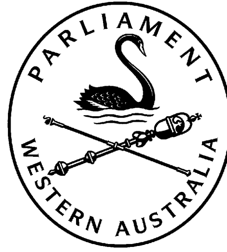

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE ASSEMBLY

Thursday, 16 March 2000

Legislative Assembly

Thursday, 16 March 2000

THE SPEAKER (Mr Strickland) took the Chair at 9:00 am, and read prayers.

HMAS *PERTH*

Petition

Mr Baker presented the following petition bearing the signatures of 453 persons -

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

We, the undersigned people of Western Australia, hereby demand that HMAS *Perth*:

1. Not be sunk and used as a dive wreck;
2. Be permanently dry docked immediately adjacent to the northern sea wall at Hillarys Boat Harbour; and
3. Thereafter be utilised as a Naval War Memorial, Naval Museum, static Naval Cadet Training Facility, tourist attraction and general education centre particularly for our youth.

Let's preserve Australia's and Western Australia's Naval Heritage and History!

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

[See petition No 96.]

SPECIAL FACILITIES TRAIN PLATFORM

Petition

Mr Baker presented the following petition bearing the signatures of 67 persons -

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

We, the undersigned users of the various state of the art sport and recreational facilities at the Arena Joondalup, call upon the Western Australian Government to construct a Special Facilities Train Platform on the Northern Suburbs Rail Line adjacent to the Arena Sporting Complex in Joondalup.

This train platform will have the effect of enhancing the public's access to the magnificent facilities and events at the Arena Joondalup including the new Aquatic Centre, the West Perth Falcon's home games played on the main oval and the Arena's tennis, netball, hockey, lacrosse and rugby league and union playing facilities.

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

[See petition No 97.]

CURRAMBINE COMMUNITY CENTRE

Petition

Mr Baker presented the following petition bearing the signatures of 82 persons -

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

We the undersigned residents and ratepayers of the suburb or district of Currambine situated within the new City of Joondalup, request that the proposed Currambine Community Centre to be jointly funded by the Government of Western Australia and the City of Joondalup :-

1. be located within the large tract of vacant land situated in Currambine to the north of the Currambine Cinema complex between Delamere Avenue in the east and Marmion Avenue in the west;
2. Have approximately 25% of its net floor area available for use by local community and sporting groups, for e.g.: the Joondalup Netball Association Inc.;
3. be co-located adjacent to public open space parkland suitable for the playing of sport; and
4. be otherwise designed and utilised in accordance with the wishes of the majority of the residents of the suburb of Currambine, the Currambine Community Association Inc. and other community groups and organisations based in Currambine.

> In that regard we refer to the very successful community centres situated in Armadale and Sorrento and note the same are co-located directly adjacent to playing fields and parkland.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 98.]

NUTRI-METICS SITE, REDEVELOPMENT

Grievance

DR GALLOP (Victoria Park - Leader of the Opposition) [9.07 am]: My grievance concerns the Minister for Planning's decision to approve the high-rise redevelopment of the Nutri-Metics' site in Victoria Park despite the rejection of that proposal by the Town of Victoria Park. The minister's decision has undermined two important principles which should apply in planning processes in Western Australia; due process and community values. In reaching that conclusion I will provide a context to the decision the minister made. The application to develop the site was a non-complying one under the planning guidelines of the Town of Victoria Park in that it exceeded the specified plot ratio by 60 per cent. Therefore, to succeed the proposal needed an absolute majority of the council to be satisfied that it met a range of planning and amenity principles. I am sure most members know that that is how local planning schemes work when non-complying uses are applied for. The council said those principles were not met but the minister said they were. This brings me to the heart of the matter. The minister made his decision on behalf of the interests of the landowner. Indeed, the submission of the landowner's planning consultant that the site, involving as it does the development of an entire street block near the entrance to Victoria Park, demanded a development of some poignancy, became the minister's argument for rejecting the council's position. In other words, the landowner's planning consultant gave the minister the bullets and he fired them. Remember, this was not a decision based on a strict application of a planning scheme - it was a matter for judgment. It was a matter for interpretation of how the scheme could be varied in that location, in that way and with that height of the development.

The minister interpreted that situation and made his judgment on behalf of the landowners who wanted that height. Further, he argued that it would be unfair not to allow that height because there are no height restrictions in the town planning scheme. The minister knew only too well, however, that the council had already commissioned an urban design study which, although unfinished, was addressing the question of height. Indeed, the question of height was a major matter of concern in the community and had become the basis for the council initiating that urban design study.

The minister chose to allow the landowners the right to develop the land without their being constrained by the forms of control which might emerge as a result the urban design study. By doing this, the minister has undermined confidence in the planning processes and has made it clear that, for him, private profit comes before community values. I will illustrate this point clearly by quoting from the minister's decision, in the form of a letter which he sent to Greg Rowe and Associates, the group that was working for the landowners. It states -

> I see that as being most unfair upon landowners who have had every expectation of being able to carry out a form of development without the forms of control with might emerge as a result of the Urban Design Study.

In other words, the minister's view was that it would not be fair to the landowners to allow the urban design study to be completed and then to apply controls which might emerge from that to this development application. If he was acting on behalf the community and the residents rather than the landowners, the minister would have said, and I would like to have read this in his decision, "I see that as being most fair to the residents who have had every expectation of being able to know that development in their district will be subject to controls that will emerge from the urban design study". That is what the minister should have said following a rejection of the appeal by the developers. Of course, for this minister the interests of the developers come first and those of the community come second.

