for properties being administered by executors of wills, ensuring that the treatment of an employer's remuneration payments is consistent regardless of the form in which the remuneration is provided . . .

Those matters have been raised not only by Mr Blakers but also by industry organisations. I will not list the organisations, but they have concerns about payroll tax, particularly the compliance costs. Separate concerns have been raised about the debits tax and those sorts of things. They are issues that have come to my knowledge and in any event are matters of considerable concern to the sector.

The other issue concerns law reform and people paying out considerable amounts of money as a result of laws that have now been found to be inadequate. Additionally the Commercial Tenancy (Retail Shops) Agreements Act and the Commercial Tribunal Act need reviewing. I refer in part to a recent decision of the Supreme Court of Western Australia on a case involving *Mavromatidis v Dundon*, library No 970395A, in which the adequacy of the Commercial Tenancy (Retail Shops) Agreements Act to resolve disputes between tenant and landlord came into question. Without judging whether the court's decision was right or wrong, I quote from part of the decision to indicate the costs to which both parties will be subjected as a result of it and the need for change in this area. Templeman J commenced his decision as follows -

The principal question with which this appeal is concerned is whether the Commercial Tribunal of Western Australia ("the Tribunal") established under the *Commercial Tribunal Act 1984*, ("the *Commercial Tribunal Act*") has jurisdiction under s26 of the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, ("the *Commercial Tenancy Act*") to make an order for the possession of premises, tenancies of which are regulated by that Act.

The background is -

On 17 February 1995 a Stipendiary Magistrate at the Local Court in Midland transferred the matter to the Tribunal. The Magistrate did so over opposition from the landlords: he said that Parliament had specifically provided for disputes in respect to commercial property and shops to be dealt with by a Tribunal. At the hearing before the Magistrate, counsel for the landlords had apparently expressed concern about the powers of the Tribunal. The Magistrate held that s26 of the *Commercial Tenancy Act* was sufficient for the landlords' purposes.

This was a major dispute between a landlord and a tenant in which a magistrate had decided that the matter should be dealt with under the commercial tenancy Act despite counsel for the landlord expressing concerns about the limited powers in that Act.

As a result of that decision an application was made through the registrar to the tribunal. Following mediation a decision was made by the tribunal. The matter was then appealed to the District Court, not on the grounds of merit, but on the grounds that under the commercial tenancy Act the chairman had no power to make the ruling he made.

In summary, the people went to the court and asked that the case not be transferred to the Commercial Tribunal because the Act was deficient; the court decided it would transfer it anyway; the applicants presented their case to the tribunal; a decision was made by that tribunal and an application was made to a superior court - in this instance the District Court - on the grounds that the Act was deficient and did not permit the tribunal to make the ruling that it made.

The upshot was that an appeal was heard by Judge Charters, on 8 July 1996. On 6 August his honour delivered a judgment which held that section 26 of the commercial tenancy Act did not include the power to determine a lease or order that a party be entitled to the possession of premises.

This is a case where a person wanted the court to decide the matter, but was told it could not do that so he must take a different path. He spent a considerable sum of money going down that path in order to have the matter determined, only to be told on appeal that the wrong path had been taken. That was not the fault of the landlord or the tenant, but of the court or the magistrate that directed them down the wrong path.

Ultimately, the Full Court of the Supreme Court of Western Australia had to consider whether the District Court was correct in saying that deficiencies existed within the commercial tenancy Act or whether the magistrate in the first instance was correct. For a variety of reasons the Supreme Court held that the magistrate was wrong; he sent the disputing parties down the wrong path. I am not a lawyer but it seems to me that this matter is now open for the aggrieved parties to go down the correct path. In the meantime, as a result of deficiencies in the legislation, many

thousands of dollars have been spent on legal representation and on defending the application. Although a judgment has been issued by the Supreme Court it is not clear whether the matters which were unable to be determined by the path chosen by the magistrate may be open to be determined if they are pursued down an alternative path.

I undertook to raise the matter in the Parliament. This decision shows that there is an urgent need to review the law and bring forward changes in commercial tenancy legislation or the Commercial Tribunal Act to ensure that this cannot happen again. It is not in the best interests of any of the parties. I hope that as a result of my raising the matter today the Government will give it some priority.

A number of other matters have been raised with me. Although time does not permit me to go through them all, in its advisory role, the Small Business Development Corporation may wish to examine them. I refer to the financial impact of legislation and regulations. Part of the commercial sector is concerned that inadequate attention has been given to legislation and regulations that are adopted by the Parliament. It is concerned that it is not consulted on the financial impact of such legislation, irrespective of whether it has a direct impact or an indirect financial impact, and the need for legislation to be considered not only in the context of what it seeks to achieve but also in having regard to compliance and other costs; that is, will the legislation involve direct or indirect costs; if so, what will be that cost. That is, is there a compliance cost with the legislation either directly or indirectly and, if so, what is that cost? It has been put to me that, in terms of the interests of producing good legislation in the Parliament, it is not currently happening and that is a deficiency.

The issue of technology and small business has come to my attention, and I have discussed it with a number of parties. I note, for example, from the Yellow Pages report - the more recent report - and the media release of 6 August that reference is made to the rate of adoption of technology in Western Australian small businesses compared to the Australian average. The report states -

Western Australian small business is lagging behind other states and territories in the adoption of information and communications technology, according to the special Yellow Pages Small Business Index Report.

WA small businesses also have the second lowest (to Tasmania) CD-ROM utilisation levels and the second-lowest ownership - (7 per cent) of pagers, just ahead of Queensland's 6 per cent and below the national average of 9 per cent.

Technology and its use is critical for business, both to stay in the market and to stay competitive.

Operators told me that, while technology is a great aid and will need to be adopted by small businesses if they wish to remain viable, it is also a threat. In some areas of industry it is possible to control centrally myriad functions that in times gone by would have been contracted out. Operators are concerned about the extent to which they are private operators or independent businesses, or whether to some extent they will find themselves in the role of supervisors or even leading hands of an outpost of a larger corporation. They are tied in to the technology requirements of the primary provider. They must adopt technology determined by that provider to communicate with a central computer system. They feel that at any time it would be possible for a larger entity - whether it be a provider, supplier or whoever - to move in on their business. Their ability to operate as independent agents is very narrow. I am not referring to franchises and franchisees but to so-called independent businesses. That is one of the challenges facing this sector.

The issue of time charged telephone calls has been raised with me. The Opposition endeavoured to get some support from the Government on this issue because of the damaging effect that this move might have on small business, particularly if time charges are introduced for the use of the Internet and various other forms of communication. Although members on this side tried to organise a deputation to the Federal Government earlier this year in order to combat the introduction of time charged calls, we have not yet been successful. That matter must be kept under scrutiny because, if such charges are introduced, they will have a devastating effect on a range of small businesses.

I have read some recent articles about regulation. Of course, in times gone by, the debate has been about deregulation. It is interesting to note that some of the later articles address the issue of smart regulation, reregulation and whether regulation is appropriate. In this context, restaurateurs, particularly those catering for the higher end of the market, are concerned about food standards and are talking publicly about the need for regulations to protect the quality of their product.

A range of issues affects small business. I have mentioned some but not all because that would take much longer than I have. One of the other issues clearly on the agenda affecting small business is the competition policy. I will not say that groups have been sheltered from it, but some have used regulations to ensure diversity of ownership.

In a changing environment there is also real concern about some of the large chains and the way in which they are

seeking to move into areas that traditionally have been dominated by small operators and the relationships between the two. A request has been made that there be time to allow small operators to compete or to get their business in order so that they can compete with the larger chains. If that does not happen, a number of small operators will disappear.

Whether these are matters for the market is the \$64 000 question. Some would argue that they are, but others would argue that if eventually we have such a small market - that is, a dominance of ownership in the market - that would not be in the public interest and legislative action should be taken to prevent it.

They are some of the questions, and obviously they are not easy issues. I do not have myriad solutions but, as someone fairly new in the portfolio, I would be remiss if I did not mention the concerns that have been raised with me in the hope that they will be picked up by the broader representative board of the Small Business Development Corporation.

Debate adjourned until a later stage of the sitting, on motion by Ms MacTiernan.

[Continued on page 5685.]

STATEMENT - MEMBER FOR ARMADALE

Armadale - Lack of Facilities and Services

MS MacTIERNAN (Armadale) [12.50 pm]: Last week Parliament was presented with a petition arguing that Joondalup be graced with the new police academy. We are used to government-funded facilities being directed to Joondalup, even those that are not normally associated with government, such as cinemas. This week we heard reports in a dorothy dixer of a wonderful new sports centre there. I wish the people of Joondalup well. However, I note that in the past five years the reverse process has occurred at the other end of the city, notably in my electorate of Armadale.

Under the State and Federal Liberal Governments a number of facilities and agencies have been pulled out of Armadale. Armadale has lost its district education office, regional police complex, SkillShare office, social security service, and job club. The Armadale-Kelmscott Memorial Hospital redevelopment has been put on hold while Joondalup and Mandurah have jumped the queue. We now hear rumours that we are about to lose Family and Children's Services, notwithstanding that the Armadale region is in real need of those services. A submission has been made to the Government to locate the police academy in Armadale and I urge the Government to consider this application very closely. It is not fair that one regional centre is swamped with facilities while another is stripped of infrastructure.

STATEMENT - MEMBER FOR DAWESVILLE

Net Fishing in Peel Waters

MR MARSHALL (Dawesville - Parliamentary Secretary) [12.51 pm]: A strong lobby movement has been formed to allow only attended recreational net fishing in the Peel waters. I do not agree with that suggestion. Net fishing is a way of life in the Peel area. It has been like that since Thomas Peel founded the area in 1833. For the past 10 years net fishing has been a controversial issue. However, the controversy should not be generalised as Mandurah does not fit the guidelines being debated.

In 1991 the Government of the day stopped net fishing in Mandurah. However, in 1993 the newly elected coalition Government reintroduced net fishing on Wednesday and Friday nights for nine months of the year. This format has been working well. Researchers are now suggesting that recreational netters should attend their nets rather than leave them overnight as a conservation control measure. This assertion is made despite the fact that due to the Dawesville Channel there are more fish, more types of fish, and more crabs - they are breeding four times a year now - in the Peel and Harvey Inlets than ever before. I do not agree with the researchers. Peel has over 700 registered net fishing licences, with one-third of licence holders being over 50 years of age. It would be a disgrace, and dangerous, to expect elderly people to retrieve their nets in the dark, particularly on wet and windy nights. These people need the excitement of setting their nets, the thrill of the hunt, the discipline of getting up at sunrise and the exercise that goes with the sport. Anyone who does not know that, has not lived! We should not change the regulations covering Peel net fishing.

STATEMENT - MEMBER FOR WILLAGEE

Midvale Speed Dome - Funding

MR CARPENTER (Willagee) [12.53 pm]: Last night I attended the opening of the World Track Cycling Championships at the Midvale Speed Dome and watched the Premier revel in the glory of world attention as the

cyclists began their competition. Distressingly though, I have to report a major problem that is associated with the Midvale Speed Dome. That problem has been brought to the Premier's attention.

The Swan Shire Council, which has undertaken the responsibility of meeting the running costs of the Midvale Speed Dome, has said that it cannot afford to keep making the payment of \$400 000 a year. The council has advised the Government about its financial plight. It has requested assistance. As early as this morning the council said that unless assistance was forthcoming from the State Government it would close down the Midvale Speed Dome.

Dr Hames: It's been fixed.

Mr CARPENTER: If that matter has been fixed it was done in the past 10 minutes, when members opposite found out I was about to raise it in the Parliament. If it has not been fixed, it should be done immediately. It is all very well for the Government to praise itself for attracting these major events to the community; however, the Government cannot leave the financial burden of running a facility like that upon the shoulders of the Swan Shire Council. The council has a broader responsibility to its ratepayers to provide facilities to the general community. If the Government has not acted on the advice of a report it commissioned some time ago, it is negligent in its duty.

STATEMENT - MEMBER FOR MITCHELL

Eaton New School Working Party

MR BARRON-SULLIVAN(Mitchell) [12.54 pm]: The area of Eaton in the electorate of Mitchell is one of the fastest growing population areas in the State. Part of the difficulty in an area like that is planning for future schools. The present school will soon reach its capacity and planning for a new school is under way.

I am particularly pleased that the Government has encouraged a community based planning process. This process has been nothing short of a tremendous success. It has considered all options for the school. Parents and the broader community have been kept informed, and public meetings have been held for the community. On Tuesday night the community expressed its support for a middle school option and I believe it is the right approach to take. The key reason for the success of this whole process has been the dedicated work by the individual members of the Eaton New School Working Party. They have dedicated themselves to the task and given up their time, totally free of charge, for the community. They have taken nothing short of a very professional approach.

I put on the record this Parliament's gratitude to each member of the Eaton New School Working Party. I will mention them by name in this Parliament because of the duties they have carried out. They are Leisa Soulas, Martin Scantlebury, Cleve Armstrong, Wendy Evans, Yola Patten, Loretta Palmyre, Liz Lowe, Vic Hough and Mick O'Connor, Barry Bastow, Carolyn Nankevis, from the Education Department, and Kerry Lamb, the local principal.

STATEMENT - MEMBER FOR KALGOORLIE

Schools Sports Challenge Program

MS ANWYL (Kalgoorlie) [12.56 pm]: I commend to the House the fantastic work being done by the sports challenge program team in over 52 schools in the city and country areas of Western Australia in 1997. The primary focus of the program is to improve the mental health and self-esteem of children and also to lift their developmental skills. The program is the result of the vision and dedication of the chairman, Dr Ian Rouse, and director, Garry Tester, who conceived the idea in 1990, who have worked tirelessly to make sports challenge a reality. The work they have done cannot be overstated.

The program involves small groups of children, on both an individual and team basis, in basketball classes. A highly focused and supportive team of athletes is crucial to the process and the athletes who take part in the program include some of this State's most gifted sports people from a variety of backgrounds. Players take time out from their hectic training schedules which is a testament to their altruistic support of this program. Yesterday the Fremantle Dockers formalised their support for this program.

The program commenced in Kalgoorlie-Boulder this year. I have already received positive feedback from a variety of sources. I urge the Government to extend its current support for this groundbreaking program. Every dollar spent on prevention is well spent and may save many dollars in the long term.

STATEMENT - MEMBER FOR VASSE

Drivers' Licences - S and D Plates

MR MASTERS (Vasse) [12.57 pm]: In recent times there has been much debate about whether seniors should be displaying S plates on their motor vehicles. I am not particularly fond of that idea because older drivers tend to drive slowly and to be cautious. Therefore, they are not involved in serious accidents to the extent that are other driver

groups, particularly young males who are killing themselves at an unacceptable rate. Nonetheless, Western Australian legislation provides for an E plate for extraordinary licences and a P plate for probationary drivers.

A new initiative which recently came out of the United States of America is pertinent to this topic. In that country one judge is ordering convicted drunk drivers to stand on busy street corners for one or two hours per day, for quite extended periods - in some cases over many days and even several weeks - wearing a sandwich board sign which has on it the words, "I am a convicted drunk driver". When interviewed these people expressed their shame for both their initial illegal activity and being on public display. Most of them said they would not re-offend.

Accordingly, as put to me by one of my constituents, I suggest that convicted drunk drivers display a D plate on their cars for a two year period after their conviction. This would act as a significant deterrent against their offending again and I encourage the Government to seriously examine the merits of this suggestion.

Sitting suspended from 1.00 to 2.00 pm

PARLIAMENT HOUSE - VISITORS AND GUESTS

THE SPEAKER (Mr Strickland): I draw the attention of members to the presence in the Speaker's Gallery of the newly elected Labour member for Leicester West in the House of Commons, Mrs Patricia Hewitt.

[Applause.]

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - GOVERNMENT ACCOUNTABILITY AND RESPONSIBILITY

THE SPEAKER (Mr Strickland): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms -

Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.

That this House condemns the Government for its failure to meet basic standards of accountability and responsibility in discharging its duties and for the contempt it has displayed for the rights of the public and the Parliament to be properly informed about the activities of the Government.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[Five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes in total to the Independent members, should they seek the call.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.40 pm]: I move the motion.

There is a very interesting word that has Greek origins and that I believe is a useful term to apply to political debate; that is, hubris, or arrogant pride or presumption. This is a characteristic that can affect individuals as well as institutions; in particular, Ministers and the Governments of which they are part. When it does affect them - or should I say "infect" them - good government is threatened and inevitably public interest is compromised. It spreads with time in office and can be particularly virulent following the success of re-election. If there is one thing we can say about this current Government, it is that there is no doubt it has been badly infected with an arrogance in the way it conducts the Government of this State. I am sad to report to the House that as a result of that, the people of Western Australia and the Parliament of Western Australia are very much the losers. We saw it again in question time today. Simple and straightforward questions were put to Ministers, and rather than answer those questions, they conducted their dialogue according to their own agendas. I will talk about that a little more in my presentation this afternoon.

Two important principles in our system of government have suffered as a result of the arrogance of this Government: I refer to accountability on the one hand and responsibility on the other. Since the election we have seen example after example of this Government breaking its basic commitments to the people of Western Australia. We saw it in respect of the Budget when specific promises that were given in the election campaign were broken. Commitments that were given to constituents outside Perth by the National Party, for example, were deliberately broken following the election. As time goes on and as we have a snapshot of the way the Government is governing the State, we see more and more examples of its arrogance getting in the way of good government.

Accountability requires a Government to be answerable; to give an account of its actions to the Parliament. That accountability is crucial if we are to have a system of ministerial responsibility. It is a necessary, but not sufficient,

condition for responsibility. Responsibility means being concerned for the consequences of one's actions and taking remedial action if necessary.

Mr Cowan: Did you have this concern in the eighties?

Dr GALLOP: The Deputy Premier is really desperate. Coalition members have been in government since 1993 and they still want to talk about the 1980s.

Mr Cowan: I just wondered whether you gave this lecture to your Cabinet colleagues in the eighties. Did you or did you not?

Dr GALLOP: I hate to inform the Deputy Premier that I was not a member of Cabinet in the 1980s.

Mr Cowan: Did you give the lecture to those who were in Cabinet?

Dr GALLOP: I know the Deputy Premier is grumpy. I know he has lost the plot. I know he is on the way out. However, what about listening to some of these issues? If there is one party in this House that had the chance to do something on standards, it is the National Party, but it gave up the game a long time ago.

Dr Turnbull: You're away with the fairies.

Dr GALLOP: If I am away with the fairies, the member for Collie is playing with the pixies.

The standards set by the coalition on both of these issues is nothing short of appalling. In recent days we have seen attempts to conceal from the Parliament vital information about the funding of the Police Service. We heard of an indemnity issued to broadcasters on behalf of the Government of Western Australia without any apparent reference to any Minister. We have seen the Government undermine the authority of the Speaker rather than accept responsibility for its own administrative failure, and we have heard of public servants doing the bidding of the Liberal Party during the election campaign, despite the caretaker conventions that exist for elections. Either we have standards or we do not. If we have standards, they must be applied to those who occupy the government benches in this Parliament.

Let us consider the circumstances related to each of the issues to which I have referred. Each of those incidents reveals an unfortunate failure on the part of the Government to deal adequately or properly with its responsibility to people and to Parliament. Let us consider the heroin crisis and the drug squad. This State has a major heroin crisis, yet funding to the drug squad in Western Australia to tackle drug trafficking has been reduced. That is a bottom line fact. What was the response of the Government to that fact? What was the response of the Minister for Police to that fact when he was asked a question in this Parliament last week? The response of the Minister for Police was that funding of the Police Service was an operational matter and that he would not reveal what the funding was to the drug squad in Western Australia. It took three days of questioning to get the truth on this matter. The Opposition had a run at the issue in the upper House and the Attorney General said there would be no increase in staff of the drug squad, but he did not tell us about the funding. Finally, the Commissioner of Police told us that the operational budget had been cut. The Minister for Police then misled Parliament about the situation at the drug squad.

Let us remind ourselves there is a major heroin crisis in this State. The operational budget has been cut. What does the Minister for Police do? He tries to cover up that situation. That is not a Minister accepting his responsibility to this Parliament or to the people of Western Australia for what is going on in the Police Service. There is no question that that Minister has failed in his accountability to this Parliament.