The Minister for Planning has taken it upon himself to determine what is good for the people of Victoria Park. He has decided that Victoria Park needs "a significant landmark in a setting which otherwise lacks any major poignancy". They are the words used by the planning consultants on behalf of the landowners. He has also decided that he - the minister - prefers the slender and more elegant form of the taller building now proposed. What arrogance! This Minister for Planning is telling my electors what is in their interests. Members should remember this: He had a choice. He did not have to support the appeal; he could have rejected it. He chose to support it because he acted on behalf of the landowners.

To add salt to the wound, in his decision the minister noted that the all-important question of whether a precedent is created for nearby sites is open to discussion. I will tell the minister that it certainly is open to discussion, and that is the problem. It is being discussed openly by developers and landowners in that area keen to maximise profits because of the green light the minister gave to a tower development in Victoria Park. The very point the minister made by saying the issue was open to discussion is the very problem we have in Victoria Park today. That problem has been created by the decision the minister has made on behalf of the landowners, the potential developers, of that site against due process and community values.

MR KIERATH (Riverton - Minister for Planning) [9.14 am]: The Leader of the Opposition should learn from past lessons. Obviously he has not learned from his mistakes. First of all, I will spend some time pointing out that when ministers take office they take an oath that they will uphold the law without fear or favour. It is a pity that he has not learnt that lesson. Under the law I had no choice but to do what I did. The Leader of the Opposition is saying that he would ignore the law

to further his own political interests. That is the very reason the former Labor Government, of which he was a member, was in such trouble: It ignored the law to do favours for its mates.

As Minister for Planning, I must uphold a most important document - the statutory town planning scheme. In this case, the town had an old scheme. It has just done a review of its scheme. This area is zoned commercial and has no height restrictions. Even in the new review, there are no height restrictions. If the Town of Victoria Park wants height restrictions, it knows that they can be put into its town planning scheme. If they are not included and unlimited heights are allowed, as the minister I am caught in a difficult position. If the town has not stipulated a height limit, the landowner has a right to develop the construction in compliance with the guidelines.

Dr Gallop: That was outside the guidelines.

Mr KIERATH: The Leader of the Opposition failed to tell us that the developers put in an application for development of the site in 1998. The town rejected it initially but said that it would give concessions. It said that it would consider a modified proposal. The developers met all the modifications, bar one -

Mr Kobelke: The plot ratio.

Mr KIERATH: No. The developers met the plot ratio allowed under the scheme, as required by the council. Previously in a letter to the developers, the council suggested that the developers should come back to the town on that matter. The only area in dispute was the height of tower. All other issues - parking, streetscape and having buildings around that development - were covered. Members may not realise that this development covers a whole block. There is a commercial block on Albany Highway and a residential precinct on one side of the development. Buildings included on the plan are in the form of the area surrounding the locality. There are three-storey commercial buildings on the business side of Albany Highway and there are two-storey residences on the other side, so they match. The tower is in the middle of the site. At the time, the council said that if the number of dwellings was reduced to about 76 from memory -

Dr Gallop: Seventy-five.

Mr KIERATH: No. I am trying to find the correct figure from the papers I have with me; it is in the high seventies. This development comes in under the figure set by the town. It meets all the requirements except height.

Dr Gallop: The fundamental issue.

Mr KIERATH: The developers have done everything they were asked to do. They have included additional parking spaces, improved the streetscape, met the plot ratio, and reduced the number of residences. The only decision before me was whether to allow a thin, tall tower or a large, squat tower that would take up a large area of the site.

Dr Gallop: It was 78 metres.

Mr KIERATH: An urban study was commissioned - not that referred to by the Leader of the Opposition, but another one - that argued that it was better for the area to have a tall, thin tower than a large, squat tower. If the height were limited to six storeys, the required numbers of units could still fit on the site, but a huge building would block out the views for everybody on all sides. The Leader of the Opposition is right: I had the discretion to allow a big, squat building or a tall, thin tower. The member for Victoria Park may disagree with that; however, I decided that a tall, thin tower would have less of a detrimental impact on the surrounding occupiers than would a massive, squat, six-storey building that covered the whole area. Can members imagine what it would be like to live in a residential street and have a six-storey building facing their property? It is unbelievable that those opposite could suggest that.

That is the dilemma with which I was faced, and I did not shirk my responsibility. As Minister for Planning, sometimes I must make tough decisions, but decisions which I think will be for the long-term benefit of the community. When this issue first arose - I do not know whether members on this side of the House realise this - the recommendation from the professional staff in the planning office was to support the proposal. There is dead silence from the other side of the Chamber! The professional advice was supported, but because local politics got involved, the council voted against the professional advice. I could see the controversy involved in this issue coming a mile off. I looked for the person with the greatest amount of experience in the Town Planning Appeals Committee. That was a fellow by the name of Gordon Smith, whose integrity is beyond doubt. In the time I have known him, I have never heard anybody question his integrity. I told him that this would be a difficult issue and that I wanted the best advice I could get from someone with the utmost integrity.
Although I signed off on the decision and it is my decision, even before I had entered the discussions four or five people had sat around a table and discussed the issues and they were unanimous in their view of this project. I went along with that view because, not only did I think it was right in planning terms, but also it was right in my judgment, because, if I were living in that area, I would have to ask myself whether I would prefer a tall, thin tower or a large squat building and I would have to say that I would prefer the former. I will not bend to cheap politics by cheap politicians who run around trying to create political issues. The developer has every right to develop this site to the height he wants if the town has refused to put height limitations on developments in the area.

In conclusion, if the town wants this area to have height limitations it knows what to do - it should put them in its scheme. Recently it reviewed its scheme and it still did not restrict the height of developments in that area. I deduce from that that it was a conscious decision by the town. Because of that, I have every right to make a decision that the Government thinks will benefit the community in the long term.