What does the Government do about the crisis the State faces? It tries to blame the Federal Government for the heroin crisis. There is no question the cutbacks at the federal level are exacerbating the problem of tackling drug trafficking. Members can understand the frustration of the Prime Minister when he deals with the Premier and when he is criticised for what the Premier is doing with the budget of his own Police Service in Western Australia. What confidence can the people of Western Australia have in their Government when it will not be honest to the Parliament and the people about what is happening in the drug squad? It has been the vigilance of the Opposition that has brought out the facts on this matter and it will be the continuing vigilance of the Opposition that will see to it that proper resources go into the Police Service to tackle that issue.

I turn to a second issue. The Government of Western Australia was seduced into supporting the expenditure of taxpayers' money on the Elle Racing syndicate in 1996 by the expectation that it would assist the re-election chances of the Government in that year. The inevitable failure of that enterprise could have been predicted by anyone. When one goes into an enterprise and spends money, not on the basis of the commerciality of the enterprise but on the basis of short term political capital, there are bound to be problems with contracts and the delivery on the other side of the contracts. Just as was the case with Global Dance, which is currently being investigated by the Public Accounts and Expenditure Review Committee, we witnessed the Elle Racing expenditure fail the people of Western Australia on

the boat proposal. That was because the proper processes of government were compromised so that the will of the Government would prevail. The deal was announced before the Western Australian Tourism Commission - which has a statutory authority to spend money in this area, has an obligation to do so and is held to account for it - had signed off the deal. Indeed it was announced before the Tourism Commission dealt with the issue. That was done in the political interests of the Government not in the interests of the taxpayers of Western Australia.

Public servants were put to work as public relations agents by the Government in the heart of an election campaign. That has broken the caretaker conventions laid down in the Parliament relating to elections and it is further evidence of the politicisation of the public sector. That evidence has been there for everyone to see in the Global Dance fiasco and the Elle Racing episode. The responsibility of public servants - in some cases working in statutory authorities - to carry out their duties as the law requires, has been undermined by their belief that they must do the bidding of the Premier or the Government for its short-term needs. That is not good enough; that is not accountability; that is not responsibility. The vigilance of the Opposition has brought to the public notice the facts relating to the issue. We will continue to pursue it until the Government is held to account for what it has done and accepts full responsibility for what has happened.

The Minister for Labour Relations was so rocked by the opposition to his industrial relations legislation and by the complaints made to him by his colleagues about the public reaction to that legislation, he raided the public purse to initiate a propaganda campaign. The first law of the propagandist is that if one cannot convince people of something one must "re-educate" them. The word needs inverted commas because the Government no longer understands the distinction between a proper use of taxpayers' money as a method of passing information to the public, and propaganda on behalf of its ideology and its party position. The Premier's response yesterday to debate about the indemnity indicated very well that he does not understand the federal legislation on advertising. Rather than reflect upon his Government's performance he attacked those laws. The Government does not understand the distinction between information and propaganda.

Then, in trying to pursue its propaganda campaign, the Government discovered that the legislation requires advertising to be tagged as political - and legislation under the Trade Practices Act may even catch it for being false and misleading. To ensure that the advertising proceeded, the Government provided an indemnity to broadcasters in this State. The Minister tried to tell us that it is quite all right for an indemnity to be offered by public servants when he knows nothing about it. It would be interesting to know if the Premier thinks that it is a proper principle for an indemnity to be given without any reference to Ministers or to the Cabinet. Either the Minister knew about it and agreed to it and is now trying to pass the buck to the public servants or a very bad principle has been set in the system in our Government which augurs badly for taxpayers' money in future. When the Government finds itself in difficulty it blames the law rather than its inability to distinguish between a proper and an improper use of taxpayers' funds.

Yesterday we witnessed the final insult to the Parliament when the Government undermined the ruling of the Speaker and this House because it was inconvenient for the Government. That was a disgraceful performance, and every member who supported the motion to undermine the authority of the Speaker should be ashamed of the practice being set.

The Government has yet to fully account to the Parliament for its actions relating to the Elle Racing affair and the indemnity. This is a failure of accountability. No wonder it has failed to account to the Parliament, given its cavalier approach to public administration and the use of taxpayers' money. Who would want to account for the Elle Racing affair or for the indemnity? Of course, government members are embarrassed and do not want to accept responsibility to account to Parliament for those fiascos. That is the system and the set of practices that we cannot accept.

The Government attempted to conceal from Parliament the true state of affairs relating to the drug squad and continues to blame others for its failure to tackle the heroin crisis. The only response by the Premier is to send out pamphlets to the community, when treatment programs for those unfortunate enough to be affected by addiction have been over the last three or four years cut back so much that we face a serious crisis in this State; and, secondly, the Police Service has been cut back in the key area that can target drug trafficking. Treatment programs and effective policing are key issues for which the Government is directly responsible and can do something about through its Budget. In those two areas the Government has failed. However, it has tried to conceal its failure and to blame the Federal Government.

This Government has failed both the accountability test and the responsibility test. It simply avoided the consequences of its maladministration by using its numbers in this place to overcome the ruling made by the Speaker. It is easy when one has the numbers. However, in a sense there is a greater challenge: When one has the numbers to achieve something and there is no obvious constraint on one's behaviour, the way one behaves is an indication of one's true capacities and abilities. This Government has the majority in this House, and we should consider how it behaves: It does not provide information to the Parliament about critical issues, and it undermines the authority of

the Speaker on the important issue of the powers of this House versus those of the other House. The arrogance of the Government has been displayed on these issues.

This week has been a very revealing one for all Western Australians. The Government is out of its depth on the key issues. It must deal with the heroin crisis and the political fallout from the Elle Racing and the Global Dance fiascos; and it must deal with the problems created by the bad advice it received on legislation introduced in the Legislative Council. How does the Government deal with those issues? Is it being upfront? Is it informative? Is it accepting responsibility and trying to improve the situation so that we have better government in this State? The answers are in the negative. Its first strategy is concealment. If that does not work, its second strategy is blame someone else; and, if that does not work, its third strategy is re-educate the people to think differently about what the Government has done. The Government has tried concealment, it has tried to blame others, and it has tried propaganda. The combination of those elements describes a Government that has failed to accept its responsibilities to the people and the Parliament of Western Australia. One can find no better indication of where government is at in Western Australia in 1997 than the attitude that this Government has taken to the drug squad.

MR BROWN (Bassendean) [3.00 pm]: I second the motion, for a number of reasons. The coalition Government was elected in 1993 on the basis of its promise to be open and accountable. That meant, in part, that it would have the courage to deal with questions that were asked in this place and not make up stories and deal with other issues.

We have asked the Premier a series of questions about the Elle advertising campaign and the Elle Racing deal, and about the involvement of government departments in political campaigns. We asked, for example, whether during the hype of the election campaign questions and answers were prepared for the Premier that were designed purely to promote the Liberal Party and that were prepared not by the Liberal Party, not by an adviser to the Liberal Party and not by a private consultant but by a government department. I can just imagine the calls from the other side had the reverse been the case and that had been done by the Labor Party when in government. I have not heard the Premier say, "Yes, and I fully support the Government of the day using the Public Service during an election campaign for its political imperatives." The Premier is not game to say that. Rather, he chooses to avoid the issue by talking about an entirely different advertising issue.

I turn now to financial accountability. I have constantly made requests in this Parliament for information about financial matters. Last year, I asked a range of Ministers about whether contracts had been entered into. Rather than deal with small amounts, I asked -

With the exception of employment contracts, how many contracts for services, involving a total payment of \$40 000 or more, has each department and agency under the Minister's control entered into between 1 September 1996 and 31 March 1997?

The answers were all the same -

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs.

Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

No information! The Government will not tell the people of Western Australia where the money is being spent. Therefore, rather than ask such a broad question, I decided to ask Ministers only about contracts that were let in April 1997. Again, the answers that I received were all the same -

The information requested by the member for Morley is not currently stored centrally and would require considerable resources from each agency to compile.

That is interesting. There is no member for Morley in this House; that seat was abolished last year. We see from those answers not only the Government's unwillingness to provide information but also collusion among Ministers where they cannot get even the basic facts right. They do not even know who is sitting in this House.

Time and time again when we ask for financial information, it is not forthcoming. If the Government will not release even that information, we have no chance of testing it. The Government has failed the accountability test abysmally. We will see whether it will lift its game in future. From all of the questions that I have asked and all of the non-answers that I have received, at present the Government stands condemned for reneging on its commitment to the people of Western Australia to be open and accountable.

MR COWAN (Merredin - Deputy Premier) [3.12 pm]: It is interesting that the Opposition has decided to run this broad ranging matter of public importance. It reminds me of the approach that the coalition adopted when it was in

opposition, during what became known as WA Inc, when the considerable laxity on the part of the Government allowed us to take it to task about its lack of accountability. The Opposition tried to adopt a similar approach during this Government's first term of office when it developed a fixation on what it termed Wanneroo Inc. We all know the consequences of that.

Mr Carpenter: The Attorney General had to resign and take another portfolio.

Mr COWAN: That is the type of misleading comment that we so often hear from members on that side of the House. The Attorney General did not resign.

Mr Carpenter: She was moved to another portfolio.

Mr COWAN: The Attorney General did not resign.

An opposition member: That is not what he meant.

Mr COWAN: That is exactly what he meant.

One of the problems of the Opposition is that it makes an assumption, and that assumption is carried for two or three days. The Opposition seems to be in a bit of collusion with the media, and that is fine, if that is what it wants to do, although many people in Western Australia are questioning whether the Opposition is the media or members opposite, and most people answer in favour of the media. After two or three days, or for as many days as the Opposition chooses to carry that assumption, it says, "We can now presume that to be a fact", and away it goes. I do not want to assist the Opposition too much in the performance of its task -

Mr Brown: Thanks, dad!

Mrs Roberts: Grandad!

Mr COWAN: I am, and I am very proud of it.

Mrs Roberts: You are the grandfather of this House.

Mr House: It is a good looking baby. It is better looking than he is.

Mr COWAN: We are all very pleased that she inherited not only her mother's brains but also her looks.

Mr Pandal: Thank God for that!

Mr COWAN: Before I refer to some of the specific issues, I will just mention the tactic of the Leader of the Opposition. Rather than present anything concrete, he constantly carps and criticises. I do not think anyone can point out to me any constructive proposal that has been put forward by the Opposition in the 27 or 28 minutes of debate so far. We have heard nothing that might be construed as a constructive alternative - nothing whatsoever. I do not blame the Leader of the Opposition for this; it is a natural progression. Having spent so much of his time with academia and as a lecturer, the Leader of the Opposition has a tendency to position himself as an observer, not as one who can produce some constructive processes that might be a better alternative. He has become more and more a critic - even a whinger - about what is happening.

Mr McGowan: Lapdogs.

Mr COWAN: I am very pleased I heard that interjection. I often hear that comment from the Leader of the Opposition. The National Party was at a very important function in regional Western Australia. If members opposite do not know where that is, I will explain that it is the part just over the Darling escarpment, and one day I will take them there and introduce them to it. I have heard the comments and I have read the *Hansard* where members opposite said, "You people cannot do anything there because the National Party is not there to give you permission." Those opposite cannot have it both ways: They cannot say on one hand that we make no contribution and then on the other hand say that we have too much influence in Government. They should make up their minds because when they do, they will have some credibility. At the moment while they are waxing one way and the other, they will have no credibility at all. I do not mind that.

Let me come back to the Leader of the Opposition whose days as a university lecturer, an observer and a commentator about what happens are over. He must make sure he can instil in the Opposition the idea that he can be a participant. He must be a competitor. He cannot be on the outside of the picket fence. He must be in the arena. He can no longer be a race monitor, clipboard in hand, watching the running of the race - the Government is trying to run this race, and is doing it very successfully, in my view - and then marking down whether the Government went past a particular point.

Dr Gallop: It is part of our job and you do not like it when we apply those standards.

Mr COWAN: As a matter of fact, I enjoy it. Unfortunately, I think the Leader of the Opposition can do much better.

Dr Gallop: Will you support our town planning amendment Bill on behalf of local government?

Mr COWAN: I am sorry, but I have not had a chance to look at it. I will make a point of examining it, and then I will give an answer.

Let us look at the Opposition's claim that this Government lacks accountability and has not been answering the questions that have been asked of it. At the risk of sounding like someone who is preaching, I again remind opposition members that they have the responsibility of asking questions. It is our responsibility to answer them. Those opposite will always be disappointed that not only can they not ask the questions, but they also cannot provide the answers. The Leader of the Opposition must accept that we give the answers as we see them.

I refer specifically to the Western Australia Police Service and the issue of policing. Which Government provided an extra 500 police officers and additional financial resources to ensure the police could have the necessary equipment and facilities to do the job better? Who said that, given the Delta program and the way in which the Police Service is now structured, more people are in the Police Service to deal with the issue of drugs? What is this argument all about? I recall - I do not do so with any great relish - a time when a decision was made that petrol would be rationed for police officers on road patrols. I wonder which Government did that? There might be just a small amount of nitpicking in this issue that has been raised by the Opposition. That does not mean to say that the drug issue is not one of the most serious issues this Government must face. However, the Opposition must face it as well. I suggest that in doing so, the role of the Opposition is not to be critical of the Government.

Dr Gallop: When I was shadow Minister for Health, for two years I was pressing then Minister Foss and the now Minister for Labour Relations, who had responsibility for the Health portfolio, about the methadone programs. I was accused of scaremongering. That was your Government's response to a basic treatment program. Had it been in place two or three years ago, it would have saved lives. That was your Government's response. Pure arrogance!

Mr COWAN: I have allowed the Leader of the Opposition to interject. I am not in a position to respond precisely to that issue. However, I do know that in the majority of the cases where deaths have occurred in this current heroin crisis, the methadone treatment would not be available to those persons for the simple reason that they would not qualify for it. The Leader of the Opposition is not saying that; however, I am sure the Leader of the Opposition will take the trouble to verify that what I am saying is right, and he will modify his remarks about that issue.

The heroin crisis did not hit us over night, except that there is now greater purity of the drug on the streets, which is having a significant impact on the consequence of people shooting up. We recognise that as a problem, and we are seeking to deal with it in three ways: First, by increasing the education program; secondly, in treatment and rehabilitation; and thirdly in policing, both covert -

Dr Gallop: You cut the budget.

Mr COWAN: This is the sort of thing I was talking about before. Those opposite make an assumption that there has been a cut in the budget. Having made that assumption about the Police Service budget, after a while they presume it to be fact.

Mr Kobelke: It is a fact; you said it.

Mr COWAN: It is not. I do not know how many times my colleague the Minister for Police has to say this, but I wish those opposite would not demonstrate that they have a hearing affliction.

Dr Gallop: Do you want to see the press release issued by the Police Commissioner last night.

Mr Day: It is not relevant.

Dr Gallop: It is very relevant. It relates to an operational budget cut.

Mr COWAN: I would be happy to see it. All I am saying is that this Government increased the numbers in the Police Service and its resources and funding and, through the Commissioner for Police, was responsible for the way in which the Police Service performs its task so that a greater crossover of officers is involved in different tasks. Accountability and arrogance are important issues of which every Government should take heed. However, only one body is saying it; that is, the Opposition.

Dr Gallop: You are out of touch. I have just been through three of the major regional areas of this State and every Western Australian Chamber of Commerce and Industry I visited said exactly that about the Government.

Mr House: Did you notice how well they have recovered since you left government?

Dr Gallop: That is not what they say. That is how out of touch you are. I am talking about your traditional support base.

Mr House interjected.

Mr COWAN: I will finish on the cautionary note that very often people do not permit themselves to be told things which they constantly do not like to hear. That is a danger that can arise with Governments. I have always advocated to those people with whom I have any dealings, particularly my ministerial staff, that they should not tell me what they think I would like to hear, but what they believe I should be hearing. That works very well. The same can be said to the Opposition. The Opposition is being somewhat selective about the issues it wants to hear. As a result it has a very false impression about the attitude and perception - believe it or not politics is about perception; it is not always about reality and the Leader of the Opposition knows that better than anyone else - of the public towards this Government.

I acknowledge that we must not let down our defences, but at the same time - there are always issues that must be dealt with; the Leader of the Opposition touched on services to the regions - we must work hard at maintaining a level of services to the regions. The Government is aware of that. However, I warn members opposite that they should not believe all the things they would like to hear, but listen to some of the things they should be told.

There is a general understanding that this Government has introduced greater accountability measures than any other Government. This State is now subject to freedom of information; the Anti-Corruption Commission has been established; and a number of bodies have been established which have the responsibility of ensuring that accountability prevails. No other Government has done that. The coalition is prepared to stand on its record and rejects this motion.

MR BOARD (Murdoch - Minister for Works) [3.22 pm]: I will address a few issues, particularly those raised by the member for Bassendean.

Mr Brown: You got it right; you are improving.

Mr BOARD: I would be very surprised if any of the letters that went to him from my office referred to the member for Morley. However, I will stand corrected. Did the member read the entire answer he was given or only parts of it?

Mr Brown: I can read it now.

Mr BOARD: He does not need to. I take extremely seriously the need for accountability and transparency of contracting information and the need to make it available to both the Opposition and the community of Western Australia. Approximately \$6 billion a year is provided for government construction or procurement of goods and services across 164 agencies and approximately 105 000 public servants. In the order of 40 000 contracts are written each year and many more tens of thousands of contracts which would be considered by law to be contracts may not be in a written form; in fact, the purchasing of a pencil may be considered a contract. From that point of view, as the member knows, we have not had under any Government a central register or any way in which to accumulate all that contracting information at a central point.

The member for Bassendean will also be aware that in its recommendation 11 the Commission on Government made some specific suggestions about contracting information being available to the community. As he should know, the Government has accepted COG recommendation 11 in principle and is working strongly towards its implementation.

The department is working towards contract award information for individual contracts, contracts worth more than \$20 000 and a final contracts obligation document prepared for all contracts worth more than \$50 000 to be displayed on an electronic bulletin board; that is, the Internet. Cabinet has endorsed that proposal and the department is now trying to implement that across government.

Mr Brown: Does that mean that the details on who was awarded a contract, what it was for and the amount will be published?

Mr BOARD: Yes, for \$20 000 or more; for contracts worth \$50 000 or more there will be even further detail. All contracts will be available on an individual basis. Obviously I cannot put up to 70 000 contracts on the Internet. However, if a member of the community seeks details on any contract, that should be available within a short period.

Mr Brown: The question is not whether contracts are advertised. When they are advertised we should be able to ascertain to whom they are awarded; how much they receive for the contract, particularly where there are variable prices; and what the contract is for.

Mr BOARD: That will be available on the Internet for contracts of more than \$20 000.

The Government also went to the election promising it would establish a contracts ombudsman. As the Ombudsman was concerned about the proliferation of the term "ombudsman" we are establishing a contracts referee. Cabinet has agreed to that and a proposal is being drafted. I hope to announce that formally in this place in a few weeks.

Mr Brown: There are two arguments: One from the people who missed out on a contract and one from the recipients of a service or contract provision who argue they did not receive proper service.

Mr BOARD: The State Supply Commission has a mechanism for those people who, firstly, have not complied with policy in the contracting arrangements for an appeal process. Under the legislation, it would not be feasible to open up every contract awarded on an appeal basis, otherwise every person who missed out on some kind of tender would appeal. We do not want to create double dipping. Where policy has not been complied with, a contracts referee will intervene to stop the awarding of a tender until policy is complied with. I hope that will result in consistency.

I can assure the member for Bassendean that the information he requires will be available as a result of present efforts.

MR BARRON-SULLIVAN (Mitchell) [3.28 pm]: I fail to see how the motion addresses accountability in government. Quite frankly the Opposition has used it to raise a number of isolated issues. The Deputy Premier hit the nail on the head earlier when he said that this motion raises the question of the Opposition's credibility. In question time the Opposition even made an issue out of a potential interview with Elle Macpherson. Jimmy Barnes was in Bunbury during the election campaign. Will that be in the headlines tomorrow?

Mr Ripper: Did you have public servants trying to arrange an interview with you?

Mr BARRON-SULLIVAN: Oh dear! The member for Belmont heard the detail on that earlier.

Mr Ripper: You supported the issue, or wilfully misunderstood.

Several members interjected.

The DEPUTY SPEAKER: We have only limited time to debate matters of public importance. Members should let the member on his feet speak.

Mr BARRON-SULLIVAN: This is the point entirely; that is how an Opposition deals with its responsibility as a watchdog.

I will adopt a slightly different approach to this issue and address the processes behind accountability, particularly in this Parliament, and from the perspective of an individual backbench member of Parliament.

When I looked through some of the parliamentary statistics, it was very interesting to compare the number of questions that had been asked and answered during this Government's term in office compared with a similar period under the previous Government. I will not go through all the figures in detail because time forbids me from doing so. However, it is fascinating to note that this Legislative Assembly has sat for 28 per cent more time under the present Government than it did under the previous Government. That is a very strong pointer to its attitude to accountability.

Even when the Opposition made all that song and dance about the industrial relations legislation and said that the Government was trying to rush it through, we debated the issue for nearly 80 hours. That is debate ad nauseam.

The number of supplementary questions asked is also interesting. For example, today the opposition members asked seven questions and government members asked only five. That is not a reflection of the normal situation, where the Opposition has a considerably greater opportunity than it has had previously. That is one significant improvement in accountability. When one looks at the total number of questions asked in this House, one sees that there has been a 29 per cent increase in the past two years.

Dr Gallop interjected.

Mr BARRON-SULLIVAN: It is for completely different reasons.

No Government will ever be perfect, but this Government has performed very well. One need look only at the range of accountability measures that have been introduced - freedom of information legislation and so on - to see the number of improvements that have been made in recent years.

As long as the Opposition continues to have certain old faces on its front bench, we will not see significant changes on that side of the House.

MR KOBELKE (Nollamara) [3.31 pm]: The member for Mitchell's contribution does not need to be addressed. However, he should realise that the freedom of information legislation was put in place by the Labor Government.

This Government is about concealment and propaganda. It is not willing to address the substantive issues, and that is the problem. Whether it be heroin or a whole range of other issues, this Government is not up to addressing them in an integrated way that will lead to solutions. That is why we have a Government which is unaccountable and which will not answer questions.

The Deputy Premier said that the Opposition asks the questions and the Government answers them. That is great in theory but not in practice. We ask the questions and the Government avoids answering them. There are no competent Ministers on the other side who can sidestep the issues so that they do not necessarily give all the facts but still appear to answer the question - they do not answer them at all. They are so embarrassed that they have prepared speeches totally irrelevant to the questions asked. This Government simply cannot face up to being accountable because it is incompetent. If it were competent it would be able to defend the things it is doing.

The Deputy Premier might like to tell the House why the Premier is not here. If members are accountable and we are sitting only two days a week, and it is made clear that the Opposition wants the Premier here, why is he not here?

Mr Cowan: He has gone to Fremantle to pay a courtesy call on the floating university.

Mr KOBELKE: I have done that in the past, but not when the Parliament was sitting and I had some responsibility here. Last night, the Minister for Labour Relations was a key player on the government side. Again, he was not here. It is more than simply coincidental that when the Opposition mounts an attack on very important issues the key people on the government side absent themselves because they do not have the ability and the facts to defend the stupid, inane and totally ineffective decision making in which this Government has been involved.

I draw members' attention to the indemnity this Government has given for its advertising in respect of the industrial relations legislation. The Opposition has found that it must drag the truth out of the Government; it is not willing to give simple, direct answers to simple, direct questions. As a consequence, we have the Premier misleading the House. I do not say that he deliberately set out to do so, but because he did not want to answer the question - he gets bits of information from here and there - he made statements last night that were contradicted by the Minister today. The Premier said that the Minister knew nothing about any indemnity until last Monday. The Minister said today that he was involved in discussions about it, he knew about it, but he did not know it had been given. That is yet another example of untruth from Ministers. It is a fabric of deception.

Members opposite are not smart enough to get it right. I would not even try. I am not smart enough to tell lies - I would be caught out. Members opposite are so dumb that they think they can spout untruths and no-one will discover them. They have been discovered and that will be brought to the attention of the people of this State.

MRSWEETMAN (Ningaloo) [3.37 pm]: I am concerned at the direction that this accountability argument is taking. We have arrived at this situation because of events in the 1980s and a lack of accountability and responsibility. I believe we are overly accountable.

Dr Gallop: Very interesting.

Mr SWEETMAN: That is my point of view as a government backbencher. I came into this place believing politicians still had vast reservoirs of power at their disposal. More and more I see Ministers having to operate within certain parameters and under certain constraints. This Government has introduced an enormous number of accountability measures. I understand that the Labor Party implemented the freedom of information legislation but was never subject to it. This Government has also worked with the Commission on Government, the Public Sector Management Act, directions to Ministers to maintain ministerial records as public records, an independent commission to review state finances, Criminal Code amendments to include Ministers and members of Parliament in the definition of public officers, overseas and interstate travel reports to Parliament, statutory operations and liability of directors legislation, competitive tender reports to Parliament and accrual accounting.

I do not know whether it has occurred to members opposite, but there might be a day when they regain government and they will be subject to the same accountability standards they are unfairly trying to impose on this Government. This Government is being accountable and responsible.

Members opposite have gone on ad nauseam about Elle Racing. The Premier was able to put an alternative, positive spin on that issue during question time today.

Several members interjected.

Mr SWEETMAN: It was exactly the same as the virtue members opposite make of our overruling a Speaker's ruling

yesterday. If I had had a moment to speak on the Land Administration Bill last night I would have pointed out that the people involved had been forgotten, and I represent many of them.

I take account of the contributions by members of the Opposition and the member for South Perth. The fact that I was not persuaded to cross the floor on that issue is no recognition of the fact that their arguments were lost on me. We have created what the Leader of the House was very careful to spell out is a one-off precedent. However, we have done that so we can provide a service to the people we represent. Not once in the debate yesterday was mention made of the people who are affected by the legislation. That is paramount.

I am a traditionalist; I would have the Speaker sit in the Chair every day in his robe and wig, but I accept that that situation has changed. I am reluctant to change the rules of this Parliament. We need a degree of pragmatism in relation to this issue.

Question put and a division taken with the following result -

Ayes (17)

Ms Anwyl
Mr Brown
Mr Carpenter
Dr Constable
Dr Edwards
Dr Gallop

Mr Kobelke
Ms MacTiernan
Mr Marlborough
Mr McGowan
Ms McHale
Mr Pendal

Mr Ripper
Mrs Roberts
Mr Thomas
Ms Warnock
Mr Cunningham (*Teller*)

Noes (26)

Mr Ainsworth
Mr Barron-Sullivan
Mr Bloffwitch
Mr Board
Mr Cowan
Mr Day
Mrs Edwards
Dr Hames
Mrs Hodson-Thomas

Mrs Holmes
Mr House
Mr Johnson
Mr Kierath
Mr MacLean
Mr Marshall
Mr Masters
Mr McNee
Mr Nicholls

Mr Omodei
Mrs Parker
Mr Sweetman
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Osborne (*Teller*)

Pairs

Mr McGinty
Mr Grill
Mr Riebeling
Mr Graham

Mr Court
Mr Barnett
Mr Shave
Mr Trenorden

Question thus negatived.

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MS MacTIERNAN (Armadale) [3.45 pm]: The Opposition supports the thrust of the legislation. With a few exceptions the Bill is worthy of support. I had some difficulty assessing this legislation against the review that was undertaken in 1995, because the review was singularly unavailable.

Mr Cowan: That is just not true. Did you ask for it? If you did, whom did you ask?

Ms MacTIERNAN: I was about to set that out, if the Deputy Premier would give me one moment. I cannot say it all at once. I first approached the Parliamentary Library, which did not have a copy. The library approached the Small Business Development Corporation, which did not have a copy. We then approached the Bills and Papers Office, which did not have a copy of it readily available. It had one in remote storage, but we were unable to ascertain how long it would take to get a copy out. I have to say that in the midst of this debate a copy appeared on my desk. That may have been obtained, finally, by the library from the Minister's office, when I suggested that, having drawn a blank at every other stop, we should approach the Minister's office. We have belatedly found a copy of that review. However, when legislation is based on a review of an Act some effort should be made to ensure that the review is available through the normal information sources; that is, the Parliamentary Library and the Bills and Papers Office. I was particularly surprised when our library was unable to get it from the Small Business

Development Corporation. That has affected the Opposition's capacity to analyse the Bill as much as we may have liked. However, we can do that when we go through the Committee stage.

Like my comrade the member for Bassendean, I will use this opportunity to comment on the Government's performance in the small business area and compare some of the rhetoric in the second reading speech with the Government's performance. This Government has caused two major problems for small business. One is the slump in consumer confidence. We are told ad nauseam by the Premier that this State is experiencing a growth rate of 6 per cent, which is a high level of growth. However, that growth is not being shared across the economy. No doubt it is a rate of growth that is being celebrated by the shareholders of RTZ Corp PLC in London. I am sure that they are most appreciative of Western Australia's 6 per cent growth rate. However, that is not translating through our economy. This is witnessed by the decline in retail sales and the housing starts.

The other reason for the lack of consumer confidence is the industrial regulations agenda that is being pursued by this Government. As a result of that agenda there is a winding back of some of the safety net protections, a move to part time and casual employment and a general lack of confidence within the consuming public about the future and stability of their employment. We are seeing more and more people on short term contracts and the absurdity of people who have been employed in the Public Service for years on end now on contracts for as short as three months. Of course the privatisation and downsizing endemic in the private and public sectors is attributed to this lack of confidence. This Government has failed small business by being unable to have the real growth that has been experienced by the Western Australian economy translated across the board.

The second way in which the Government is causing grief for small business is through its very marked preference in many areas for large business over small business. I will refer to a few examples of the way in which a very distinct and systematic advantage is being given to big business over small business. I note that the Minister's second reading speech states that -

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 Government may have that intention, but it has demonstrated very little determination to maintain support for small business vis-a-vis big business. The pre-eminent example, which has been highlighted today by the member for Bassendean, involves the commercial tenancy legislation. In the brief perusal I have had of the Small Business Development Corporation's review I was interested to note that in February 1994 the responsibility for administering the Commercial Tenancy (Retail Shops) Agreement Act was transferred from the purview of the Small Business Development Corporation to the Ministry of Fair Trading. It was a very interesting development. It is also very interesting that that legislation was no longer to be administered by a body whose direct responsibility was to benefit small business. As the member for Bassendean said, it has been a sorry tale since then. Numerous promises have been made to amend that legislation to provide greater protection for small retail traders vis-a-vis the proprietors of the major shopping complexes.

Another issue I want to raise as an example of what appears to be a distortion in the way the Government has handled the inevitable conflict between the big business commercial landlords and the tenants is the person who has been appointed by the Minister for Fair Trading to progress this very slow moving legislative amendment.

The Opposition knows that the Minister acknowledged that earlier this year he appointed a Mr Ross Hughes as his adviser on this legislation. According to the Australian Security Commission's records Mr Hughes was at that time the director and shareholder of a company which was the proprietor of Ross Hughes and Company, valuers and real estate agents. That real estate agency was a managing agent for numerous commercial landlords and it seems to have created a great deal of disquiet in the small business sector that the Minister had made such an appointment. It indicated to the Retail Traders Association that the Minister did not intend to deal with it impartially. This appointment was a clear indication of a direct preference in the David and Goliath struggles that go on between the retailers and the large shopping centre proprietors.

One would have considerable sympathy for the position that had been taken by the Retail Traders Association when one read the Green Bill that was produced by the Minister for Fair Trading after he had engaged Mr Hughes as his consultant. Late last year the Retail Traders Association felt quite satisfied with the amendments to which the then Minister for Fair Trading, the member for Kingsley, had agreed. Subsequent to the appointment of the current Minister, the member for Applecross, and it would appear the appointment of Mr Hughes as his adviser, the Government did a backflip. That raft of changes that had been agreed by the then Minister was suddenly overturned and the decision had oscillated very much in favour of the commercial landlords.

It has shades of the Geoff Prosser controversy that plagued the Federal Parliament. No doubt Mr Hughes is very experienced in this area and, after all, he has been the managing agent for the commercial landlords for many years.

Given the sensitivity of the interest groups I thought the Minister would have at least made another appointment by taking on someone who had extensive experience as a small retailer. Most of them would be grateful for a bit of part time employment. A person in the industry, for example a valuer, who had extensive experience in acting for tenants certainly would have made a very good appointee. If the Minister wanted to be seen to be impartial in this instance at least two consultants should have been appointed to provide some balance.

The Minister indicated that he would inform us when the amendments to the commercial tenancies legislation might emerge in this place. It has been a long wait, and we will be very interested in the next exciting instalment.

Mr Cowan: It will be a lot more exciting than this.

Ms MacTIERNAN: I am enjoying myself. I am enjoying the fact the Minister must sit and listen. It makes it all worthwhile.

The second area in which the Government has shown a distinct tendency to look after the interests of big business at the expense of small business is building subcontracting. There are at least 20 000 independent building subcontractors in Western Australia. There may even be more than that now because employment - except of apprentices - has been virtually eliminated particularly in the construction industry. Everyone who gets a guernsey or performs a service, certainly in cottage construction, is now a subcontractor of one form or another. From the evidence I have seen many subcontractors these days face a very parlous situation. This is not just a result of the normal fluctuations in the building industry. Something much more profound is happening, and that is more likely to endure. It has certainly endured over the past four years.

If we were serious about helping small businessmen who are subcontractors - and they are small business persons - we could take a number of measures to assist them and improve their position. First, we could take the lead from a number of other jurisdictions, and provide some security of payment. As you, Mr Acting Speaker (Mr Baker), would be aware, many building subcontractors face a grave problem in obtaining a benefit from the work they do. They buy materials, provide labour, and incorporate those into a property, and as a result of their efforts progress payments are made. However, their right to access those progress payments are purely a contractual right. They are unsecured creditors.

Mr Board: We have just signed a national agreement on security for subcontractors.

Ms MacTIERNAN: When was that done?

Mr Board: About two weeks ago.

Ms MacTIERNAN: Has a statement been made to the House?

Mr Board: It went through Cabinet a couple of weeks ago.

Ms MacTIERNAN: I am interested in the detail. I would be glad to hear from the member for Murdoch how this has been done. I will be very interested to see the detail. Will this be across the board or will it relate to only government contracts?

Mr Board: At the moment it relates to only government contracts. We are working on best practice. It will be part of the contract arrangements. We have no control over the private sector, but we will use best practice.

Ms MacTIERNAN: I am not sure that that goes anywhere near far enough.

[Leave granted for the member's time to be extended.]

Ms MacTIERNAN: This can be taken into the province of the private sector. It can be easily incorporated into the private sector by deeming progress payments to be held on trust. That would demand that a builder not deal with the payments as though they were totally his own and that he had only a contractual obligation. The moneys would be dealt with not just subject to contractual arrangements but also to fiduciary obligations. That would place limits on the way builders could deal with the moneys and, in the event of bankruptcy, or even without bankruptcy, would enable the subcontractor to trace the moneys into the hands of third parties.

The second issue that needs to be dealt with in the construction industry to aid subcontractors is workers' compensation. Since 1988 the responsibility of paying workers' compensation has been off-loaded from builders to subcontractors. I will not go into the detail, but it is now a payment that has been inflicted upon the subcontractors who are not in a position to pay. They certainly have not received any greater payment to cover the increased expenditure. We have a ludicrous situation of virtually double-dipping by insurance companies because, although the primary responsibility has moved to subcontractors, the builder must take out protective capsule cover. Therefore, double insurance is being taken out in the building industry. That is nonsense, and it could be dealt with

by amending the Workers' Compensation and Rehabilitation Act. If we were serious about microeconomic reform we would take that step.

The third step we could take to assist small business would be to legislate to prevent builders from demanding that subcontractors incorporate. We have a ridiculous situation where, in many sectors of the building industry, a subcontractor is unable to get work unless he undertakes the expensive process of incorporation. Again, this is a desire by the builders to advantage themselves, and to evade some workers' compensation obligations and any superannuation obligations. It is also to evade the potential - although I think it has now disappeared - prospect of action in the Australian Industrial Relations Commission. Therefore, subcontractors have been landed with this inappropriate expenditure which often does not enable them to obtain workers' compensation cover.

I do not have much hope that we will see a great deal of movement in this regard, because we know that the Government is very close to many of the major building industries and there is and has traditionally been a close relationship with the Housing Industry Association and the leading players in the association and this Government. They are some of the major financial benefactors of this Government; therefore, there is little hope for the small business community that these subcontractors comprise.

I turn now to a third area in which I question the Government's credentials and bona fides with regard to small business. The report of the Small Business Development Corporation review committee makes the comment that -

As larger firms and the public sector downsize and expand their outsourcing activities, self-employment and small business are emerging and growing. As such, the volume and characteristics of the sector are ever changing to meet environmental conditions and associated market demands.

As a result of these trends, the role of the State Government in ensuring this sector is free to take advantage of these opportune times, is vitally important.

The evidence that suggests that this downsizing and contracting out has benefited small business is highly questionable. No better example can be found than the events that surrounded the demise of the Building Management Authority, which had a day labour staff and also contracted out a substantial amount of its maintenance work. As I understand it, in the order of 200 small companies were on the BMA's list to perform maintenance. However, as a result of the privatisation of the BMA, those businesses virtually disappeared within about three months.

Mr Board: That is not correct.

Ms MacTIERNAN: That is what the small businesses that contacted us said had happened to them. The Government decided in its wisdom to abandon the BMA, and being a Government that loves small business, it decided that the Perth metropolitan area would be divided into three areas and three companies would each be responsible for maintenance in one of those areas. Of course, the successful tenderers were not the small companies that had traditionally done work for the BMA but companies like Serco Australia Pty Limited, which has an annual turnover of half a billion dollars.

Mr Board: I could explain to you quickly how it works.

Ms MacTIERNAN: I will be interested to hear the Minister's comments when I have finished; I have only four minutes left. I know how it works. The other two companies that have been given responsibility for the metropolitan area are Transfield Maintenance and Brookes Maintenance Service. Brookes is often said, although I have no proof of this, to be associated with Len Buckeridge. There is no doubt that those companies are not the small firms that traditionally performed that work.

A raft of these small companies contacted us and said that the backbone of their company had been broken because their bread and butter work had been maintenance work for the BMA. One fellow who had employed around 25 people and had three apprentices said that he had voted Liberal for 25 years but with the demise of his business would no longer do that. I do not know whether that is true, but that is what he told us. He said that when Serco took over the area in which he used to operate, he was given assurances by the BMA and Serco that it would not be a problem because work would still be handed out to him. However, he said that lasted for about three months; the work then dried up. We have heard that story over and over again from people who were heavily reliant for the bread and butter work to keep their small companies going in the suburbs on receiving a fair share of work from the Building Management Authority. Those companies have now been set aside in favour of companies like Serco, which would have to be one of the biggest companies in the world. That hardly demonstrates the Government's bona fides with regard to small business.

I have looked through the review report only briefly, but I cannot see any recommendation that the Act be amended to enhance the confidentiality provisions. It appears that the legislation will substantially increase penalties for

whistleblowers, because any public servant who reveals any of the proceedings of the Small Business Development Corporation will suddenly face a fine not of \$2 000 but of \$10 000. We will certainly be interested to know the genesis of those amendments, because they do not arise from the review to which we have been able to obtain access.

MR MARLBOROUGH (Peel) [4.15 pm]: It is nice to see that a progressive initiative that was taken by the Labor Government in 1983 is being supported by this Government. It is particularly interesting to note that the Minister for Small Business has recognised in this Bill the need to interact with the business enterprise centres, because, as I recall it, this Minister in his early days as a Minister was running around the countryside trying to close down the business enterprise centres.

Mr Cowan: Is that right?

Mr MARLBOROUGH: It is right.

Mr Cowan: If that is right, how did the number increase from 24 to 36 in the first year that I held that portfolio?