BUSINESS INTEREST FREE LOANS

Grievance

MR BLOFFWITCH (Geraldton) [9.25 am]: My grievance is to the Leader of the House because there is no-one more senior than he in the Chamber. The matter I wish to raise relates to the interest free loans that are provided to companies over a period of two to three years. If these companies conform to the objects that are set out in the original proposal, the funds are provided as grants. One grant totalling $5m was given to a growers' cooperative down south. I am raising this matter because these grants are never given to existing operators. They are provided to new operators who put up money to take over the concern. The growers in Albany got completely whitewashed but government money was given to a company to take over the concern. Exactly the same thing happened to the abattoir industry. I am absolutely amazed that we allow this to happen. The guidelines seem to provide that only companies that are financially secure - that is, they have more money than they really need - are entitled to these grants.

Many other schemes which provide funds, including the national industry employment scheme, are based on the same guidelines. As I said, it seems that only companies that have more money than they know what to do with can apply for grants through these schemes. Who are we trying to help? Are we trying to help the rich to get richer? Should we not be trying to help the growers down south who tried to keep that thing going?

Mr Kobelke: By "that thing", does the member mean the project at Manjimup?

Mr BLOFFWITCH: That is right. A classic example of what I am talking about is a lady from Mt Gibson Station who has approximately 300 emus and is trying her hardest to get an emu farm going. If members think the dairy industry is in trouble they should have a look at some of these stations. With the price of wool and other produce the way they are, there is no money in them whatsoever. Because there is no money in them, the deputy leader's department has told Ms Morna Bennette that she cannot apply for $200 000 to assist her in the marketing and distribution of the emus. She has had a very happy run!

She had orders from overseas to provide 240 emus. At that stage, Queensland had a problem with a chicken disease and, because emus are regarded as poultry, she could not send her emus overseas. These are the sorts of problems that affect people. Instead of our asking her to let us look at her potential to see whether we can do something to help, we have done nothing. What would some sort of assistance do for the Mt Gibson area? This industry could employ 14 people to cut up emu fillets and make emu oil. In my view, it would be a wonderful promotion for regional employment. It is the type of thing we should look at. I am not suggesting that everybody who is going bankrupt should be able to get a grant from the Government. However, I do not believe that venture is anywhere near bankrupt. Lack of funds and lack of capital are causing this woman hardship. I believe that with the right type of help and support, she would have an industry that all of us in this State would be proud of.

Emu oil is now more acceptable than it has ever been. I ate emu steak when I was in Darwin and I thought it was very nice - similar to chicken. I ate camel, too, and I will never eat camel again. It was like eating rubber; it was absolutely terrible. I also ate crocodile and that was very nice. I definitely will not promote anybody who sells camels. No part of the emu is not used, whether it is the oil, the meat or the other parts of the body that are made into fertiliser. It is probably one of the best products we have in this State. There is also a market for emu eggs. The Aboriginal people have great skill in carving the eggs and the really good ones sell for $500 or $600. It is something that we are missing out on. It is not being promoted the way it should be.

Ms Bennette also owns a property outside of Geraldton which is in the buffer zone of the Oakajee industrial area. She has tried to sell it to raise the $200 000 to get the emu farm going. However, because it is in the buffer area, nobody will buy it at this stage. Until people see the steel mill and realise that it will not have a smokestack, the market will not move. She is having enormous problems and needs support from Government. She is not asking for 11¢ a litre as is the dairy industry. She is asking for a grant that she can, if need be, repay.

MR BARNETT (Cottesloe - Leader of the House) [9.28 am]: I welcome the opportunity to respond in the place of the Deputy Premier - he has primary responsibility for this area - to a gastronomic menu of zoological delights by the member for Geraldton. Government support for industry is always a vexed issue whether it be for large scale projects or the small business sector. Governments always have difficulty with that. They are often accused of trying to pick winners and many people claim that governments are only good at picking losers. There has been a fair bit of evidence over the years to support that.

The point that the member for Geraldton was making relates to equity considerations. So often support is provided for new entrants to an industry and existing businesses may see that as quite unfair and indeed potentially damaging to their market opportunity. It is ironic that we sometimes find government support for entities outside this State and sometimes outside Australia which ultimately compete with locally based businesses. The question is difficult. However, the assistance program that has occurred under this Government has been explicit. All details have been made public. In the case referred to by way of example, the Deputy Premier made a full ministerial statement to this Parliament when that assistance was provided.

From my perspective, I deal with issues in the resources sector. I must concede that that is far easier to deal with from a philosophical point of view. I tend to deal with larger companies which clearly have more resources available to them. There are appropriate types of assistance. Certainly support by way of infrastructure is appropriate, whether it be through

large projects such as rail, port or road developments or at the smaller end of the scale such as upgrading water supply, sewerage works and power supplies - in regional areas that can be very important - through assistance to local government or statutory corporations to undertake that work. Indeed, the infrastructure fund that the Deputy Premier set up is a good example of providing appropriate benefit.

Governments can also help with land. Historically that has happened with large-scale industrial land, such as the Oakajee site. It can also provide commercial land. That again is an appropriate role for government. We tend to get a bit caught up with the requirements of accountability and rates of return on assets. To some extent in that area Governments might well reconsider if it is a valid role to assist the establishment of new businesses by providing soft terms and conditions relating to land. In other cases strategic decisions might be appropriate, such as encouraging research and development activity where the benefits will go to the firm concerned and perhaps more widely. Governments traditionally have been involved in that. Similarly with employment opportunities, Governments have a role through training staff. Members will see that with the Kingstream project. Clearly there is a need to help develop skills in the work force. One could also argue that there are good grounds for providing assistance for companies entering into export markets.