Mr MARLBOROUGH: On the road to Damascus, things changed! What happened was that when the Minister went to the bush and started listening to people rather than to the whispering of wheat in the fields, they told him that he was wrong. When this Minister was elected, he had in his conservative mind the view that anything that had been put in place for business by Labor was bad. We need only ask the enterprise centre in the Bunbury region what the Minister tried to do in his early days. His plan when he came into government was to get rid of them all because they did not work, they were not appropriate and they were not in touch. We can turn to *Hansard* and show the Minister speeches -

Mr Cowan: You are welcome to try, but you will not find any.

Mr MARLBOROUGH: We can go to the media and see what the Minister attempted to do.

Mr Cowan: That is a good source of accurate information - almost as great as that which comes from your mouth!

Mr MARLBOROUGH: It is great to see that in 1997, the Government recognises the worth of that small business development group that was put together in 1983 and is building on it, albeit belatedly. I suggest that the report of the review steering committee questions whether it is providing the level of services that it historically provided. I will return to that issue in a moment.

We support this Bill because it recognises, albeit belatedly, the importance of small business. We all know that behind the rhetoric of this Government, small business is suffering. The retail sector throughout Australia has never been in worse shape. The major reason is that predominantly throughout Australia we have conservative Governments at federal and state level. The Minister for Labour Relations in this State has removed all confidence from the shop floor. People today have no tenure of employment. It is not a matter of their rank in the workforce either. These people must always be looking over their shoulder to see whether they have a job. At a federal level in just over two years of the Howard Government we have seen over 180 000 government jobs go missing. That means over 100 000 families have been affected by that decision.

Mr Kierath: Tell us about the job rates for young people in Western Australia.

Mr MARLBOROUGH: Let us look at the definition of jobs, because it applies to small business. Under the Minister's definition, in the work place all the values young people were brought up to believe in have been taken away; that is, fairness and equity. Their hourly rate of pay has been reduced and they can no longer have any view of holding a full time job. The Minister's federal counterparts are defining full time work as 15 hours a week. If that does not work, Senator Vanstone says that the figure will be reduced to 10 hours a week.

Mr Kierath: Rubbish!

Mr MARLBOROUGH: It is not rubbish. Senator Vanstone has announced that, if the figure of 15 hours a week does not work, the definition will be reviewed and the figure will be downgraded to 10 hours. Although this Bill is a step forward, small business cannot be looked after simply by the window-dressing in this legislation, while this industrial relations hatchet man is destroying the very being small business must rely on - confidence so people can spend their dollars. He has destroyed small business. Retailers, white good manufacturers and clothing shops are closing down.

Mr Kierath: Tell us about the national average wage. What is that?

Mr MARLBOROUGH: Let us not mind that. The Government has reduced confidence in the retail sector which is very much a part of small business. This legislation is simply window-dressing while this hatchet man is allowed to run wild, destroying public confidence. Some of the initiatives in this Bill are important. They will bring benefits to that part of the community that needs it; that is, small business.

It is important to recognise that the appointment of two extra people to the board will give it a far greater say and bring an understanding to the Government of the role of small business in the rural sector. It may well be that, by definition, most small businesses operate in the metropolitan area. Thankfully, that is not the only definition of the benefit of small business to the community. Small business in rural communities is extremely important, not only for the obvious reason of creating job opportunities there, but also because it will help many of the regional towns that are closing down as a result of young people and families leaving in droves to come to the city. We have a Government that has no initiatives to keep people in those rural centres. This Bill goes some small way to recognising that those rural businesses have a role to play in doing that. Hopefully as a result of the extra positions on the board, we will see more services undertaken by the Small Business Development Corporation in the rural area. I commend the Government for that because hopefully it will provide a better understanding of the needs, in particular, of the rural sector and what is required to help the rural business sector to grow and survive.

I refer to the report of the review steering committee of July 1995. I know that is rather dated, but it is the latest report I have. I presume it is the only report.

Mr Cowan: It is the latest schedule of review.

Mr MARLBOROUGH: I draw the Minister's attention to some areas of concern about the direction in which we are heading with the changes to this organisation. Paragraph 3.2 relates to services offered and performance. It attempts to look at the service and equivalents that are provided by each State and at where Western Australia stands in providing services. It says in the footnote that caution is recommended in analysing the table as the information is not complete. It then goes on to say, under the heading of "Advocacy and Briefing Papers", that the SBDC regularly acts as an advocate for small business and achieves its results through the preparation of briefing papers for the Minister. It states that industry updates are industry briefing papers which are provided on topical issues. It continues that it is difficult objectively to evaluate the success or otherwise of the SBDC's performance in this activity.

I had hoped that by 1997 appropriate measures may be in place so that an objective analysis could be made. It does not seem to be much good if there is little ability to analyse whether the Small Business Development Corporation is doing its job properly, and I am not suggesting that it is not. It causes me concern that the steering committee found -

Mr Cowan: There is no way they can make a comparative assessment. This organisation is unique.

Mr MARLBOROUGH: I am not sure it is. The previous page refers to Western Australia, New South Wales, Victoria and Queensland and it shows a comparison. I wonder whether someone could look at interstate organisations that are similar to see whether the Western Australian body can be measured to ensure it is providing the proper service.

Mr Cowan: I do not think it would be of any value because the development commission here is well ahead of the rest.

Mr MARLBOROUGH: The steering committee suggested a need for some appropriate measures. In 1990, when we were in Government - these figures are interesting on the surface - the Small Business Development Corporation reported that over 3 500 people attended 127 seminars and workshops in its program. In 1994 the Small Business Development Corporation reported that almost 700 people attended its 40 workshops. That is a massive decline. It has gone backwards.

Mr Cowan: You are comparing apples with oranges. You know that.

Mr MARLBOROUGH: I do not think I am. I am reading the steering committee's report which is telling me that on the surface there may be certain activities that are no longer carried out at the level they were previously. In other words, there has been a drop in the services that are as appropriate for business today as they were earlier in the 1990s. These figures appear to refer only to the SBDC in-house programs because elsewhere the report states that 3 191 people participated in seminars, workshops and special events during small business month. Even if we added those figures for small business month to the 700, we would find only about 4 000 small business people were involved in the seminar-type activities run through that agency at a time when small business numbers have grown - that is, between 1990 and 1994 - so we have seen no real increase. In fact I wonder whether a decline has occurred in the seminar type services that were provided. I will not read too much into it other than to say that although this Bill takes us in the right direction in service provision to the small business sector it does not seem to contain measures of the quality and levels of service to be provided. If the Minister can show me a document indicating otherwise, I would appreciate it. I do not recall seeing the Auditor General's report on the activities of the Small Business Development Corporation. I am not sure whether the Auditor General can carry out a proper audit into the corporation's activities.

In 1997 it is inappropriate for departments that are responsible for putting in place a very important public service, albeit to a specific area of small business, not to have a method by which its service is recognised. It may well be that the Minister or the department wants to argue that the success of its programs can best be measured by the number of people who use it. I am sure that goes some way towards demonstrating its success. However, in the light of the questions asked in Parliament and calls for help the Opposition receives from small business we must consider better tools by which the services can be measured.

In a briefing held this week with officers from the SBDC a particular concern was expressed - referred to earlier by my colleague - by small businesses in relation to retailers feeling that they are being unfairly dealt with by unscrupulous landlords and unscrupulous management techniques.

The small retailers believe the Small Business Development Corporation should be more active, with the Minister, in defending them and initiating legislation that will give them greater protection in the marketplace. I understand from those discussions that that job may not necessarily be the exclusive role of the corporation. However, the Bill seems to encourage anyone working in the department dealing with small business to have a responsibility to pursue that agenda. Although it could be argued it is not its major activity, the feedback received by members of the Opposition is that there does not appear to be any better government department to coordinate it. If it were all included under the Department of Commerce and Trade, the retail sector would get lost in a sway of other things that department does. It may be more appropriate for the SBDC to be able to specifically deal with the special needs of small business.

The Bill makes it quite clear that the corporation is in a position to advise the Minister of any appropriate action the Government should be taking. As the Minister knows, the Bill amends the Act to allow the Minister to give directions to the corporation. That new provision will allow the Minister to be far more active in directing the activities of this organisation.

[Leave granted for the member's time to be extended.]

Mr MARLBOROUGH: If the Minister is listening to small business, he could take note that this is an area where small business does not feel it is being properly represented within government. Small business has its own organisations outside of government but the reality is that government has seen fit to take the role of small business seriously enough to create these departments to assist it. Today the call for assistance loudly and clearly is how retailers are affected by landlords. They must be listened to. Perhaps the Small Business Development Corporation should be the body listening to them. For evidence on why this is the appropriate body to examine that and make strong recommendations in favour of the small retail section, again at page 22 the steering committee report reads -

If programs are successful in one State they are usually adopted fairly quickly in other States, as the organisations share common goals and cooperate with each other.

example, retail trading hours and Women in Enterprise were two of the key issues dealt with in 1993/94.

That steering committee is indicating that new issues arise in small business that need immediate attention. People should not be too rigid in their interpretation of what the Bill says. After all, it is built on the premise that government is there to help small business. In 1993-94 small business was under attack in many areas as a result of trading hours.

No louder voices have been heard in this Parliament than those of National Party members about difficulties facing small retailers. They were shouting from the rafters in droves. I am sure the debates in the party rooms were even more vigorous than the positions they were willing to take in this Chamber. The reality is that they were put under pressure by the small business constituency in rural towns which could not survive with their lifestyle - living is not just about work - that saw the Myers, K-Marts and Targets dominating country life. That was happening throughout Australia.

Retail trading hours therefore became an important issue. The steering committee saw that as a key issue which the Government should deal with at that time. I am saying to the Government that when it comes to the protection of small retailers against unscrupulous landlords that should be a major issue now. The Government does not even need me to say it. The federal report that came out last week, from which my colleague the member for Bassendean quoted earlier, clearly indicates that the attack on small business by unscrupulous landlords and large enterprises that control great blocks of St George's Terrace or shopping centres throughout Australia has reached a crisis. They are causing small businesses to go under. Three small shops closed in my local shopping centre last week. The Hub Shopping Centre in Kwinana is not a large centre by any standards; nonetheless, there must have been a 50 per cent to 60 per cent turnover of businesses there in the past 12 months. At the moment a third of the shops in that shopping centre are empty. That is the result of the activities of the landlords and owners. That must be investigated.

Mr Board: You would also give some credence to the fact that people's disposable incomes are being used differently.

Mr MARLBOROUGH: It is no use this Minister's running the landlords' argument. We can argue that there are too many retail outlets in Australia. But whose fault is that? It is the fault of government; we allow them to be built. If we allow those retail outlets to be built, we should recognise that where there is a plus there might also be a minus.

Of course there is a downturn in retail expenditure. It has occurred because of the lack of confidence in the community that the Government has created. No-one is building new houses, buying second cars or going on holidays. Why? It is because they are looking over their shoulder to see whether they will have a job next week or whether their 40-hour a week job will become a 15-hour a week job. This Government and its federal counterpart are creating a part-time Australia and it does not work. We will have more national clothing chains taking their production overseas, more threats about car industries closing down and less building and sales of whitegoods.

All this window dressing will not help unless these people can tell the Minister what small business is saying. All the schools will not help them if they have an unscrupulous landlord and a Government refusing to change the legislation to protect them. It does not matter how many schools the Government runs or how much advice it gives, these people will still go out of business.

That is the stage we have reached with the landlords: They are not playing fair. They have run the *Queen Mary* through this legislation. The difficulty is that the Government does not have the mettle to take them on. They are the Liberal Party's constituents and members opposite are facing a dilemma. The National Party is in a particular dilemma. Its members talk about assisting small business but they are frightened of big business. The sooner members opposite recognise that the little Aussie battler that little Johnny Howard now says he represents is the little Aussie battler in a small business and start implementing legislation to protect him the better off we will be.

Members on this side are not in government; members opposite have another three years on the treasury benches. They should not be messing around. They are sending people to the wall. The Minister responsible for the legislation is already coming under massive pressure from big business to water down his proposed legislation. Some months ago he indicated that it was similar to the legislation promoted for many years by former MLA Nick Catania, who has a background in small business. He is now involved with the Retail Traders Association, which is responsible for lobbying Governments to ensure the small business sector is being heard. When the Minister spoke to Nick Catania six months ago he said that the Government would fix up the small business sector and protect it. Now he is talking about watering down that position because big business has ripped off his right leg and is about to rip off other limbs. We must come to grips with the need to do a lot more than this window dressing.

I commend the Government for moving in this direction. We must be able to measure the services provided. It might well be that since this report was tabled those measures have been put in place. I would like to see evidence of that. I would then sit far more comfortably with the tremendous job undertaken by the Small Business Development Corporation.

MRCOWAN (Merredin - Minister for Small Business) [4.46 pm]: I thank members opposite for their contributions. I will deal with a number of issues raised during the debate. The first issue outlined by the member for Bassendean was the composition of the board of the Small Business Development Corporation. He is correct in saying that one of the main objectives of this Bill is to expand the board. The membership will go from five to seven members. Of course, the director is an ex officio member of the board.

He asked questions about board representation for rural businesses and the business enterprise centres. At the moment, of the five members, at least three have had rural business experience. Notwithstanding the fact that one member was appointed specifically as a representative of rural interests - he has interests in both Wongan Hills and Broome - he has relocated to Perth. While at least three of the members of the current board have had experience in dealing with country businesses and have country businesses, they do not reside in the country. However, they still have the expertise associated with running a country business.

Mr Brown: Is it your intention to appoint a person living in the country, apart from a representative of the BEC network?

Mr COWAN: Ultimately I would like to do that, but I will not make wholesale changes to the composition of the board. I have stated - but it is not specifically outlined in the Bill - that it would be appropriate for the Business Enterprise Centre network to have representation on the board because it constitutes a major portion of the Small Business Development Corporation's responsibilities. That is pre-empted by the fact that a member of the chairman's group of the BECs will act as an observer and will attend board meetings. There was some controversy about that, but I will not go into that other than to say that I felt the chairman's group was taking a course of action not in the best interests of the BECs or the corporation. I also felt that the quality of advice coming to me from the person

representing the BECs was inadequate and that it would be appropriate for there to be a change. There has been a change, and I am very pleased to say that the quality of advice has improved markedly. The value of that person as an observer on the current board has increased accordingly.

At any time during the course of the debate I could have raised the issue of compliance with standing orders. It seemed that the main issues raised by members opposite were not relevant to this Bill or its clauses - or even to the parent Act. It is true that the issues that were raised are of significant importance to the small business community. For that reason I thought it would be appropriate to hear the comments on those issues. Licence has already been given to range freely on those issues because they affect small business. I acknowledge that the Small Business Development Corporation was established by a previous Government and it makes a significant contribution to small business. Contrary to the claptrap that was put forward by the member for Peel, I have never done anything other than give my strongest support to the Small Business Development Corporation or to business enterprises centres. There was some debate about the definition, objectives and functions of the Small Business Development Corporation and the business enterprise centres. However, there was never any doubt that both would continue to exist and their roles would be expanded. That is exactly what has happened.

In the time that I have had responsibility for the Small Business Development Corporation it has been given a greater focus as the champion of small business. It was not able to do that effectively while it had an enforcement role. When the SBDC had responsibility for the Commercial Tenancy (Retail Shops) Agreement Act it had to enforce that law. Cabinet agreed with me that the enforcement and administration of that Act should be the responsibility of the Ministry of Fair Trading. The transfer of responsibilities for the administration of the Commercial Tenancy (Retail Shops) Act has not in any way, shape or form diminished the enthusiasm of the Small Business Development Corporation in dealing with commercial tenancy problems.

Ms MacTiernan: Had you received any representations from, say, BOMA or the Property Council of Australia in relation to that move?

Mr COWAN: No. The only representations I had from the Building Owners and Managers Association of Australia Ltd was that the commercial tenancy Act worked contrary to their best interests. I had lots of representations from BOMA over that, though I received more when in opposition than as a Minister. If my memory serves me correctly, I received a deputation from BOMA when the SBDC had responsibility for the commercial tenancy legislation and it was going through the process of preparing amendments. When I transferred that responsibility to the Ministry of Fair Trading, I also transferred the amendments that were proposed.

Ms MacTiernan: What was their attitude towards your proposal to transfer it?

Mr COWAN: I do not think I even consulted BOMA on that. I was talking with them about the composition of the amendments. I do not know that I asked BOMA for an opinion or even told it that I believed the Small Business Development Corporation was finding its role as a champion of small business difficult when it had to act as a policeman as well. I do not think that is a matter I need to discuss with BOMA, and I did not.

Ms MacTiernan: Had you discussed the possibility of moving the commercial tenancy legislation out of the SBDC while you were in opposition?

Mr COWAN: No, although events have proved that I was right. An officer in the Small Business Development Corporation specialises in providing advice to tenants and landlords on commercial tenancy law. It is now widely accepted that the SBDC is an advisory body and people freely go to the Small Business Development Corporation seeking advice on their rights as either a tenant or a landlord. I was asked by one member opposite when we would see the amendments to the Commercial Tenancy (Retail Shops) Act. Final approval is required from Cabinet for that, and it will be in the Parliament this spring session. I will be disappointed if it is not sooner rather than later. The member for Bassendean is correct; a Green Bill was introduced and a commitment given that it would be introduced as soon as practicable after the election.

Mr Brown: A commitment was given in the first session.

Mr COWAN: We have not been able to comply with that commitment. The Government will ensure it is introduced in this spring session in time for it to be properly considered and debated. It is important legislation. It is not legislation that provides any winners. On the one hand the small business sector claims it needs protection from landlords, and on the other hand the landlords claim they need freedom in which to operate. The Small Business Development Corporation found itself in between those two factions. As a consequence of that whenever it was responsible for enforcement it created some ill will.

I will take up the issue of a small business department that was raised by the member for Peel. If we were to incorporate a body as a department to provide advice and services to small business they would run a mile. As much

as I hate to say it, and as much as we try to break it down - other members who have stood in the same place as I have as the Minister for Small Business will understand this - a degree of mistrust of government exists within the small business sector. That is not a political issue. It is just that government must provide a regulated environment through which small business is expected to work its way in order to make a living.

One of the great advantages of the Small Business Development Corporation is that it is able to stand at arm's length from government and be seen by the small business sector as not being a representative group of government, but a champion of small business. That is very important. That is why the Government has maintained the Small Business Development Corporation as an autonomous body. Because of the requirement for accountability, it is still answerable to the Minister, and that will continue to be the case. However, as members opposite are aware, the Minister is required to give any direction to the Small Business Development Corporation in writing. The annual reports of the SBDC show that during the time I have been responsible for the body, no ministerial direction has been made. The SBDC has a great degree of autonomy. The board and I meet regularly, as do the director and I. Although we monitor closely the activities of the Small Business Development Corporation, the relationship is not one which requires any significant direction by the Minister, and certainly is not one that needs to be put in writing.

Mr McGowan: The Minister for Small Business mentioned amendments to the commercial tenancy legislation. What protections are proposed for small businesses against the larger landlords? What will you do to give small business that security and protection from excessive rents that they are currently suffering?

Mr COWAN: That is a fair question at an inappropriate time. It is not something that I should preempt. However, I can assure the member for Rockingham that the amendments will address the majority of the provisions that he mentioned. I am not in a position to speak other than generally, and I would prefer not to. I would prefer to deal as quickly as I can with the questions that have been raised. That legislation will find its way into this Parliament and those questions will be answered relatively quickly.

The member for Bassendean also raised the issue of advice that the Small Business Development Corporation gives to the Minister and to the Government. That advice is valued. As the second reading speech states, there will be an enhancement of the capacity of the board to provide advice, particularly if we have a broader spread of representation on the board and if that representation has a direct involvement with the business enterprise centre movement that has spread throughout Western Australia.

Another issue not addressed by the Bill is payroll tax which impacts on around 4 per cent of small business. The ceiling of \$675 000 exempts 90 per cent of businesses from payroll tax. The 10 per cent who pay the tax consider it an iniquitous tax. However, all States apply it, and Western Australia applies the lowest rate in the dollar.

The member for Bassendean read a letter relating to the inclusion of superannuation charges in the calculation of the tax.

Mr Brown: Superannuation and fringe benefits tax.

Mr COWAN: When that was included, Treasury made a calculation to indicate that it would be revenue neutral. We all know that, although it may be revenue neutral, companies in the system may pay more or less payroll tax as a consequence of the package that is caught up in the assessment. On the request of the Small Business Development Corporation I asked treasury officials whether they had evidence to demonstrate that the small business sector would be caught and would pay a greater proportion of payroll tax. The assurance given to me was that on the evidence available to Treasury that would not be the case. I would be delighted if the member for Bassendean could provide some categorical detail of the businesses that have been caught and must pay a higher rate of payroll tax than they did previously. That aspect interests me. I listened carefully to the member when he read the letter but no figures were offered regarding the number of personnel employed or the rate of payroll tax paid. I will be pleased if that information can be obtained and referred to me because I would like to have access to it.

Mr Brown: I am happy to give the Minister a letter. It was addressed to the Premier anyway, but it was also addressed to a number of members in this House and the other place. Reference was made to the number of employees, but I did not read the entire letter.

Mr COWAN: Perhaps I was in receipt of the letter and referred it to the SBDC requesting statistical data to see whether the information was correct.

Mention was made of the impact of technology on the small business sector. Both the SBDC and the Government, through the Office of Information and Communication, share concerns about the use of technology by the small business sector. My colleague, the Minister for Works, has embarked on a significant program to ensure that we, as a Government, bring contracts or tenders on-line, and that we work to ensure we have the capacity for the electronic payment of accounts. We can deal with new and exciting technology, particularly in the field of

communications, which can provide for the small business sector. We are very interested in that area. The Small Business Development Corporation has a role to play, even though the prime carriage of technology and its use in all sectors of business, particularly small business and government business, falls under the responsibility of the Office of Information and Communication which is currently being established. We have advertised for a director for that office, and once that position is filled we will set to work to make sure that some of the benefits that information and telecommunications offer, when properly applied, will flow to the small business sector. No doubt that will be a critical issue for the Government in many areas, such as security, the use of information technology, and the capacity to pay accounts. I understand that already in Western Australia, if one company cannot settle its accounts by electronic transfer, it applies a penalty to any company that does not make provision for that service. If a business requires payment by cheque, that company deducts \$30 or \$40 from the account because of the need to service the account through the standard cheque form.

Mr Brown: You may not have noted it, but I raised the question of the change of business relationship with the advances in technology and more centralised decision making.

Mr COWAN: If it is properly utilised it will be an opportunity for a great deal of new industry in the small business sector. Major companies are identifying their core business and outsourcing responsibility for everything other than the core business. I predict a great deal of growth in the small business sector. It would probably grow from small to medium enterprises not only the small business sector. The member is referring to issues such as security, and the capacity for intellectual property that might belong to a company in the services sector being taken up unknowingly by another organisation. That is a possibility and we must grapple with those issues in this age of improved information technology. It is always a possibility that that can be a threat to a small business. If it is something upon which it has built the business, and it consists of a service based on intellectual property and the intellectual property is stolen or used without authority, the business will suffer. I accept the comments by the member for Bassendean, and we will carefully watch that situation.

In the main, opportunities are provided by two factors: Major companies identifying their core business and outsourcing other business to smaller businesses; and the capacity of small businesses to adopt new technology, new innovations, and new telecommunications techniques which will be a benefit to the small business sector. Proof of that is the growth in the services sector rather than in the retail sector, as was lamented by the member for Peel. It is true that the disposable income of all Australians has much greater competition from both services and goods.

People retailing goods are finding the going tough. The State is experiencing an economic growth rate of 5.8 per cent or 6 per cent - no matter how hard we try to knock that - and it is a good question whether it is flowing down to the small business sector. The situation in the retail sector relates not to what the Government does, but to the increased demand for services as opposed to goods; this has meant that the retail sector involved in the sale of white goods or retail products has suffered. These retailers have not seen the flow-on effect of the good economic growth rate experienced in Western Australia for the past 10 years, and which I suggest will be sustained for the next five to six years.

Ms MacTiernan: What statistical evidence do you have to indicate that the lack of retail sales has been taken up by the increase in demand for personal services?

Mr COWAN: I do not have any information here, but I will be pleased to provide it to the member.

The issues raised relating directly to this legislation are quite small; however, every issue debated today has been of great importance to the small business sector. The member for Armadale raised a question about confidentiality. She indicated that she could not see in the report any reference to the need for confidentiality provisions. That is true. Those confidentiality provisions and associated penalties were inserted into the measure as a consequence of the recommendations of parliamentary counsel. That will bring the legislation up to date with confidentiality provisions which exist in other Acts of this State. Therefore, whereas \$2 500 may have been an appropriate penalty in 1983, it was felt that \$10 000 would be more adequate in 1997.

Ms MacTiernan: In those circumstances, it would be useful then to include that information in the second reading speech. The tenor of that speech was that these changes arose from the review. When one looks in the review for the genesis of those changes, it cannot be found.

Mr COWAN: That is probably good advice. However, I would prefer the second reading speech to be relatively brief rather than going on forever.

Ms MacTiernan: One sentence would do.

Mr COWAN: It would be possible to allay the member's fears in one or two sentences, although I am not looking to amend the Small Business Development Corporation Act again!

Ms MacTiernan: Before you conclude, you undertook to enlighten us on the likely arrival -

Mr COWAN: I mentioned that but unfortunately the member was not here. As I understand it, that Bill is being prepared for print. Once it has received Cabinet approval, it will be approved by the joint party room and presented to the House.

Ms MacTiernan: What is the estimated date?

Mr COWAN: I would say within two weeks of the House resuming. I hope I am right about that; however, I have said definitely that it will be introduced in time for it to be properly considered and debated this session.

In conclusion, the Small Business Development Corporation when it was established in 1983 required a review every five years. It was reviewed in 1989 and some changes were made to the Act then. In this case, it was reviewed because the five years had again elapsed. The recommendations of The Boshe Group was basically that it is doing a good job and was focusing very much on its function.

I can assure the member for Peel that the growth of the number of inquiries to the Small Business Development Corporation through the business licence information centre is very much on the increase. It increases approximately 15 or 16 per cent annually. The member also raised the public inquiries or support for seminars or workshops held, but it is interesting that the first review of the Small Business Development Corporation Act recommended that the corporation turn away from workshops providing certain forms of advice that was already available in the private sector, particularly in relation to education and training program. That recommendation was adopted and the corporation confined its activity to workshops and seminars which provide information.

Although the member quoted some data, I assure him that when one combines the contacts made through, not the business development licensing centre, but the seminar, workshops, small business week and all such areas, one sees that more than 9 000 inquiries or attendances are made each year. Therefore, the level of public demand for the services provided by the corporation have not in any way diminished - they are growing at a healthy rate.

Again, I refute the argument put forward by the member for Peel; he was just being provocative. We have no intention of diminishing the role of business enterprise centres. We have expanded their number from 24 to 36, and we have accepted responsibility for the funding of the five enterprise centres previously funded by the Federal Government. When the Commonwealth withdraw its support for business enterprise centres, we stepped in and provided core funding for those centres. It is very clear from government action that the Small Business Development Corporation and the business enterprise centres are strongly supported by the Government. I thank members for their contribution.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Cowan (Minister for Small Business) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Sections 11A, 11B and 11C inserted -

Mr BROWN: As I understand it from the briefing kindly provided by the Minister, clause 6 has been included at the suggestion of parliamentary counsel. It follows from what might be called standard clauses in Bills introduced in more recent times. What practical effect will this have? The Minister said that since being the Minister he had not given any directions to the corporation. I am not sure what powers there were to give directions to the corporation before now.

Mr Cowan: There were not any. I treated it as though there would be.

Mr BROWN: Is this provision simply a safeguard measure so that the Minister can reach into the corporation and change things around if necessary, or is it being included for some other reason?

Mr COWAN: It is as the member for Bassendean was advised; that is, to bring some conformity to this legislation, as is the practice these days with all bodies which are accountable to the Minister. If the Minister wants to instruct the board he must now do so in writing. I have always adopted that practice, even though the requirement did not exist before. However, I did instruct the Small Business Development Corporation to assume responsibility for business enterprise centres and, similarly, there was also an instruction for the Small Business Development Corporation to assume responsibility for the small business improvement program. Nonetheless, these provisions

are now the norm in legislation which has established a body at arm's length from government and which is generally given on the advice of either parliamentary counsel or Treasury.

In this instance there is no other meaning to the clause other than for the sake of conformity and ensuring that where a body is supposed to have some degree of autonomy - although they are always responsible to a Minister - the Minister must indicate clearly where direction has been given to the board or, similarly, it indicates also that the Minister can access advice or information.

Every time I have wanted advice or information, all I have had to do is pick up the telephone and indicate whether I want verbal advice or a written brief and it is provided promptly and in a manner which invariably is very useful.

Mr BROWN: There is the prospect, given the way the corporation is established and matters are advised, that the corporation could adopt a different view from the Minister and perhaps even different from the Government. For example, if the corporation is commenting on what we have just been talking about - commercial tenancy - given the nature of its clientele, it may have a particular view on commercial tenancy and what those laws might do and the Government, for its own reasons, might have a different view. As far as I can tell, proposed new section 11B could be used to muzzle that advice to ensure that it goes directly to the Minister but is not going directly to the public. Firstly, does the Minister accept that the provisions can be used in that way and, secondly, what does the Minister intend?

Mr COWAN: The member is right. The provisions of new section 11B could be used for a Minister to give a direction. The wording is that the Minister "may" give a direction, but the corporation is "required" to put that into effect. If somebody wanted to muzzle the Small Business Development Corporation, this provision could achieve that. But it must be in writing, and it is there for everybody to see.

I have always indicated to the Small Business Development Corporation that it has a role, and its role is to champion small business. The member for Bassendean made use of that by earlier quoting from a newsletter. That is what I would expect of the Small Business Development Corporation. If as the Minister for Small Business I have to defend the corporation in Cabinet and in this Parliament, because it might have taken a course of action which clashed with the functions or activities of other Ministers, so be it. That is the role of the Minister for Small Business - to defend that organisation. I would prefer to have that perspective on the role of the Small Business Development Corporation than one in which the corporation is merely doing the bidding of government.

In the main, the Small Business Development Corporation has taken seriously its function as a body responsible for the development and promotion of small business. It has dealt with those issues associated with government regulation, through the red tape forums, and I invite opposition members to attend any one of those. For example, next year it will be responsible for organising the next small business forum. The small business forum is a national forum and is associated with the Ministerial Small Business Council.

I assure members that it will be far better than any small business forum that I have attended, because previously small business has been invited to attend but it has only two spokespeople to put a case about what happens to small business. The Western Australian small business forum will be one in which all small businesses which attend will, if they can attract the eye of the chair, be able to put their view about government regulation and policy. That is the big difference between what the member for Bassendean is suggesting and what actually happens.

Mr Brown: I am raising it as a possibility.

Mr COWAN: It is not intended to direct the Small Business Development Corporation to be a puppet of government. No doubt, this provision could allow that to occur, but, as I said, if it did occur, it would be there in writing for everybody to see.

Clause put and passed.

Clauses 7 to 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Cowan (Minister for Small Business), and transmitted to the Council.

FAMILY COURT (ORDERS OF REGISTRARS) BILL*Committee*

Resumed from 27 August. The Deputy Chairman of Committees (Mr Masters) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clause 1: Short title -

Progress was reported after the clause had been partly considered.

Clause put and passed.**Clauses 2 to 12 put and passed.****Title put and passed***Report*

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Prince (Minister for Health), and passed.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr Cowan (Deputy Premier), resolved -

That the House at its rising adjourn until Tuesday, 9 September, at 2.00 pm.

House adjourned at 5.34 pm

QUESTIONS ON NOTICE

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

COMMITTEES AND BOARDS - MEMBERSHIP

Statistics

833. Mr BROWN to the Minister representing the Minister for Transport:

- (1) What boards, committees or the like in each portfolio under the Minister's control provide a sitting fee, or other payment, to board or committee members?
- (2) What is the name of each board and/or committee?
- (3) What are the names of the members of each board and/or committee?
- (4) How much is each member of the board and/or committee paid for their services?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Department of Transport

- (1)-(2) Albany Port Authority
Bunbury Port Authority
Geraldton Port Authority
Esperance Port Authority
Dampier Port Authority
Port Hedland Port Authority
Fremantle Port Authority
Broome Port Board
Wyndham Port Board
Western Australian Port Operations Task Force
Western Australian Certificates of Competency Appeals Authority
Commercial Passenger Vessel Advisory Committee
Taxi Industry Board
WA Bicycle Committee
Western Australian Coastal Shipping Commission
The Metropolitan (Perth) Passenger Transport Trust (MetroBus)
Eastern Goldfields Transport Board
Westrail's Internal Audit Committee

- (3) Albany Port Authority
Chairman - Terence Enright
Members - Russell Harrison
Len Smith
Ian Lunt
John Sandison

Bunbury Port Authority
Chairman - John Willinge
Members - Luigi A Tuia
John Sullivan
Neville Eastman
Wayne Osborn

Geraldton Port Authority
Chairman - Robert Ramage
Members - Bruce Anderson
Michael Burrows
Kim Halbert
Kevin Altham

Esperance Port Authority
Chairman - Richard Nulsen
Members - Brian McCormack
James Gray
Ian Burston
Geoff Males

Dampier Port Authority

Chairman - Wayne Stewart
 Members - Graeme Rowley
 Capt WNC Pointon
 Vacant
 Colin Norman

Port Hedland Port Authority

Chairman - Peter Hardie
 Members - Derek Miller
 Jack Haunold
 George Rypp
 Roger Richardson

Fremantle Port Authority

Chairman - Ron Aitkenhead
 Members - Michael O'Callaghan
 Russell Allen
 E Strahan
 Joe McKay

Broome Port Board

Chairman - Reece Waldock
 Members - Kim Male
 Martin Pierson- Jones
 Denis Martin
 Allan Griffiths

Wyndham Port Board

Chairman - Reece Waldock
 Members - Maxine Middap
 Vacant
 Jim Hughes
 Geoff Warriner

Western Australian Port Operations Task Force

Chairman - David Clarke
 Members - John Willinge
 Steve Wade
 Danny Ravn
 John Kelderman
 Alan Layton
 Viv Hall
 Graeme Wilson
 Norm Comley
 Vernon Durling
 Mark Brownell
 Lou Valsecchi
 John Oliver
 Mike Lucas
 Terry Buck
 Gary Mason

Western Australian Certificates of Competency Appeals Authority

Chairman - W P Spencer
 Members - R Grono
 K Reah
 S Scriven

Commercial Passenger Vessel Advisory Committee

Chairman - Con Regan
 Members - Richard Purkiss
 Tony Baker
 Tony Dilatte
 Brian McKay
 Geoff Whitehurst
 Alan Grime
 Robert Murrie
 Mike Paul
 Kevin Tonkin
 Don Brown
 Russell Wilson
 Bill Edgar
 Edward Watling

Taxi Industry Board

Chairman - Howard Croxon
 Dep Chair - John (Mick) Lee
 Members - John Ireland
 Des Stanway
 Graham Muir
 Joanna Ammon
 Dick MacDonald

WA Bicycle Committee

Chairman - Vacant
 Members - Matt Moltron
 Sarkis Petrossian
 Trevor Terry
 David Parkinson
 Jon Gibson
 Rick Lee
 Delia Hendrie
 John Chortis
 Bruce Robinson
 Vacant
 John Seaton
 Gary Hodge

Western Australian Coastal Shipping Commission

Chairman - Chris Whitaker
 Vice Chairman - Anne Nolan
 Commissioner - Reece Waldock

The Metropolitan (Perth) Passenger Transport Trust (MetroBus)

Chairman - Russell Allen
 Members - Eva Skira
 Geoff Sherwin
 Bob Wells
 John Carlson

Eastern Goldfields Transport Board

Chairman - Ian McCulloch
 Members - Mal Pascoe
 Doug Krepp
 Paul Robson
 Kerry McAuliffe

Westrail's Internal Audit Committee

Chairman - Ross Drabble
 Members - Richard Collister
 Hugh Smith
 Peter Leonhardt
 Paul Jost
 Mark Toogood

(4) Albany Port Authority
 Chairman: \$5 800 pa
 Members: \$2 700 pa

Bunbury Port Authority
 Chairman: \$5 800 pa
 Members: \$2 700 pa

Geraldton Port Authority
 Chairman: \$5 800 pa
 Members: \$2 700 pa

Esperance Port Authority
 Chairman: \$5 800 pa
 Members: \$2 700 pa

Dampier Port Authority
 Chairman: \$8 300 pa
 Members: \$3 800 pa
 [Note: Only the Chairman takes the available fee at this time]

Port Hedland Port Authority
 Chairman: \$8 300 pa
 Members: \$3 800 pa

Fremantle Port Authority
 Chairman: \$11 800 pa
 Members: \$5 400 pa

Broome Port Board
 Chairman: \$Nil (Public sector employee)
 Members: \$2 700 pa

Wyndham Port Board
 Chairman: \$Nil (Public sector employee)
 Members: \$2 700 pa

Western Australian Port Operations Task Force
 Chairman: \$60 per hour (not to exceed 30 hours per month. Annual total 330 hours)
 Members: Nil

Western Australian Certificates of Competency Appeal Authority
 Chairman: \$280 per day or \$185 per half day
 Members: \$186 per day or \$123 per half day

Commercial Passenger Vessel Advisory Committee
 Independent Chairman: \$196 per day
 Community Representative: \$131 per day
 Committee Members: recoup of expenses incurred in accordance with current public service guidelines.

Taxi Industry Board
 Chairperson: \$15 000 pa
 Members: \$3 500 pa

WA Bicycle Committee
 Chairman: \$4 900 pa
 Members: Nil

Western Australian Coastal Shipping Commission
 Chairman - Nil
 Members - Nil

The Metropolitan (Perth) Passenger Transport Trust (MetroBus)
 Chairman - \$17 000 pa
 Members - \$6 800 pa

Eastern Goldfields Transport Board
 Chairman - \$6 600 pa
 Members - Nil

Westrail's Internal Audit Committee
 Mr Peter Leonhardt is the only member of the Committee paid fees for work specifically associated with the Committee. Fees are paid to Mr Leonhardt as follows:
 Attendance at meetings - \$275 per hour
 Preparation for meetings - \$200 per hour

[Note: This information reflects sitting fees currently paid to board and committee members).

Main Roads Western Australia

(1)-(2) Best Roads Steering Committee.

(3) Chairman - Allan Marshall
 Members - Chris Whitaker
 Paul Schapper
 Graeme Harman
 Mike Wallwork
 Ross Kelly

(4) Mr Ross Kelly, Consultant, \$5 325, over the period 9 October 1995 to 9 December 1996 and the Chairman, Mr Alan Marshall, was recouped \$3 888.50 for vehicle expenses for the period 16 November 1995 to 26 February 1997.

MetroBus

(1)-(2) The Metropolitan (Perth) Passenger Transport Trust (MetroBus).

(3) Mr Russell Allen (Chairman)
 Ms Eva Skira (Board Member)

Mr Geoff Sherwin (Board Member)
 Mr Bob Wells (Board Member)
 Mr John Carlson (Board Member)

- (4) Chairman \$17 000; Board Members \$6 800 per year

Eastern Goldfields Transport Board

- (1)-(2) Eastern Goldfields Transport Board

- (3) Chairman - Mr Ian McCullough, Mr Mal Pascoe, Mr Doug Krepp, Mr Paul Robson, Mr Kerry McAuliffe.

- (4) Mr McCullough is paid \$1650 per quarter annum. Remainder debit not paid.

Westrail

- (1)-(2) Westrail's Internal Audit Committee.

- (3) Mr Ross Drabble
 Mr Richard Collister
 Mr Hugh Smith
 Mr Peter Leonhardt
 Mr Paul Jost
 Mr Mark Toogood

- (4) Mr Peter Leonhardt is the only member of the Committee paid fees for work specifically associated with the Committee. Fees are paid to Mr Leonhardt as follows - Attendance at meetings - \$275 per hour; preparation for meetings - \$200 per hour.