The problem arises with the direct allocation of taxpayers' funds to the business. It is very difficult. As I say, in the resource industry, for which I have responsibility, it is easier. In that portfolio, as the member might be aware, we have not given one dollar to a company. However, it is more difficult with small businesses. There have been policies at various stages to encourage particular industry development, such as aquaculture or plantation timber. People might well argue that we should have a deliberate policy to encourage alternatives on pastoral land. If those broad policies are made available, I would prefer to see such things as low-cost loans and subsidised interest rates rather than direct grants. Governments should not feel shy about assisting economic and employment growth. However, they must be very careful in the way they deliver that assistance so that they maximise the benefits for the community; they must make sure that the money is well spent and distributed in an equitable way.

This is an important public policy issue. It is not a new one; it has been around for a long time. We certainly saw many errors in the 1980s. Although they were concentrated in that period, there are previous examples in our history. I thank the member for his comments and I will pass them on to the Deputy Premier.

FUEL PRICING

Grievance

DR TURNBULL (Collie) [9.34 am]: My grievance is regarding the price of fuel in Western Australia, particularly the price of fuel in the country in comparison with the metropolitan area. We all know that the cost of fuel has rapidly escalated in the past six months. Major fuel companies say that it is a result of the increases in the price of crude oil and the fluctuations in the Australian dollar. However, we people in the country say that there are anomalies in what is happening which do not fully fit within the major fuel companies' explanation. In my area the price of fuel at the local Caltex station yesterday was $1.06 for super. This is a very large escalation in price. To fill the tank in my car in about July of last year would cost about $45 but now the cost is up to $65 and is heading towards $70. That is adding to the cost of all the running around I must do, but it particularly affects people who live in Collie and who have to travel out of Collie to attend university in Bunbury or to look for work. With the expansion of the Worsley Alumina Refinery coming to a close, many people who were working on that expansion and who live in Collie are now unemployed. If they want to look for work, it will now cost them more than $10 a day to travel out of Collie. That means a cost of $40 to $50 a week for an unemployed person or a uni student. Of course, what will happen is that they will decide that to avoid that cost they will live in Bunbury or Australind, and so we will have another drain from country towns to regional towns. The same thing is happening with people from regional centres looking at moving to Perth. The increasing cost of fuel is therefore a very serious issue.

The member for Pilbara has requested a select committee or some other full inquiry into this issue. I am not calling for that today. I am grieving to the Minister for Fair Trading. The reason I am not calling for a full inquiry is that we have had multiple full inquiries both in our State and in Australia in the past few years. Nothing seems to have affected this problem of the difference in price between the metropolitan and country areas. The Australian Competition and Consumer Commission inquiry does not seem to have stopped the increase in fuel prices that the fuel companies are imposing.

I have a very short time so I will not go into all the details and facts which would demonstrate that we in the country are not complaining about something that we do not understand. We have looked at all the issues and we have a feeling that the fuel companies are behind this issue. The fuel companies are taking advantage of the price of fuel in the world being up and our dollar being down to push the price of fuel very high. We say they are doing that because they will drop the price when the goods and services tax comes in and the Federal Government removes certain aspects of tax of the diesel excise and the petrol equalisation factor. That will be a great advantage to the fuel companies. We feel that the fuel companies are collaborating to raise the price higher than actual costs now so that when the price drops when the GST comes in, they will still have the advantage of the increase in their profit. I say that because in Western Australia all fuel comes out of the BP refinery. It does not matter whether it is sold through Caltex, BP or Gull, it comes from the BP refinery in Perth.

Mr Bloffwitch: A lot of it comes from Singapore.

Dr TURNBULL: The Singapore price is lower. If it were coming from Singapore it would be cheaper, so I will not waste my time talking about that.

Another reason we feel that the fuel companies are involved is that in 1997 the franchisee margin was only 3¢ a litre; it is now only 4¢ a litre. The price increases do not involve the franchisees. The price of crude oil went down on Tuesday by 43¢ a barrel. When I filled my car in Collie last Friday the price of petrol was 99.9¢ a litre; it is now $1.06 a litre. If the price of crude went down by 43¢ a barrel on Tuesday, and the price per litre of petrol in Collie increased between Friday and today, the fuel companies are definitely increasing their prices.

We cannot stall on this. I would like the Minister for Fair Trading to appoint a cabinet subcommittee to look into this and to hold discussions with the major fuel companies. This inquiry should be directed through the Ministry of Fair Trading. If necessary Western Australia should reactivate the petrol prices surveillance unit within the Ministry of Fair Trading to investigate the issue with the major fuel companies as quickly as possible.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [9.42 am]: I thank the member for Collie for the grievance. All members of the Chamber would know that the price increase in fuel is a commonwealth issue as prices are pegged to the international benchmark price for oil. However, what the member for Collie is saying has merit and is of concern to many members of Parliament and to country people.

I find it difficult to understand that one can visit a town like Kalgoorlie in which petrol may be $1 a litre at one station, and a few kilometres away in Boulder it is $1.05 a litre, and vice versa. I cannot understand that sort of differentiation when supposedly both retailers have access to the same wholesale price for fuel. The member for Collie suggested the cause of the problem lies solely within the province of the oil companies. I am not sure that is totally the case; it is a combination of the retailer and the large companies. We need to understand that in many cases the retailer at the bowser is the large company and the person operating the station is merely an employee. The member for Collie pointed out that the price of fuel in Collie had increased from 99¢ a litre on Friday through to $1.06 a litre on Tuesday, whereas the price of crude went down by 43¢ a barrel. The member would acknowledge that could be due to the fact that the oil company had stock that it purchased at the higher price, and it may take a little while for a reduction in price to come through at the bowsers. I am not here to defend multinational oil companies. They are not the flavour of the month with me.

Mr Kobelke: You defended finance brokers and they are not the flavour of the month either.

Mr SHAVE: I will talk about the oil issue at the moment. There are 150 finance brokers in Western Australia, six of whom have been doing most of the damage, and I do not wish to reflect on the 95 per cent of people who have been doing the right thing.

The Australian Competition and Consumer Commission should regularly be looking at petrol pricing. If exploitation exists, it has the mandate and responsibility to look at the issues. As far as what the State Government can do to resolve the issue, there is merit in some of the comments that the member for Pilbara made in a previous motion. The member for Bunbury approached me yesterday, and a number of other backbenchers have spoken to me about the issue. In response to a question yesterday the Deputy Premier said that he would like to discuss the issue with me with a view to determining how we might approach the problem. I have asked the Ministry of Fair Trading - not as a result of the member for Collie raising this issue this morning, but as a result of a previous motion by the member for Pilbara - to determine a response to the concern in the community about the excessive cost of petrol. Members in this House know that, ultimately, if the price of crude is reduced by between 32¢ and 23¢ a barrel there will be a natural response in the marketplace in terms of a price reduction.

The member for Collie raised a good point when she said that some oil companies could be trying to exploit the goods and services tax by putting the price up now, and when the GST is introduced dropping their price.

Mr Trenorden: That is the public perception.

Mr SHAVE: Yes, that is the public perception, as the member for Avon said. I will take the issue up with the Deputy Premier. It is my view that a group will be formed, either within the Ministry of Fair Trading or a cabinet subcommittee.

Mr Kobelke: It will sit on the issue like all the other inquiries.

Mr SHAVE: The member for Nollamara should not be so negative.

Mr Kobelke: All your inquiries produce nothing; all they do is take the issue off the agenda.

Mr SHAVE: That is not true. The Governments cares about country people. Members on the other side of the House want to abolish their political representation. Everything the Labor Party does is aimed at kicking country people. Members on this side of the House acknowledge the concern in the community. We will take action to try to assist these people. We will not take away representation for country people in this Parliament, which is what the hypocrites sitting opposite want to do.

YOUTH PROGRAMS, MANDURAH

Grievance

MRS ROBERTS (Midland) [9.48 am]: My grievance is to the Minister for Police and pertains to the cutting of youth programs in the Mandurah area. As members will be well aware Mandurah has a rapidly expanding population. It also has a high youth population. That youth population, and the general population in Mandurah, are faced with high unemployment. I am told that the youth unemployment rate in Mandurah is of the order of 30 per cent, which is one of the highest rates of youth unemployment in this State. This makes the need for youth services in the Mandurah region all the

more important. I was quite disturbed to learn earlier this week that the police and citizens youth club in Mandurah had been closed on Friday, apparently without any warning to the parents or users of that centre. The doors were closed and a notice was erected on the door of the PCYC. I am also advised that as late as Monday and possibly later, parents were attempting to drop off their children at the PCYC only to find that the doors had been closed and that a notice had been placed on the door. In fact, I am also told that some parents were attempting to drop off their children at the PCYC for the first time. I do not think I need to spend any time outlining to the House the good work that PCYCs do throughout Western Australia and what a valuable service they provide for youth, and the favourable impact they have on relations between police and youth. What concerns me is that a PCYC in an area of need like Mandurah has had its doors shut. I expect that the Government will probably respond to this and Superintendent John Watson will be told to have another look at what is going on. Despite the problems that may have existed at the Mandurah PCYC, there is little excuse for it to be closed entirely and for those services not to be provided to youth in the Mandurah area.

We have heard during the past week or two that many in the police hierarchy have chosen to rein in their budgets by not allowing police officers to go to PCYCs after 7.00 pm. The government response to that is that it gives the police a budget and it is up to them to manage it. However, in order to manage their budgets, the senior officers are reducing the number of officers on night duty because they want to save on the shift allowances. The end result is that the police officers who were once available and who were paid to do good work at the PCYCs in the evenings cannot do so. The financial problems with the Police Service budget are being exhibited in a range of areas. One area of concern is the availability of police officers of an evening. The PCYC in Mandurah must be opened again straightaway. Perhaps the federation of PCYCs, which I understand closed it, needs to put in place some other management committee or make some other management decisions. Whatever it needs to do, there is no excuse for the centre remaining closed and the service not being provided to local youth.

During the same week I also learnt of three other youth programs under the banner of Safer WA which have been cut in Mandurah. Two or three weeks ago in Mandurah I met people who are associated with the youth program called Streetnet, which at that time was receiving Safer WA funding. They provide a valuable service to youth in the Mandurah area. They go out on the streets on Thursday, Friday and Saturday nights, talk to youth, ensure that a lot of the kids get home safely and deal with a number of issues confronting those youths. I was most impressed with the program and the work which these people are undertaking. They told me that they had applied for triennial funding from Safer WA. They hoped that their program could get some certainty in its funding and they could plan for the future if they got funding for three years. It is all very well for Safer WA to say that these programs are provided only on a one-off basis. If that is all it is doing, it is a hopeless situation. The Safer WA people said that the Streetnet program, along with the other two programs, were successful programs and that they were very pleased with them. The only problem is that they will not be funded in the future, I can only presume for bureaucratic reasons.