Fremantle Port Authority

- (1)-(2) Fremantle Port Authority Board

- | | |
|---------------------------------|-------------|
| (3)-(4) R Aitkenhead (Chairman) | \$12 717 pa |
| J McKay | \$ 5 400 pa |
| E Strahan | \$ 5 400 pa |
| R Allen | \$ 5 400 pa |
| M O'Callaghan | \$ 5 400 pa |

Albany Port Authority

- (1)-(2) Albany Port Authority

- | | |
|---------------------|------------|
| (3)-(4) T J Enright | \$6 400 pa |
| E W Smith | \$2 700 pa |
| R J Harrison | \$2 700 pa |
| C W Parr | \$2 700 pa |
| N S Hall | \$2 700 pa |

Bunbury Port Authority

- (1)-(2) Bunbury Port Authority Board

- | | |
|----------------------------------|------------|
| (3)-(4) John Willinge (Chairman) | \$6 580 pa |
| Lui Tuia | \$2 700 pa |
| John Sullivan | \$Nil |
| George Newby | \$2 700 pa |
| Neville Eastman | \$2 700 pa |

Dampier Port Authority

- (1)-(2) The Board of the Dampier Port Authority

- | | |
|------------------------------|------------|
| (3)-(4) W Stewart (Chairman) | \$8 300 pa |
| W Pointon | \$3 800 pa |
| G Rowley | \$3 800 pa |
| C Norman (General Manager) | \$3 800 pa |
| Plus one vacancy | |

[Note: Only the Chairman takes the available fee at this time.]

Esperance Port Authority

- (1)-(2) Esperance Port Authority Board

(3)-(4)	Richard Nulsen (Chairman)	\$6 405 pa
	Ian Burston	\$2 700 pa
	Jim Gray	\$2 700 pa
	Geoff Males	\$2 700 pa

Geraldton Port Authority

(1)-(2) Geraldton Port Authority Board.

(3)-(4)	Robert Ramage (Chairman)	\$6 405 pa
	Michael Burrows	\$2 700 pa
	Bruce Anderson	\$2 700 pa
	Kim Halbert	\$2 700 pa
	Kevin Altham	\$2 700 pa

Port Hedland Port Authority

(1)-(2) Port Hedland Port Authority.

(3)-(4)	Mr P G Hardie (Chairman)	\$9 413 pa
	Mr D Miller	\$3 802 pa
	Mr J Haunold	\$3 802 pa
	Mr M J McKimmie	\$3 802 pa
	Mr R E Richardson	\$3 802 pa
	Mr D J Netterfield (Deputy for Mr Miller)	
	Mr J Rowe (Deputy for Mr Richardson)	

RAILWAYS - ROCKINGHAM-PERTH

Passenger Service

1193. Mr McGOWAN to the Minister representing the Minister for Transport:

- (1) Have there been any investigations into the use of existing rail lines into Rockingham for use as a passenger rail service?
- (2) If not, why not?
- (3) What have been the findings of such a survey?
- (4) How much would it cost to add to and upgrade these rail lines to provide a passenger service to Perth and/or Fremantle (excluding rolling stock)?
- (5) What would the rolling stock cost to service such a service to Perth and/or Fremantle?
- (6) What would the total cost amount to?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) Yes.
- (2) Not applicable.
- (3) Studies for use of the existing rail lines from Fremantle to Rockingham by passenger trains indicated that:
 - (1) It is technically possible to use existing rail routes, although there will be constraints with regard to the use of existing lines, such as the single track south of Cockburn Junction and through the Fremantle Foreshore used by freight trains. The reservation width is inadequate in some areas.
 - (2) From Woodman Point to the northern outskirts of Rockingham, the existing rail route runs through the centre of the Kwinana Air Quality Buffer Zone, which has been quarantined from further urban residential development. This would prevent a reasonable level of service to the Town of Kwinana, which is outside the Buffer Zone.
 - (3) The cost of accessing Rockingham is extremely expensive, and the earlier plans were based on providing a large Park-n-Ride Station on the outskirts of Rockingham in the vicinity of the Rockingham Hospital.
 - (4) In order to maximise patronage and access, a railway from Fremantle to Rockingham through Thompsons Lake in Jandakot would be a better alignment than a coastal route.

- (5) There was great opposition to extend the existing railway line from Fremantle through the Fremantle Esplanade area and down towards South Beach. The Fremantle Council supported a light rail system running along the existing street system south of Fremantle Railway Station. Studies carried out for Westrail in 1992 indicated that an underground railway south of Fremantle which would avoid the social and heritage impacts for both freight and passenger trains would cost from around \$200 million and up to \$250 million.
- (4) The option to use the existing lines/routes does not meet the planning; service and viability objectives of the passenger rail proposal.
- (5)-(6) Further study and definition of requirements would be needed to answer this question.

RAILWAYS - ROCKINGHAM-PERTH

Passenger Service

1230. Mr McGOWAN to the Minister representing the Minister for Transport:

- (1) What action has the Minister taken in relation to the petition tabled in the Legislative Assembly on 30 April 1996 signed by 14 913 Rockingham residents, requesting that the Government bring forward the construction of a rapid transit rail passenger service between Rockingham and the greater metropolitan area by the year 2000?
- (2) If not, why not?
- (3) Does the Minister acknowledge that the size of the petition (14 913) indicates that there is a strong requirement for such a service?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1)-(2) The Government will consider the staging and timing of the construction of the rapid transit passenger service when the master plan is completed in the second half of 1998.
- (3) The Minister recognises that many people would want such a service.

ROADS - FUNDING

Federal Cuts

1260. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Is the Minister aware of the 1997-98 Federal Budget cut to the amount of money available for national highways?
- (2) If so, what was the total amount of the cut?
- (3) Did the 1997-98 Federal Budget also cut the amount of money available under the Blackspot Program as well as grants to the States and Local Government?
- (4) To what extent will the amount of funding be reduced in Western Australia?
- (5) Given the reduction in road funding, does the Minister intend to reinvigorate the "Fix the Roads Campaign" so that television and other advertisements are run condemning the latest cuts by the Federal Government?
- (6) If not, why not?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1)-(2) The forward projections made last year by the Commonwealth indicated WA would receive \$68.76 million in 1997/98. The State's National Highway allocation will now be \$68.724 million (including \$6.714 million advanced in 1996/97) in comparison with the previous years allocations which are, \$55.482 million in 1993/94, \$54.526 million in 1994/95, \$72.564 million in 1995/96 and \$68.126 million in 1996/97 (excluding \$6.714 million advanced for 1997/98) Compared with our road needs the amount is \$61 million less than our demonstrated requirement for the year that was requested and we will now see the National Highway asset further deteriorate.

- (3)-(4) Blackspots funding increased from \$4 million in 1996/97 to \$4.1 million in 1997/98. Prior to this there was no blackspot funding from Canberra. Roads of National Importance (RONI) funds are \$10 million in 1997/98 when previously there were no funds for this purpose. Untied Grants to the States for roads have ceased and are not included in Financial Assistance Grants Scheme allocations. If they had continued Western Australia would have expected to receive \$37.8 million. The State has allocated \$42.251 million from the consolidated fund for roads to more than cover the previous grants. Local Government will receive \$56.6 million in 1997/98 compared to \$57.2 million in 1996/97 from Main Roads.
- (5)-(6) The campaign has not stopped as will be seen from recent advertisements in "The West Australian" newspaper. Since the change of Government in the Federal sphere the following has taken place.
- * submissions to the Vaile Inquiry into Federal Road Funding;
 - * information booths at National Assembly of Australian Local Government Association and the Road Transport Forum;
 - * campaign meetings in both Queensland and South Australia;
 - * advertising in "The West Australian" newspaper; and
 - * a road awareness month in conjunction with Local Governments is proposed for October.

If the member is genuine in his concern for attracting more funds for roads from the Commonwealth and has any ideas as to how this may be impressed on Canberra, the Fix Australia Fix the Roads Committee would be interested in hearing from him.

DRUGS - MINISTER'S COMMENTS

Bipartisan Approach

1261. Mr BROWN to the Minister for Police:

- (1) Is the Minister aware of comments made by his upper House parliamentary colleague, the Minister for Transport, that drug use is out of control in Western Australia?
- (2) Does the Minister for Transport's views reflect the official policy of the State Government on drug use in Western Australia?
- (3) Have recommendations been made to the Government for tougher penalties connected to the drug trade?
- (4) If so, what penalties have been recommended?
- (5) Is the Minister aware his parliamentary colleague, the Minister for Transport, called for a bipartisan approach to the drug problem?
- (6) Does the State Government support that call?
- (7) What action does the Government intend to take in this regard?

Mr DAY replied:

- (1) No.
- (2) Not applicable.
- (3)-(4) The Government receives many recommendations and suggestions for tougher penalties to be applied to persons found guilty on a range of criminal charges including crimes related to the drug trade. Without any specific recommendations being referred to in the question it is impossible for me to provide any further details. However, if the member has a specific recommendation I would be happy to provide further details.
- (5) No.
- (6)-(7) Not applicable.

DOMESTIC VIOLENCE - FUNDING

Allocation

1288. Ms ANWYL to the Minister for Family and Children's Services:

- (1) What is the breakdown of the \$7m funding Government will spend on domestic violence prevention and assistance the Minister referred to in *The West Australian* on 26 May 1997?

- (2) What were the equivalent funding allocations for each of the years ending 30 June 1993, 1994, 1995 and 1996?

Mrs PARKER replied:

- (1) The \$7 million referred to in *The West Australian* is the additional funding provided for commitments within the Family and Children's Services and Women's Interests portfolios that were identified in the Coalition's election policies. These are as follows:

\$2.6 million to the Domestic Violence Prevention Unit in 1997/98.

\$0.3 million for a public education campaign in 1997/98.

\$2.1 million over 4 years to assist women's refuges, including additional support and outreach services.

\$1.8 million over 4 years to expand the provision of safe accommodation in regional communities for victims of family and domestic violence.

\$1 million over 4 years for counselling services for children who have witnessed domestic violence, with preference given to children referred from women's refuges.

- (2) The Crime Prevention and Domestic Violence Transitional Unit was established in August 1995 and reformed as the Domestic Violence Prevention Unit in March 1996. Prior to this Unit being established a mechanism for collating expenditure in a comparable way did not exist.

GOVERNMENT CONTRACTS - EMPLOYEE ORGANISATIONS

Details

1389. Mr KOBELKE to the Minister representing the Minister for Transport:

- (1) Have any departments or agencies, within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Trades and Labor Council, or any union or bodies established or controlled by an employee organisation?
- (2) If yes, then what are the details of each case including -
- (a) the department or agency involved;
 - (b) the recipient of the contract, grant or secondment;
 - (c) a description of the purpose of the contract, grant or secondment;
 - (d) the value or cost of the contract, grant or secondment?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Main Roads Western Australia

- (1) Yes.
- (2) (a) Main Roads.
- (b) (i) Western Australian Trades and Labor Council.
 - (ii) Association of Professional Engineers, Scientists and Managers Australia.
 - (iii) Civil Service Association.
 - (c) (i) Subscription to the Trades and Labor Council directory.
 - (ii) Engineering Training Courses.
 - (iii) Hire of venue for training course.
 - (d) (i) \$395.
 - (ii) \$163 306.
 - (iii) \$706.

Westrail

- (1) Yes.
- (2) (a) Westrail.
- (b) (i) Trades and Labor Council Occupational Health & Safety Representative Training Unit.

- (c) (ii) The West Australian Locomotive Engine Drivers' Firemen's & Cleaners' Union.
- (i) Attendance of eight Westrail employees at occupational health and safety representative training courses.
- (ii) Secondment of a Westrail employee to the West Australian Locomotive Engine Drivers' Firemen's & Cleaners' Union to assist with negotiations between Westrail and the Union for industrial reform.
- (d) (i) \$4 000.
- (ii) \$39 286.

ROADS - ROAD SAFETY

Budget Allocation

1449. Mr BROWN to the Minister representing the Minister for Transport:

- (1) How much was allocated in the 1996-97 State Budget to improving road safety?
- (2) How much was allocated for this purpose in the 1997-98 Budget?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) The following was allocated to the Office of Road Safety and to the Road Trauma Trust Fund (RTTF):

1996-97	Road Trauma Trust Fund	\$4.862 million
	Transport, Police Service, Road Trauma Trust Fund and Supplementary allocations	\$1.260 million

Significant funds were drawn from a variety of sources in order to improve the co-ordination of the State's total road safety effort. To service the Ministerial Council on Road Safety and the newly-formed Road Safety Council, an Office of Road Safety was formed. The allocation of \$1.260 million for the creation of the Office of Road Safety comprised:

- * \$500 000 transfer from Transport Licensing to Road Safety;
- * transfer of two FTEs from WA Police Service (\$107 000);
- * an allocation of \$353 000 from the Road Trauma Trust Fund (RTTF) for co-ordinating activities; and
- * supplementary Treasury allocations for superannuation and workplace agreements totalling \$300 000.

- (2) The following was allocated to the Office of Road Safety and to the Road Trauma Trust Fund.

1997-98	Road Trauma Trust Fund	\$6.603 million
	Transport Consolidated Fund	\$1.139 million (includes \$0.5 million for driver training and licensing)

GOVERNMENT INSTRUMENTALITIES - EMPLOYEES

Number and Conditions of Employment

1566. Mr KOBELKE to the Minister representing the Minister for Transport:

For all departments and agencies within the Minister's portfolios, what are -

- (a) the total number of employees;
- (b) the number of these employees who were employed on a workplace agreement;
- (c) the number of these employees who were employed on an enterprise agreement;
- (d) the number of these employees who were employed under an industrial award; and
- (e) the number of these employees who were employed under some form of contract not included in the above?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

Department of Transport

- (a) 868.
- (b) 426.
- (c) 413.
- (d) 29.
- (e) Nil.

Main Roads Western Australia

- (a) 1543.
- (b) 726*.
- (c) 816.
- (d) Nil.
- (e) 1.

*576 under Western Australian Workplace agreements and 150 under Australian Award Flexibility Agreements.

MetroBus

- (a) 919.
- (b) 11.
- (c) 793.
- (d) 115.
- (e) Nil.

Eastern Goldfields Transport Board

- (a) 20.
- (b)-(c) Nil.
- (d) 18.
- (e) 2.

Westrail

- (a) 1 824.
- (b) 60.
- (c) 652.
- (d) 1 081.
- (e) 31

Fremantle Port Authority

- (a) 196.
- (b) 8.
- (c) 187.
- (d) 1.
- (e) Nil.

Albany Port Authority

- (a) 26.
- (b) Nil.
- (c) 25.
- (d) Nil.
- (e) 1.

Bunbury Port Authority

- (a) 43 plus three trainees.
- (b) One currently being progressed through DOPLAR.
- (c) 40 plus three trainees.
- (d) 3 (includes b).
- (e) Nil.

Dampier Port Authority

- (a) 11.
- (b) 5.
- (c)-(d) Nil.
- (e) 6.

Esperance Port Authority

- (a) 33.

- (b)-(c) Nil.
- (d) 32.
- (e) 1.

Geraldton Port Authority

- (a) 43.
- (b) Nil.
- (c) 41.
- (d) 43.
- (e) 2.

Port Hedland Port Authority

- (a) 19.
- (b) 17.
- (c)-(d) Nil.
- (e) 2.

ROADS - KARRATHA-TOM PRICE

Tenders

1701. Mr RIEBELING to the Minister representing the Minister for Transport:

- (1) Further to the Minister's comments on Karratha radio in November 1996 about the sealing of the Karratha to Tom Price road has the design work for sealing of this road been completed?
- (2) If yes -
 - (a) have tenders been let;
 - (b) when is the work due to commence;
 - (c) when is the work expected to be completed?
- (3) If no to (1) above -
 - (a) when will the design work be completed;
 - (b) is the project still on track for completion by 1998?
- (4) Can the Minister confirm that this road will be sealed by 1998?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) No.
- (2) Not applicable.
- (3)-(4) (a) Yes. A planning study to select a route has been awarded and will commence on 28 August. The study will take about five months to complete.
- (b) Funds are currently programmed to seal the Tom Price to Rio Tinto Gorge section commencing in the year 2000.
- (c) The recent High Court decision on the State fuel levy means that the Karratha to Rio Tinto Gorge section along with other projects worth \$2.5 billion are now in jeopardy.

SHIPPING - WA COASTAL SHIPPING COMMISSION

Superannuation Liability

1702. Ms MacTIERNAN to the Minister representing the Minister for Transport:

What was the annual superannuation liability carried forward by the Western Australian Coastal Shipping Commission in the following years -

- (a) 1993-1994
- (b) 1994-1995
- (c) 1995-1996
- (d) 1996-1997?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

The liabilities of the Western Australian Coastal Shipping Commission under the Superannuation and Family Benefits Act pension scheme as determined by actuarial assessment are shown in the Commission's annual report as the present value of future payments of:

- * the accumulated liability in relation to pre-transfer service of employees who transferred to the Government Employee's Superannuation Act lump sum scheme;
- * employer cost of accumulated benefits earned by current employees who are members of the pension scheme; and
- * the value of the employer-financed portion of future payments to pension scheme pensioners.

The total shown in the annual accounts was:

1993/94	\$24 221 491
1994/95	\$21 999 631
1995/96	\$23 423 969

and for 1996/97 the liability will be shown as \$23 055 195. Other employer funded superannuation costs are paid as they are incurred and are not carried forward as liabilities.

GOVERNMENT INSTRUMENTALITIES - ANNUAL REPORTS

Costs

1727. Mr BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

- (1) For each department or agency under the Minister's control, what was the cost of producing the 1995-96 annual report, including -
 - (a) artwork;
 - (b) publication;
 - (c) distribution?
- (2) How do the costs for the 1995-96 annual report compare with the costs associated with the 1994-95 annual report?
- (3) Was the 1995-96 annual report produced wholly within the department or agency?
- (4) If not -
 - (a) what services were provided by contractors;
 - (b) at what cost?
- (5) Who printed the 1995-96 annual report?
- (6) How many copies of the 1995-96 annual report were printed?
- (7) To whom was the 1995-96 annual report distributed?
- (8) Was environmentally-friendly or recycled material used in the production of the document?

Mrs PARKER replied:

- (1) Family and Children's Services
 - (a) \$13,192
 - (b) \$17,600
 - (c) \$704
- Seniors
 - (a) \$2,448
 - (b) \$3,933
 - (c) \$500
- Women's Interests
 - (a) \$2,217
 - (b) \$4,417
 - (c) \$486

- (2) Family and Children's Services: The total cost of artwork and publication of the 1994/95 annual report was \$25,071 as compared with \$30,792 for 1995/96.
- Seniors: The total cost of artwork and publication of the 1994/95 annual report was \$7,245 as compared with \$6,381 for 1995/96.
- Women's Interests: The total cost of artwork and publication of the 1994/95 annual report was \$5,355 as compared with \$6,634 for 1995/96.
- (3) Family and Children's Services: No.
- Seniors: No.
- Women's Interests: No.
- (4) Family and Children's Services
- (a) Design, artwork, prepress, printing and distribution.
- (b) As detailed in question (1).
- Seniors
- (a) Design, artwork, prepress and printing.
- (b) As detailed in question (1).
- Women's Interests
- (a) Prepress and printing.
- (b) As detailed in question (1).
- (5) Family and Children's Services - Frank Daniels Printing.
- Seniors - Supreme Printers.
- Women's Interests - SP Print.
- (6) Family and Children's Services - 2000 copies.
- Seniors - 500 copies.
- Women's Interests - 350 copies.
- (7) Family and Children's Services: CEOs of Government Agencies, Peak Children's Services organisations, Children's Court Magistrates, Family and Children's Services offices, Interstate Community Services CEOs, Media, Members of Parliament, National Library, Non Government organisations (funded), Shires, State Library, TAFE and Universities, WA Libraries. Also distributed upon request to individuals and organisations.
- Seniors: Members of Parliament, CEOs of Government Agencies, key Seniors organisations.
- Women's Interests: CEOs of Government Agencies, key Women's groups, Members of Parliament, Family and Domestic Violence Implementation Advisory Committee members, Regional Domestic Violence Committees, Serials Departments, University Libraries, Battye Library.
- (8) Family and Children's Services - Environmentally friendly paper.
- Seniors - Environmentally friendly paper.
- Women's Interests - Recycled material.

GOVERNMENT INSTRUMENTALITIES - ANNUAL REPORTS

Costs

1734. Mr BROWN to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:
- (1) For each department or agency under the Minister's control, what was the cost of producing the 1995-96 annual report, including -
- (a) artwork;
- (b) publication;
- (c) distribution?

- (2) How do the costs for the 1995-96 annual report compare with the costs associated with the 1994-95 annual report?
- (3) Was the 1995-96 annual report produced wholly within the department or agency?
- (4) If not -
 - (a) what services were provided by contractors;
 - (b) at what cost?
- (5) Who printed the 1995-96 annual report?
- (6) How many copies of the 1995-96 annual report were printed?
- (7) To whom was the 1995-96 annual report distributed?
- (8) Was environmentally-friendly or recycled material used in the production of the document?

Mr BOARD replied:

STATE SUPPLY COMMISSION

- (1)
 - (a) \$ 9,163.00
 - (b) \$ 9,163.00
 - (c) \$ 250.00

\$18,576.00
 - (2) 1994-95 Annual Report \$ 7,990.00 (Excluding Distribution)
1995-96 Annual Report \$18,326.00 (Excluding Distribution)
 - (3) No.
 - (4) Artwork \$9,163.00
Publication \$9,163.00
 - (5) Frank Daniels Pty Ltd.
 - (6) 300 copies.
 - (7) 164 Public Sector CEOs
Office of the Minister for Works; Services (includes copies for Parliament)
12 State Supply Commission Members
5 Ministry of the Premier and Cabinet
10 Chamber of Commerce and Industry of WA
Commonwealth Bank of Australia
Women's Policy Development Office
Computer Power
80 Supply Managers
5 Staff
20 Walkouts (Display Stand)
- Copies of the 1995-96 annual report are available at the State Supply Commission Front Desk for anyone who is interested.

- (8) Yes.

OFFICE OF MULTICULTURAL INTERESTS

- (1) The cost of producing the 1995-96 annual report, including artwork, publication and distribution was \$3,880.00.
- (2) 1994-95 Annual Report \$5,398.00.
1995-96 Annual Report \$3,880.00.
- (3) Yes.
- (4) Not applicable.
- (5) Typeline Graphic Design.
- (6) 200 copies.
- (7) The Minister for Multicultural and Ethnic Affairs
Parliament
Alexander Library

WA Government Departments
Office of Multicultural Interests' peak bodies
Other interested parties on request.

(8) No.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

(1) The total cost of producing the Western Australian Building Management Authority (WABMA) 1995-96 annual report was \$10,114.70, including:

(a)	Design and layout	\$1,775.00
	Scanning of photographs	\$ 160.00
	Negative preparation	\$1,750.00
(b)	Publication	\$3,790.00
(c)	Distribution	\$511.70

Other costs were editing \$715.00 and photography \$1,413.00.

The total cost of producing the Department of State Services (DoSS) 1995-96 annual report was \$2,149.60, including:

(a)	Design and layout	\$1,690.00
(b)	Publication	\$ 305.00
(c)	Distribution	\$ 4.60

Other costs were editing \$150.00.

(2) For WABMA:

1994-95 Annual Report	\$ 9,927.00
1995-96 Annual Report	\$10,114.70

For DoSS:

1994-95 Annual Report	\$22,328.00
1995-96 Annual Report	\$ 2,149.60

(3) WABMA and DoSS: No.

(4) For WABMA:

(a) Design and layout, editing, photography, negative preparation and printing.

(b)	Design and layout	\$1,775.00
	Editing	\$ 715.00
	Photography	\$1,413.00
	Scanning of photographs	\$ 160.00
	Negative preparation	\$1,750.00
	Printing	\$3,790.00

For DoSS:

(a) Design and layout, editing and printing.

(b)	Design and layout	\$1,690.00
	Editing	\$ 150.00
	Printing	\$ 305.00

(5) For WABMA: Frank Daniels Pty Ltd.
For DoSS: On Demand.

(6) For WABMA: 700 copies.
For DoSS: 10 copies.

(7) For WABMA:
Members of Parliament
Chief Executive Officers
Major Contractors
Consultants and Suppliers

Library and Information Service of WA
CAMS Library.

For DoSS:
Library and Information Service of WA
CAMS Library
Minister's Office.

- (8) For WABMA: Yes.
For DoSS: No.

OFFICE OF YOUTH AFFAIRS

- (1)-(8) The Office of Youth Affairs, for 1995/96, reported as part of the Ministry of the Premier and Cabinet. No specific additional costs were incurred.

SCHOOLS - HIGH

Cadets Program

1798. Mr BROWN to the Minister for Youth:

- (1) What financial support has the State Government provided to high schools to run a cadet program?
- (2) How much is made available to the school?
- (3) How much is made available to the organisation that operates the cadet program?
- (4) How much is made available to each cadet?
- (5) Is any assistance provided to cadets, or the parents of cadets, to purchase uniforms or meet other outgoings connected with being part of the cadet program?
- (6) What funds are provided in this respect?
- (7) What is the total amount the Government expects or does pay for a cadet program in each school?
- (8) Of the schools that operate in the cadet programs in the 1997 calendar year, how much will be paid to each program?

Mr BOARD replied:

- (1)-(8) Although the Cadets WA program is school based, funding provided to operate cadet units does not form part of the school budget. Funding is paid to the school principal who administers the funds on behalf of the cadet unit through the school's normal accounting and administrative procedures. Cadet unit funds are separate from other monies provided to the school and may only be expended on cadet-related activities and equipment. Government school-based Cadet units attract \$450 for each cadet and instructor participating in the program. Funding is not provided to individuals, parents or other organisations to operate the cadet unit. All costs associated with the operation of the cadet unit including uniforms and equipment are paid from the funding provided by the Government. Funds may also be sourced from other areas such as individual and community donations as well as unit fundraising. The total amount payable by government in regard to the Cadets WA program to date this year is \$444,220.00. The amount payable to each school is dependent on the number of cadets and instructors enrolled in the program.

TRANSPORT - BUS

MetroBus - Wages and Employment Conditions

1800. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Has MetroBus produced a schedule showing the wage rates and employment conditions paid to bus operators employed by MetroBus and other private operators?
- (2) Was the schedule accurate?
- (3) Did the schedule reveal that bus operators working a standard 38 or 40 hour week for MetroBus received a higher rate of pay than bus operators employed by private contractors?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) MetroBus has produced internally a number of comparative analyses over the last four years of rates and conditions against other operators in Australia.
- (2) Yes for that information which was available.
- (3) In regard to the base rate, MetroBus drivers received a higher rate. However, conditions of employment also play a significant role in determining the total labour cost for comparative purposes.

NORTHBRIDGE TUNNEL - LAND ABOVE THE TUNNEL

Redevelopment

1816. Ms WARNOCK to the Minister representing the Minister for Transport:

- (1) When does the Government propose to announce plans for the re-development of land above the tunnel in Northbridge?
- (2) Are there any outstanding claims for compensation (that is, claims that have not yet been settled) in relation to land, property or businesses above the tunnel?
- (3) If so, how many?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) This question should be referred to the Minister for Planning.
- (2) Yes.
- (3) 15.

RAILWAYS - WESTRAIL

Capital Debt

1819. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to the answer to question on notice 438 of 1997 and I ask will the Minister provide details of the \$407 million of capital expenditure incurred since 1993 and the source of funding for the \$225 million in repayment of capital?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

A breakdown of the \$407 million figure for net capital expenditure I provided in my reply to question 438 is as follows:

Financial Year	Project	\$'000	\$'000
1992/93	Kwinana-Picton railway upgrade	4 435	
	Air braking on XW wagons	3 149	
	Suburban railway electrification	2 124	
	Leonora-Kalgoorlie-Esperance railway upgrade	3 754	
	Northern Suburbs railway	97 653	
	Sleeper replacement	12 187	
	Motor vehicle replacements	5 867	
	Other *	14 884	144 053
1993/94	Sleeper replacement program	9 326	
	Kalgoorlie-Kwinana landbridging	6 774	
	Kwinana-Picton railway upgrade	7 812	
	Leonora-Kalgoorlie-Esperance railway upgrade	12 221	
	Suburban railway electrification	2 173	
	Northern Suburbs railway	66 509	
	Truck replacements	2 781	
	Replace Bunbury Bridge	5 102	
	Motor vehicle replacements	7 695	
	Other *	17 653	138 046
1994/95	Sleeper replacement program	12 873	
	Leonora-Kalgoorlie-Esperance railway upgrade	4 041	

	Underfloor wheel lathe	4 303	
	Kalgoorlie-Kwinana landbridging	2 822	
	Motor vehicle replacements	6 919	
	Depots upgrade	3 814	
	Replace Bunbury Bridge	9 169	
	Suburban railway electrification	2 729	
	Other *	19 007	65 677
1995/96	Road coach replacement	3 839	
	Sleeper replacement	21 682	
	Motor vehicle replacements	6 215	
	New locomotives	3 383	
	Automatic safety gates - suburban railway	3 278	
	Signalling and control systems	3 466	
	Other *	17 731	59 594
	TOTAL		407 370

*Many projects of lower value, such as upgrading or purchase of rolling stock, track, buildings and structures, plant and equipment, signalling and communications.

With respect to the figure of \$225 million, as I advised the member previously, that amount represents both loan repayments and internally generated funds used for capital expenditure. The \$225 million was sourced from:-

- * Sale of assets
- * Commonwealth grants
- * Earnings from freight services
- * Contributions from third parties associated with capital projects
- * Consolidated Fund appropriations (prior 1 July 1996)

RAILWAYS - WESTRAIL

John Holland - Contract

1820. Ms MacTIERNAN to the Minister representing the Minister for Transport:

- (1) In regard to the contract let by Westrail to John Holland, will the contract be shown yearly in Westrail's account?
- (2) If so, will it be shown under maintenance or capital debt?
- (3) If a combination of both, what is the expected allocation of each and how is this allocation calculated?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

I presume the member is referring to expenditure by Westrail against a contract awarded to John Holland Construction and Engineering Pty Ltd for track maintenance and development work. My answer is provided on that basis.

- (1) The expenditure is included in the annual accounts. However, published reports of expenditure by Westrail will not identify individual contractors.
- (2) Both.
- (3) Allocation of activities to either capital or maintenance expenditure is determined according to the following definitions:
 - (i) Capital expenditure is that expenditure associated with the purchase or construction of fixed assets which are acquired long-term to generate income, eg, land, buildings, railway track, rollingstock and signalling equipment.
 - (ii) Expenditure on repairs or maintenance is defined as maintenance expenditure.

Westrail's expenditure against both capital and maintenance accounts for work carried out by John Holland Construction and Engineering Pty Ltd of the 1996/97 financial year was as follows:

Capital	\$14 682 000
Maintenance	\$10 098 000

While Westrail has a proposed capital works program for five years, the timing of the works to be carried

out within that program are determined by the priorities placed on the railway system by operational demand. Accordingly, I am unable to provide year by year information on the future allocation of works to be carried out by John Holland Construction and Engineering Pty Ltd.

GOVERNMENT CONTRACTS - SCHOOLS

Transport of Children with Disabilities

1848. Mr RIPPER to the Minister representing the Minister for Transport:

- (1) Will the Minister table copies of all contracts relating to the transport of children with disabilities to schools in Bunbury?
- (2) If not, why not?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

There are three particular services catering for the transport of students with disabilities in and around Bunbury. These are operated by DC and EJ Hough and transport some 40 students to Education Support facilities. One service is under contract to 2001, the second was recently awarded for three five year terms and the contract is currently being prepared, and the third is a temporary arrangement which will soon be put to tender. If the member would like further specific information about the contracts or services, could he please advise of the details.

TELECENTRES - NUMBER AND LOCATION

1872. Mr GRAHAM to the Minister for Commerce and Trade:

- (1) How many telecentres are there in Western Australia?
- (2) Where is each telecentre located?
- (3) What is the cost of operating each telecentre?
- (4) From what source/s is/are each centre funded?
- (5) Which agency in each location is responsible for each telecentre?
- (6) Is each telecentre required to recoup all its costs from users?

Mr COWAN replied:

- (1) There are 38 Telecentres and two Associate Telecentres in Western Australia.
- (2)-(4) Telecentres are responsible for their own operating costs. but listed below is the support given to individual centres, subject to centres meeting their Resource and Performance Agreements.

Telecentres -	
Augusta	\$20000
Beacon	\$10000
Boyup Brook	\$20000
Bremer Bay	\$10000
Bridgetown	\$20000
South Avon	\$30000
Broome	\$20000
South Coast-Denmark	\$20000
Derby	\$20000
Exmouth	\$20000
Greenbushes	\$10000
Halls Creek	\$10000
Hyden	\$20000
Katanning	\$20000
Kondinin	\$20000
Kununurra	\$20000
Lakes Link	\$20000
Leeman	\$20000
Meekatharra	\$20000
Merredin	\$20000
Mingenew	\$10000
Moora	\$20000
Nannup	\$20000
Narembeen	\$20000

Northcliffe	\$20000
Pemberton	\$20000
Perenjori	\$20000
Ravensthorpe	\$20000
Hopetoun	\$10000
Southern Cross	\$20000
Tambellup	\$20000
Tammin	\$10000
South Coast- Walpole	\$20000
Wongan Hills	\$20000
Wyalkatchem	\$20000
Wyndham	\$10000
York	\$10000

Associated Telecentres -	
Murchison	\$ 2500
Wellstead	\$ 2500

Centres primarily generate their own earnings, which includes "fee-for-service" moneys, and receive additional funding from the Department of Commerce and Trade to the level indicated.

- (5) The 38 Telecentres which form the WA Telecentre Network are community owned, managed and incorporated. The centres are drawn together as one entity through the Western Australian Telecentre Support Unit, located within the Department of Commerce and Trade.
- (6) No.

TRANSPORT - WEIGHBRIDGE

Port Hedland

1874. Mr GRAHAM to the Minister representing the Minister for Transport:

- (1) Is there a weighbridge located in Port Hedland for the use of the cattle industry?
- (2) If no to (1) above, why not?
- (3) If yes to (1) above -
- (a) on what date was the weighbridge installed;
 - (b) how much did the government contribute to the cost of the weighbridge;
 - (c) how much did the Port Hedland Port Authority contribute to the cost of the weighbridge;
 - (d) how much did the industry contribute to the cost of the weighbridge;
 - (e) who is responsible for the ongoing maintenance of the weighbridge?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) Yes.
- (2) Not applicable.
- (3) (a) April 1996.
 (b) Nil.
 (c) Total Cost Weighbridge \$54 720
 Additional Earthworks \$70 219
 (d) Nil.
 (e) Port Hedland Port Authority

PORTS AND HARBOURS - PORT HEDLAND PORT AUTHORITY

Payment of Dividend to State Government

1875. Mr GRAHAM to the Minister representing the Minister for Transport:

- (1) Is the Port Hedland Port Authority required to pay a dividend to the State government each year?
- (2) If no to (1) above, why not?
- (3) If yes to (1) above, what was the dividend paid for the period ending the 30 June;
- (a) 1985;
 - (b) 1986;

- (c) 1987;
- (d) 1988;
- (e) 1989;
- (f) 1990;
- (g) 1991;
- (h) 1992;
- (i) 1993;
- (j) 1994;
- (k) 1995;
- (l) 1996;
- (m) 1997?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

- (1) Yes.
- (2) Not applicable.
- (3)

(a)-(f)	Nil.	
(g)	1990/91	\$200 000
(h)	1991/92	\$200 000
(i)	1992/93	\$200 000
(j)	1993/94	\$200 000
(k)	1994/95	\$593 000
(l)	1995/96	\$816 000
(m)	1996/97	\$589 235 (Recommended only)

INDUSTRIAL RELATIONS - MR OWEN THOMAS

Visit to Western Australia

1912. Mr KOBELKE to the Minister for Labour Relations:

- (1) When was an invitation given to Mr Owen Thomas, executive director of Electoral Reform Ballot Services, Britain, to visit Western Australia?
- (2) Who made this invitation?
- (3) What terms and conditions applied to his visit?
- (4) What was the objective set for his visit to Western Australia?
- (5) Is Mr Thomas being paid to come to Western Australia and, if so, what is he to be paid?
- (6) What will be the cost to the Western Australian taxpayers for airfares, accommodation and all other expenses in relation to Mr Thomas' trip?

Mr KIERATH replied:

- (1) 2 July 1997.
- (2) I invited Mr Thomas on the advice of the Department of Productivity and Labour Relations.
- (3) Mr Thomas did not want media coverage or to speak to large groups.
- (4) To inform key employers, unions and government agencies about the UK balloting system for industrial action.
- (5) No.
- (6) \$8,800.

LABOUR RELATIONS LEGISLATION AMENDMENT ACT - OPINION SURVEY

Cost and Nature

1913. Mr KOBELKE to the Minister for Labour Relations:

- (1) What is the form of the attitude or opinion survey being conducted to gauge public views on the Labour Relations Legislation Amendment Act 1997?
- (2) Who is to undertake this research?

- (3) When is the survey to be conducted?
- (4) What is the cost of this research?
- (5) Will the Minister table the survey instrument and all results of this work?
- (6) If yes to (5) above, when will this be made available?

Mr KIERATH replied:

- (1) The details of the research are being finalised.
- (2) No company has been selected.
- (3) No date has been set.
- (4) Cost has not been determined.
- (5) No.
- (6) Not applicable.

QUESTIONS WITHOUT NOTICE

POLICE - CORRUPTION

Drug Squad - Royal Commission

575. Dr GALLOP to the Premier:

I refer to the continuing allegations about corruption in the Western Australia Police Service drug squad and ask how much evidence the Premier requires before setting up a royal commission to inquire into the Western Australia Police Service. How can the public have confidence in a force that regularly appears on the front page of *The West Australian* newspaper in connection with corruption allegations? Has the time come, once and for all, to clear the air on this issue?

Mr COURT replied:

The Opposition cannot have it both ways. An Anti-Corruption Commission has been established in this State. It is an independent body that has been given incredibly wide powers. The Anti-Corruption Commission is able to make a recommendation to the Government on whether there should be a royal commission inquiry into a particular matter. Some very serious allegations have been made about officers in the Police Service. As members know, they have been referred to the Anti-Corruption Commission and it has appointed a special investigator, Mr Geoffrey Miller. I understand he will report to the Anti-Corruption Commission prior to Christmas.

I also understand that the Anti-Corruption Commission is prepared to brief the Opposition on some of its activities and to work closely with the committee that has been established. An independent Anti-Corruption Commission has established a special investigator to inquire into these matters and it would be quite irresponsible for the Government to pre-empt those inquiries and say that a royal commission will be established. If the special investigator makes a recommendation to the Anti-Corruption Commission, which is then given to the Government, that a royal commission should be established, the Government will accept that recommendation.

ROADS - KWINANA FREEWAY

Extension - Funding

576. Mr MARSHALL to the Minister representing the Minister for Transport:

Has the recent federal tax decision placed the proposed Kwinana Freeway extension to Mandurah in doubt? If so, what alternative funding will be found to keep this important project on schedule?

Mr OMODEI replied:

I thank the member for some notice of this question. The Minister for Transport has supplied the following response -

The High Court's decision has taken from Western Australia its most important revenue source for road investment, resulting in a shortfall of \$29m a year to the current level of funding. This shortfall will need to be made up from other sources. In addition, the decision has taken away the right of the State to provide additional funding.

Western Australia has had in place an excellent user pays system for many years and one which was widely considered to be among the best in the world. The motor vehicle licence fee is seen as the right to entry onto the road network. This is a minimal charge. The charge for usage of the road network was made through the state fuel levy, and the more kilometres travelled, the greater the contribution towards the road investment. This was an equitable system, and it provided clear and transparent links between money collected and road investment. Western Australia must still face up to a critical shortage in investment funds to deal with the \$2.5 billion shortfall in road funding. The community is continually demanding that the consequences of this shortfall be addressed in those critical areas to provide greater safety and efficiencies in the State's road network. The Government wants to continue to modernise and upgrade the road network to meet community demands but, because of the High Court ruling it is unable to raise funds at the state level.