When Safer WA and the ministerial council were set up, we were told that there would be a whole-of-government coordinated response to crime and crime prevention. We are already seeing things fall through the gaps. We have seen this PCYC close, and we are seeing this Streetnet program - a vital service in the Mandurah area - go by the wayside. That will mean more kids getting into trouble in Mandurah on Friday and Saturday nights. It is as simple as that. If that is combined with the risk factors of high youth unemployment, and if these kids are allowed to fall through the cracks because programs are not in place to assist them, not only will it lead to increasing crime in Mandurah but also it has the potential to impact on the suicide rate. We know that suicide is a problem with young people in this State. We know that not having employment or something worthwhile to do impacts on the likelihood of a person contemplating suicide. These are vital services and the minister must review this situation immediately and intervene.

MR PRINCE (Albany - Minister for Police) [9.55 am]: I thank the member for raising this issue, particularly in relation to the PCYC. I will deal first with the second issue she mentioned concerning those programs. Historically programs similar to that - there have been a number of them - were funded under what was known as the community policing crime prevention system. The money that was provided through that system came from the plate fund, which was approximately $500 000 or $600 000 a year depending on how many personalised plates were sold. Effectively these grants have always been one-off grants. It is a grant to assist communities in starting a program. It is then expected that the program be funded from other sources. It has never been a recurrent funding system for programs which have an ongoing nature of many years. The juvenile action group in my home town of Albany is a very good idea but it probably has a life of perhaps four or five years. Its effectiveness would then wane and the group would move on to something else. The system would only ever fund that program for one year, because that is the way in which it has historically been run. That has, in a sense, been subsumed into the Safer WA system. Other moneys in that system come from other departments and sources as well as some direct moneys that have gone into Safer WA since it was established. It is not just a ministerial council. Of equal if not more importance is the council of the chief executive officers, which was historically chaired by the Commissioner of Police - we hope to find an independent chair soon - which works much better in a coordinated sense at that level, as do a number of the committees at the local level. Some of them are working brilliantly. Indeed, the member for Swan Hills, the Minister for Family and Children’s Services, was showing me only this morning some paperwork from the Chidlow area where police, Safer WA, local government and others have produced a superb presentation for the involvement of people in crime prevention. It is local decision making; it is local people responding to local problems. It works better in some places than in others. It depends on the individuals. There is not a lack of money, intent or commitment for these programs; they have always been funded as one-off programs. If there is a requirement for the programs to continue, they should then find other funding sources. Whether that is through the local, state or federal Government or whether it involves Family and Children's Services or some other department will vary from place to place.

Mrs Roberts: Where do you suggest I should tell them to apply?

Mr PRINCE: If the member gives me the details of that program, I will endeavour to find out where they can apply. From what the member has said, it is a good program and should continue. Unfortunately, it is not well understood that that is the way in which those matters have been handled in the past or are being handled at present.

In a general sense police and citizens youth clubs have been around for a long time and they have done superb work. Some of the activities which were carried out in the past would no longer be approved of today, particularly the areas of teaching boxing and so on. However, they perform a useful task, particularly in teaching youngsters about firearm safety - a lot of them run air rifle courses - martial arts training, camping work and so on. However, historically, the PCYC, boy scouts, girl guides and a few other groups existed, but that was all. In the past five to six years, largely due to the initiative of the State Government, particularly under the leadership of my colleague, the Minister for Youth, there has been a profusion of cadet programs for schools, notably with many different focuses, whether they be emergency services or CALM cadets. They are burgeoning. I think there are 106 groups.

Mr Board: There are 150.

Mr PRINCE: To some extent they have attracted people who may have gone to the PCYCs, which are now refocusing themselves. In fact, only 10 days ago I met with the federation executive on this matter, among other things. In Mandurah there are naval and army reserve and State Emergency Services cadets, police rangers and others. I am obliged to the member for Dawesville for reminding me that in the immediate vicinity of the Mandurah PCYC is a new youth centre called the Billy Dower Centre, named after a prominent Aboriginal person who died some time ago. Mandurah is no longer the centre of a young population. As the member for Midland pointed out, Dawesville, Falcon, Riverside, Halls Head, Florida and the other rapidly growing suburbs have more young people these days.

The member for Dawesville referred to a junior sailing club which started about three weeks ago in, I think, Halls Head.

Mrs Roberts: Is the member for Dawesville saying he supports the closure of the PCYC?

Mr PRINCE: No, he was pointing out the change in the demographics of the general area. The Halls Head Junior Sailing Club started with 100 new members during a weekend. Whether the PCYC should continue in Mandurah is being debated.

Mrs Roberts: Why close it until there is an alternative?

Mr PRINCE: The Police Service has conducted a review of the Mandurah PCYC following serious concerns expressed about its viability. The review found that due to a variety of diverse factors the PCYC had a large debt that was not being serviced, was receiving insufficient community support, was housed in unsuitable, rundown accommodation provided by the local authority and was not being operated effectively or efficiently. As a result, the operations of the PCYC have not been closed in the sense of ceasing to exist, but they have been temporarily suspended in order to develop a new organisational structure plan that will provide for both financial and operational viability. In other words, they are examining whether it can be structured in a different world which is the community it should be serving.

Mrs Roberts: Surely it should be kept going while checking all this out.

Mr PRINCE: I have only a few seconds to finish my remarks. This plan has been developed by the service in conjunction with the community and the federation. The club has not closed. In the interim, the assets are being held in safe storage by police and accommodation has been resumed by the local government. The full police staffing entitlement has remained to ensure continued service when the PCYC resumes operations, which will occur; the sooner the better.

The ACTING SPEAKER (Ms Anwyl): Grievances noted.

FOREST PRODUCTS BILL 1999

Second Reading

Resumed from 15 March.

DR TURNBULL (Collie) [10.03 am]: Yesterday, when the debate was adjourned, I was referring to the collocation of personnel to the Department of Conservation and Land Management from the new Forest Products Commission. Collocation should be within buildings in each district and in each region. As I said, the first and most important reason for the collocation is to allow close cooperation on the important task of managing and fighting fires.

As I said, I agree and support the separation of these two new departments at top managerial and administration level. However, for the operation on the ground in places such as Harvey, Collie and Kirup, which district offices I represent, it is vital that members from each arm are within each station.

A very good example concerns forest harvesting. In the past, a separate unit existed at Harvey where long-term plans were formed about which area would be harvested. Following that the operation was commenced. The usual procedure was to send out a letter to surrounding landholders who might be affected by this activity to notify people that harvesting would begin at a certain time.

Over the past few years there has been very close cooperation between Kevin Haylock's department at Harvey, the harvesting section and local, adjacent neighbours who were able to be involved in discussions about how logging would occur and what would be the silviculture treatment in areas adjacent to their boundaries.

This was usually sufficient to accommodate the requirements of the landholders. However, as we know, far more people than the immediately adjacent people are concerned. They also want to know exactly how the operation will be performed, what value for money the harvesting will provide, what roads will be used to haul the product, etc. As a result the need is emerging for greater consultation with the people in the community. A prime example is the proposal for logging in the Donnybrook area adjacent to Argyle and Irishtown Roads, which are small rural subdivisions. Far more people will be affected than just the adjacent landholders.

In this new division of conservation and land management and forest products, conservation and land management will have responsibility for consultation with the community about the wide range of values the forest will produce and what will arise from the regrowth areas following harvest. They are a very important part of this consultation. Unfortunately in the Donnybrook area, the letters that went out only to the adjacent landholders indicated that harvesting was to commence within two weeks. Of course, no consultation or discussion had occurred. Perhaps a letter came from somewhere in head office. The production people on the ground knew about the harvest but no arrangements had been made to establish a consultation process. It is important to ensure that in the first place consultation with the officers in the department takes place.

I feel that the only way we are going to be able to make sure that these sorts of problems do not arise in the future is for the production and conservation arms to be collocated so that the officers see each other frequently throughout the week. For example, in Collie the production unit is located in Harvey, but there is an enormous amount of interaction between the officers in Collie and Harvey. In Harvey the building is U-shaped with two corridors and the staff could easily be collocated in each arm of the building. They could then use the common facilities such as the tea rooms, the ablution blocks, the boardroom and the lecture room.

If we had Nannup and Kirup totally separated with the production unit in one town and the conservation unit in the other then we might not have a good flow of communication between the personnel from each department. Some people may criticise this, and some people already are criticising it. They are saying that liaison between the two sets of personnel will be too close because previously they worked with each other, and they will continue to work closely with each other. From my close observation of the Department of Conservation and Land Management I am sure that is not going to be a problem on the ground. I am sure that the ethos of those officers, who truly believe that their job is conservation, will protect the ongoing values of the forest. I have never found the decisions as to how much forest should be cut and how it will be cut to be a problem with those officers on the ground. The decision to over cut above the sustainable level in the jarrah forest was made by the Executive and was supported by Government. It was not a decision made by the officers who actually work on the ground. In the development of this new structure, the very "green" people and those who are absolutely adamant that they are going to make this separation from the top to bottom, do not realise how detrimental it will be if the production people cannot work closely and liaise with the conservation people. I trust that the Minister for Forest Products, who is sitting here today, will ensure that on the ground the close relationship will continue. I have had close discussions with the present Minister for the Environment and I have asked her to make sure that happens. She said that she felt the proposals being put forward in the departmental discussions would ensure that the department would sort out the issues.
The Government needs to give an indication to the people who are doing the planning for the new department that we are comfortable with and welcome the collocation of staff in the same districts and regions because if we do not do that we will lose the two most important aspects that we need. We need the firefighting ability which will be the responsibility of the conservation arm and will include fire management, protective burns and prescribed burns. However, the personnel who will assist in the emergencies and bigger fires will be working under the control of the production arm. If we do not have very close cooperation on the ground there will be a problem. In the past few weeks in Donnybrook this problem has come to light and it is an example of how very closely these people must work for the benefit of the residents within the surrounding areas of our wonderful forest. They must be able to sit around the table at conferences with the community, as we have been doing in Donnybrook, and each sets of personnel must know what the other set is doing. We cannot have arguments between the production and conservation arms which cannot be resolved by close agreement. Some people might say, "Oh Hilda, you are the member for Collie, you want to go back to the old ways." I do not want that; I want a relationship such as exists between the Water and Rivers Commission and the Water Corporation where there can be some element of disagreement. If we can get the Water and Rivers Commission and the Water Corporation together, as sometimes they have been forced to do, then they can reach a resolution. I do not want a situation to develop with the forest products and conservation departments whereby they must be forced to get together, as sometimes occurs with the Water and Rivers Commission and the Water Corporation. I feel this is an important factor and I hope the minister will address it during the second reading debate. As is always the case, this legislation is a framework and the most important factor will be how we operate on the ground. I do not see any clauses in the framework which will inhibit the managerial arrangements on the ground and prevent relationships being other than close and productive for the people working in this area throughout Western Australia so that they may continue the good forest management that exists currently.

MR McGINTY (Fremantle) [10.17 am]: I will raise a number of matters related to this Forest Products Bill which is part of a legislative package designed to achieve what is loosely described as the split of CALM. This Bill seeks to establish a Forest Products Commission and I will address my introductory remarks to that aspect.

Clause 6 of the Bill provides for the appointment of seven commissioners to constitute the Forest Products Commission. Qualification for appointment is that the commissioners be -

> ... appointed by the Governor on the nomination of the Minister as having such expertise in commercial activities as is relevant to the functions of the Commission.