An option under close examination is to borrow the funds from the money market over five years and repay them over 15 to 17 years. This would have resulted in a major road building and public transport infrastructure program worth more than \$800m. It is a user pays principle where the community would invest in the future by adding important elements to the State's overall transport asset. The High Court decision has frustrated that proposal and the communities around the State will now see major projects being placed on hold. These communities have been pushing vigorously for projects to be brought forward, but the Government must now rethink and examine all options on how to develop a funding mechanism to undertake these projects.

Insofar as the Kwinana Freeway extension is concerned, construction of the section from Thomas Road to Folly Road will now not commence until 2001-02, a delay of four years. The result of this delay, in both travel time and higher costs to road users, should be vigorously pursued by the community and the Government. The extension to Mandurah will inevitably be delayed.

POLICE - CORRUPTION

Drug Squad - Investigation

577. Mrs ROBERTS to the Minister for Police:

I refer to the fact that yet more of the Minister's drug squad officers are under investigation for corruption and ask -

- (1) How many drug squad officers are currently under investigation by the Western Australia Police Service, the Australian Federal Police or any other investigative agency?
- (2) Is it true that one or more of the drug squad officers referred to on the front page of *The West Australian* are still engaged in active police duties?

Mr DAY replied:

- (1)-(2) First, they are not my drug squad officers; they are Western Australia's drug squad officers. Secondly, when an allegation has been made it does not necessarily mean it is true. Under section 14 of the Anti-Corruption Commission Act any allegation of corruption involving a public officer, including a police officer, is required to be reported by the head of that agency to the Anti-Corruption Commission. It would be entirely inappropriate to publicly discuss any investigation being undertaken by the Anti-Corruption Commission, and under section 54 of the Act it is improper to publish any details of such an investigation.

I make the point I made yesterday that the whole method of operation of the Police Service these days is based on flexibility. If there is a need for officers to be deployed in an area where there is particular urgency or need, that is done.

Mrs Roberts: That is what you said yesterday.

Mr DAY: It is the same answer as yesterday, because it was true yesterday and it is true today. If officers are needed to replace officers in the drug squad or supplement the number of officers, they are provided. I am advised that additional officers have been seconded to the drug squad in recent times to address the current problem. In addition, 155 officers have been appointed to assist with Operation Final Dose and to make a significant impact on this matter.

What we need is a constructive contribution from the Opposition, not just the crass political point scoring which is all we have seen from it over recent weeks. The drug problem faced by the community, the Police Service, the Government and the Opposition is very serious. The Opposition would do far more good if it showed some leadership and offered bipartisan support to address this difficult problem.

POLICE - CORRUPTION

Drug Squad - Investigation

578. Mrs ROBERTS to the Minister for Police:

As a supplementary question, is it true that one or more of the Minister's drug squad officers referred to on page 1 of today's *The West Australian* are still on active duty, and when will he move from the discredited principle of having police officers investigate other police officer in this State?

Mr Omodei: It is the same question.

Mr DAY replied:

The question seems to have a remarkable similarity in part to the first one; therefore, I believe it is not a true supplementary question. However, the member for Midland seems to believe that I, as Minister for Police, should be going into the Police Service and telling it how to manage its officers and taking over the role of the Commissioner of Police. The member needs to learn a little about the separation of powers, about the reality of managing a Police Service and about the appropriate relationship between a Government and the Police Service. The matter the member for Midland raised in her supposedly supplementary question is one for the Commissioner of Police.

AGRICULTURE - ORD RIVER IRRIGATION SCHEME

Stage 2 - Long Term Sustainability

579. Mr MASTERS to the Minister for Primary Industry:

With the recent announcement that expressions of interest have been called for agriculture and horticulture projects within stage 2 of the Ord River irrigation scheme, what investigations have been made, or are currently being carried out, into the long term sustainability of primary production in the stage 2 area?

Mr HOUSE replied:

Sustainability is about both environmental and economic issues. Since we made the decision to expand the Ord River irrigation area, a range of people have looked at both of those important issues. Most of those studies have been completed or are reaching completion, and I am pleased to say that from an economic view, it appears that both sugar cane and cotton, and certainly a mixture of horticulture, will be successful on approximately 50 000 hectares of new irrigable land. We have had expressions of interest from people involved in both those major industries of sugar and cotton from around Australia and the world. It is only a matter of getting the land into a state where it is ready for release. From an environmental point of view -the member was primarily interested in that aspect - we have completed or nearly completed the necessary agronomic studies which need to be done; namely, those regarding water, water disposal, land use and how the various types of soil will be used for those industries. All those studies indicate that the project will be sustainable long term.

The amount of water in the Ord River Dam is such that a shortage of water will not occur. We are looking at a closed environmental system with water use. In other words, most of the water will be recycled as much as possible.

POLICE - DRUGS

Squad - Overtime Restrictions

580. Mrs ROBERTS to the Minister for Police:

- (1) Why in the middle of a heroin crisis have restrictions been placed on overtime for the drug squad?
- (2) Is it also true that as a further cost cutting initiative other police officers have been instructed to return to their base one hour before the end of their shifts just to ensure that late jobs do not force them to work overtime?

Mr Court: Are you referring to the extra 155 officers?

Mrs ROBERTS: I refer to all the officers in the drug squad and other officers on general and traffic duties.

The SPEAKER: Order! Perhaps the Minister for Police can answer.

Mr DAY replied:

The Opposition is once again demonstrating its very narrow thinking in response to the drug problem. I thought the Opposition would understand by now that not only the drug squad is involved in drug law enforcement; many

hundreds and thousands of other officers are also involved in dealing with the drug problem facing the community at the moment. As I said earlier, if a particular need arises for increased support for operations in an area, whether it be the abduction of three women in Claremont, responding to a problem with bikies in a particular part of the State, or responding to the current heroin problem, the Police Service has the flexibility to respond to the problem and to bring in additional officers and units as necessary. I have offered the member for Midland a briefing on how the Police Service is responding to the drug problem; has she taken that up?

Mrs Roberts: I asked you and your officer when you spoke to me to ring my office to make an appointment. You know that that is the case.

Mr DAY: Is the member keen to take that up?

Mrs Roberts: I told you and your officer to make an appointment and I will come in for the briefing.

Mr DAY: I accept that from the member for Midland. If that matter has not been followed up, I will do so as it is important that some bipartisan understanding develops of the significant response being provided by the Police Service to the current drug problem.

Mrs Roberts: What about the cut in overtime?

Mr DAY: There is always a limit on overtime and the number of people who can be employed in a global sense. Every agency within government, every private enterprise operation, every family, and every country needs to -

Dr Gallop: This is government, not private enterprise.

Mr DAY: I said that every government enterprise needs to operate within certain financial limits.

Mr Court: They do not have controls; they spend, spend, spend.

Mr DAY: That is right. As the Premier indicated, we saw a gross escalation in debt accumulated under the previous Labor Government. Under this Government, we see responsible financial management. As I have said, it is possible - it is being done - for additional officers to be brought in to deal with the drug problem. The strength of the drug squad has been increased by secondment, and an additional 155 officers are working on Operation Final Dose. Officers from the independent patrol group, district support groups and the alcohol and drug coordination unit are involved in this operation. The Opposition will not accept the answer it is given because it does not want the truth.

POLICE - TUOHY GARDENS

Public Drinking and Antisocial Behaviour

581. Mrs van de KLASHORST to the Minister for Police:

As the Swan Hills and Midland communities are still very concerned about public drinking and social misbehaving in Tuohy Gardens, will the Minister please advise on the latest initiatives the Police Service has put in place to help combat these problems?

Mr DAY replied:

This matter has been raised with me by representatives of the Midland Chamber of Commerce on a couple of occasions this year, the most recent being at a breakfast three or four weeks ago. I undertook to convey their concerns to the Acting Commissioner of Police, and at that time I fulfilled that commitment. The Midland police, in an endeavour to combat public drinking and antisocial behaviour in the Tuohy Gardens area, are utilising the Midland region's mobile policing facility. Patrols are conducted from the facility which is located in close proximity to Tuohy Gardens. This initiative has proved to be effective and the local business community has recently acknowledged an improvement in behaviour in that area. When the facility is used for other operations, foot and van patrols pay attention to the gardens. The Midland community policing committee was successful recently in securing a grant to employ a person of Aboriginal descent as a liaison officer. The liaison officer's core function will be to liaise with people who frequent the gardens and to encourage them to adopt more socially acceptable conduct. It is anticipated that this endeavour will enhance the pro-active policing of that area.

Mr Kobelke: It's a pity you don't take the heroin matter as seriously as this matter.

Mr DAY: Is the member for Nollamara suggesting that this matter of importance to the people of Midland is not serious? The people of Midland have a different view.

The SPEAKER: Order! I have allowed a fair amount of intervention, particularly from members who have asked questions, but that does not mean that every member can start having a go and creating an unacceptable situation.

Mr DAY: The police will continue their enforcement policy over the behaviour of people who use Tuohy gardens. However, a pro-active visual presence is proving to be more effective in improving their conduct. Subject to other operational requirements, the mobile policing facilities will be used adjacent to Tuohy gardens whenever possible to curtail antisocial behaviour and in an endeavour to provide an atmosphere acceptable to local businesses and residents.

POLICE - DRUGS

Squad - Superintendent Fred Gere's Trip to Orlando

582. Mrs ROBERTS to the Minister for Police:

Why, when Western Australia is in the grip of a heroin crisis, drug squad officers are under suspension and investigation and the unit's operational budget has been cut, is the head of the drug squad, Fred Gere, going overseas for a month to, among other things, advise police in Orlando, Florida, on how to manage informants?

Has not the Attorney General just returned from a trip to the United States during which he sought advice on the same issue?

Mr DAY replied:

I am not aware of any travel plans by Superintendent Fred Gere to travel to Orlando to provide advice on how to handle informants. However, if what the member is suggesting is correct, I take it as a great compliment not only to Superintendent Fred Gere but also to the skills and capability of the Western Australian Police Service.

DRUGS - HEROIN

Advertising Campaign - Public Reaction

583. Mrs HOLMES to the Premier:

Will the Premier inform the House of the reaction to the Government's anti-heroin commercials which began to be aired on television and radio last week?

Mr Carpenter: Desperate sighs. That's the reaction. It is a waste of time.

Mr COURT replied:

The member for Willagee may think that the advertisements are a waste of time, but since they starting screening last Thursday evening there has been an encouraging number of calls to the 1800 drug awareness line. As of 10 o'clock yesterday, 273 calls were received, 124 of which sought assistance on drug matters and 149 of which provided information about criminal activities and were immediately diverted to Crime Stoppers.

Since the launch on Thursday afternoon of the latest phase of Operation Final Dose and the beginning of the commercials, Crime Stoppers has received 705 calls on drug related matters and more than 300 of those reports are being further investigated. That has been the response from only the first week of that campaign. Far from being a waste of time I thought that was a very positive start.

Similarly, a poster campaign will start in commuter trains and copies of the drug awareness booklet are currently being printed and will be distributed to all households.

Mrs Roberts: That is just more window dressing, isn't it? You should be targeting the Mr Bigs and the drug dealers putting the drugs on our streets.

Mr COURT: If ever there was an issue in the community that needed the support of all members of the community, this is it; but all we have heard from the Opposition is whinge, whinge, whinge.

The first question the Leader of the Opposition asked today, knowing only too well that a special investigator has been appointed by the Anti-Corruption Commission into allegations -

Several members interjected.

Mr COURT: He continues to undermine the Police Service in this State by continually calling for a royal commission.

Dr Gallop: Because we need one, Premier.

Mr COURT: Why do we not let an independent body, to which this Parliament has given incredibly wide powers, make a decision on those matters? What the Leader of the Opposition is doing is incredibly counterproductive to

a Police Service that is trying to carry out its job professionally. If the advertising campaign saves one life, it is worth the money spent on it. It is absolutely disgraceful for Opposition members to say that this campaign is a waste of money. I challenge Opposition members to read the drug awareness booklet, because they will find that it is one of the most informative booklets any household in this State could have.

TOURISM - EVENTSCORP

Interview between the Premier and Elle Macpherson

584. Mr BROWN to the Premier:

I refer to correspondence between EventsCorp and Elle Racing in November last year that shows that EventsCorp was pleading with Elle Racing to arrange an interview on radio for the Premier with Elle Macpherson. Is the Premier aware that Beverly Ward of EventsCorp faxed to Elle Racing on 8 November this message -

I cannot stress enough . . . that the Premier wants to speak to Elle on Tuesday (via the Howard Sattler link - I understand you are aware of this). Could you do everything in your power to ensure this happens - he felt let down with regard to the launch. Depending on you.

Does the Premier still maintain that he had no knowledge of EventsCorp's efforts to arrange this interview?

Mr McGinty: Tell us how let down you are!

Mr COURT replied:

I cannot believe that the Opposition is asking questions about an interview that I was supposed to have with Elle Macpherson. Why would it ask questions about a radio interview that did not occur? It is a bit like running a front page story in the newspaper about a barbecue that never took place.

Dr Gallop: That's not answering the question.

Mr COURT: The Opposition will get an answer it does not like. This question highlights the foolishness of members opposite.

The answer to the question is no, I was not aware that an interview was to be arranged. Howard Sattler's producer rang my media officers informing them that they would like me to do an interview with Elle Macpherson. My office replied that it would contact EventsCorp and arrange it.

Mr Brown: What did Beverly Ward say?

Mr COURT: Hang on. A media outlet wanted me to do an interview with Elle Macpherson. I cannot see any problem with that. My office asked EventsCorp to arrange the interview.

Dr Gallop: You're re-writing history, Premier.

Mr COURT: I am not re-writing history at all. Does it matter two hoots if I did an interview with Elle Macpherson? I will tell you what I will do: If I am to do an interview with Elle Macpherson, I will let the Opposition write some of the questions.

I am glad I was asked the question. The fact is I did not do an interview with Elle Macpherson.

Dr Gallop: That is not the question.

Mr COURT: It is.

Several members interjected.

Mr COURT: What is the question?

Dr Gallop: You evade your responsibilities to this Parliament day in and day out. Why were your public servants acting on behalf of the Liberal Party in an election campaign?

Mr COURT: The Leader of the Opposition has got the question wrong. The question was, "Were you aware?" I said, "No." Does he want me to sit down?

Several members interjected.

The SPEAKER: Order!

Mr COURT: One would think that this campaign is not helping the State. All I hear is negativity from members

opposite - it is knock, knock, knock. Fancy asking the same question two days in a row about an interview that did not take place. Fair dinkum, what a waste of time!

Several members interjected.

The SPEAKER: Order!

Mr COURT: Benchmark studies were undertaken in Sydney, Melbourne, Singapore, Djakarta and Kuala Lumpur where the campaign is running. The campaign known as Brand WA has now been running for eight months. The research that was undertaken for example in Sydney and Melbourne has shown that when the advertisements were run over a six week period in the core domestic markets of Sydney and Melbourne -

Several members interjected.

Mr COURT: I am telling members opposite that the campaign is working. Do they want to hear it?

Several members interjected.

The SPEAKER: Order!

Mr COURT: The independent research indicated that awareness of Western Australia as a holiday destination has more than doubled from 10 per cent pre-campaign to 21 per cent post campaign. Donovan Research also stated that the vast majority -

Ms MacTiernan: That is not the issue.

Mr COURT: The issue is that we have a campaign to increase consumer awareness and consideration of visits to Western Australia. The Opposition has become so negative it has lost the plot of what the campaign is about. The research also stated that the vast majority, 93 per cent, correctly identified Western Australia as the advertiser. This is a very strong result and clearly is in the top range of the results from previous tracking surveys. The whole purpose of using Elle Macpherson was to cut through the other advertisers and get some runs on the board. The campaign is achieving exactly that. Do members opposite wish me to continue?

Dr Gallop: No we do not. You are not answering the question but evading it.

The SPEAKER: Order! In view of the time, perhaps the Premier could consider bringing his answer to a reasonably quick close.

Mr COURT: I was about to run through Singapore and Djakarta and the launch that will take place next week in London.

Mr Brown interjected.

The SPEAKER: Order!

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the first time.

Mr COURT: We ran a Western Australian stand at the recent Singapore Airlines fiftieth anniversary consumer travel fair.

Mr Brown interjected.

The SPEAKER: Order! I formally call the member for Bassendean to order for the second time.

Mr COURT: It was held in late July, some three weeks after our launch. A special Singapore Airlines promotional package to Western Australia, which was expected to last three days, sold out in one day. Riding on the back of the increased consumer awareness generated by the Brand WA campaign, the Western Australian stand won the best booth award and was extremely popular with consumers, attracting more visitors than the New South Wales and Queensland stands combined. If members opposite ask me why I did not talk to Elle Macpherson, I will tell them about the other components of the campaign; in other words, they should stop being so negative about this exercise.

RAILWAYS - BUNBURY PASSENGER RAIL TERMINAL

Relocation - Study

585. Mr OSBORNE to the Minister representing the Minister for Transport:

The people of Bunbury support the concept of relocating the Bunbury passenger rail terminal from Wollaston to the

central business district as part of the Bunbury Harbour City development. A demand assessment study was to have been conducted to support this relocation. I am advised that the study has been deferred following discussions between the Department of Transport and the Bunbury Harbour City Steering Committee.

- (1) What are the reasons for this deferral?
- (2) Does the Minister still support the relocation of the Bunbury passenger rail terminal?

Mr OMODEI replied:

The Minister for Transport has supplied the following response -

- (1)-(2) A number of issues have been raised in discussions between the Department of Transport and the Bunbury Harbour City Steering Committee about the *Australind* passenger service operating to a relocated terminal near the city centre. These relate mainly to the safety of the passenger service operating through the port of Bunbury and the capacity of the main freight line between Picton and the port and the width of the Koombana Drive corridor to accommodate a second rail line. The Department of Transport will be coordinating the study over the next three months to address the safety and technical issues. The study will determine whether it is technically feasible to operate the passenger service into the city centre near the old silos. The relocation of the passenger rail service is dependent upon those technical and safety factors and on the financial feasibility in terms of additional demand generated through tourism and the costs to facilitate the relocation.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - ADVERTISING

Television Advertisements - Indemnity

586. Mr KOBELKE to the Minister for Labour Relations:

- (1) Given the conflicting statements made by the Minister over his misleading television advertisements, will the Minister set the record straight and say which of his statements is actually true -
 - (a) his answer in this place to a question last Thursday about the indemnity offered to television stations in which he said, "I am not aware of any exemption from liability"; or
 - (b) his statement to a reporter for *The West Australian* that he was a party to discussions about the indemnity?
- (2) If he still maintains that he was not aware that the indemnity had been offered, does he nevertheless accept ministerial responsibility for the offer of this indemnity?

Mr KIERATH replied:

- (1)-(2) The answer is very simple and I hope that the member will take some notice of what I say. I was aware that the issue of an indemnity had been discussed in the discussions that went on. I was not aware that an indemnity had been offered; in fact, I was not aware until last Friday after I answered the member's question on Thursday.

Dr Gallop: It was not offered; it was given.

Mr KIERATH: In the end no agreement was reached on the television advertisements going further.

Ms MacTiernan: The indemnity was provided.

Mr KIERATH: I will answer the member in a moment. Let me finish on this part. I was aware that the indemnity had been discussed; I was not aware that any indemnity had been offered in that situation until last Friday. After the member asked the question on Thursday he should have read the opening lines of my answer when I said that I personally did not offer an indemnity. I chose those words very carefully.

Mr Ripper: As you would.

Mr KIERATH: As indeed I would when dealing with the member because I was aware an indemnity had been part of a discussion but had not been offered.

Ms MacTiernan: Did you give approval?

Mr KIERATH: I personally did not offer any indemnity. I was aware of the possibility that an indemnity had been discussed. However, since last Friday I have had the chance to obtain all the information from the Department of Productivity and Labour Relations, and I endorse its actions wholeheartedly.

Mr Thomas: You are a snake in the grass.

Withdrawal of Remark

Mr OMODEI: The member cannot say that.

The SPEAKER: I believe the member for Cockburn has just made an unparliamentary remark. I ask him to withdraw.

Mr THOMAS: I withdraw, Mr Speaker.