Succinctly, the functions of the commission are to deal with matters related to the commercial exploitation of timber from our forests. Clause 10 of the Bill lists the functions of the commission as including advising the minister on matters relating to the production and yield of forest products; to deal with prices of forest products; to sell forest products; to deal with timber under share farming agreements; and to enter into contracts with any person for the harvesting of forest products. It then goes on to deal with matters relevant to the forest products industry, and, in particular, employment and the stockpiling of forest products.

It is quite clear this refers to products from our native forests and not from the plantations. Nothing in the Bill indicates that expertise in plantation matters is a relevant qualification for appointment to the Forest Products Commission. Expertise in native forest commercial timber production is required for appointment. Certainly, the advice from the Environmental Defenders Office Inc is that such requirements are a shortcoming of the legislation.

Two issues arise out of that. The first is the need to include in the range of persons eligible for appointment to the commission people who have expertise in the plantation timber industry. I say this because yesterday the Minister for Forest Products said he would not revisit the possible use of government contracts for railway sleepers because community attitudes have moved on significantly, to the extent there will be reduced emphasis on our native forest products and greater emphasis on plantations as the years go by. It then seems strange for the Government to exclude from membership of the Forest Products Commission a person with a background in plantation timber, as distinct from native forest timber. It indicates that the direction of government policy is separate to the rhetoric employed to back that up.

The second issue, as the member for Maylands said on behalf of the Opposition, is that seven commissioners with essentially one qualification - expertise in the commercial aspects of the native forest logging industry - gives rise to significant conflicts of interests. The Parliament has heard about that in recent days through debate in the House and the media. The requirement for appointment to the Forest Products Commission appears to be expertise in commercial activities relevant to the commission's functions, which involves all matters related to timber production and the native forests. To appoint people to the commission who have not only commercial expertise but also current interests in the outcome of their deliberations is a classic conflict of interest. During the course of last year, the Minister for the Environment appointed an Interim Forest Industry Advisory Committee. I suspect that if such an appointment were made today, it would be done by the Minister for Forest Products. The minister advised in her press release of last June that the committee was appointed to advise on the implementation of structural adjustment matters flowing from the Regional Forest Agreement; industry financial assistance; implementation of value adding equipment, including seasoning and sawmilling plants; implementation of voluntary reductions in sawmill intake; maintenance of the economic viability of the native forest timber industry; and community issues in towns affected by reduced activity in the timber industry. The inaugural chair of the committee was Mr Ian Mackenzie, who was chief executive of Wesfi Limited until March last year. Mr Mackenzie resigned as chairman soon after - in August 1999 - because he perceived he had a conflict of interest as a shareholder in Wesfi, at least. He therefore stepped down from that position. The same criteria could be applied to other members of the committee with the same conflict. Mr Mackenzie deserves full credit for appreciating the fact. It is not that he was unable to bring an impartial mind to the issue but that he was aware there would be a public perception that he had a significant interest in the matter and might not appear to be impartial. It is a pity that significant people in our community in other walks of life seem incapable of recognising a conflict of interest when it is staring them in the face. Other members of the committee appointed by the minister were Mr Ivan Gunning, Mr Geoff Bertolini and Mr Trevor Richardson. If any of them have shares or interests in the timber industry, whether it be Bunnings Holdings Pty Ltd or any other company, they ought to do the honourable thing, as Mr Ian Mackenzie did, and stand down. The minister should not have appointed them in the first place.

One of the incredible weaknesses of this Government is that it seems incapable of appreciating what a conflict of interest is. That manifests itself day in and day out. One of the weaknesses of this Bill is that it enshrines in legislation the very conflict of interest we should be trying to avoid by requiring all seven appointees to the Forest Products Commission to have commercial expertise in the exploitation of our native forests. If it were a past interest, that would be fine. However, where a current interest exists, as there clearly will be with a number of appointees, it must be dealt with upfront and in an appropriate way; that is, by not appointing people with that conflict of interest to a position such as this. The Government seems incapable of recognising this. The issue is illustrated by the appointment of timber industry representatives - and I make no personal criticism of them - such as Mr Trevor Richardson and Mr Geoff Bertolini, both of whom are bidding to take over the Greenbushes mill. They were appointed to the committee to advise the Government on matters related to that issue. Again, it is a profound conflict of interest. It gives the Opposition no comfort to see the Government's actions, which are as recent as June last year, in appointing people to a body when profound conflicts of interest exist and then asking the Parliament to support legislation which will enshrine those conflicts of interest in the timber industry. As the member for Maylands indicated, the schedule of the Bill dealing with the appointment of commissioners should be amended. The Opposition will seek to amend it, and it reserves the right to oppose the legislation unless the amendment is successful. The Opposition will amend the Bill to include in the Forest Products Commission other people with an interest in forest products, such as people from the Environmental Protection Authority or with environmental interests. This is a clear case where the Australian Workers Union has a strong interest and contribution to make. I also note the seeming absence of the plantation sector. People with commercial expertise in the plantation sector should be included in the commission's functions. I have commented about the conflict of interest issue. Some members of the Interim Forest Industry Advisory Committee, other than Mr Ian Mackenzie, seem incapable of knowing what a conflict of interest is, including the current chairman.

I deal briefly with the contentious issue of royalties. Another serious concern of the legislation is the decision to replace

royalties with a new pricing system in timber contracts. The Opposition only recently received a briefing on this. This change will be undertaken before the Government's review of royalties, which it promised as part of the RFA and which was due to be announced in the near future. The upshot is that different prices could be charged to different companies with very little accountability. The price recommendations will be put forward by people already in the industry, giving rise to the same issue of a conflict of interest. The companies that will benefit from or be injured by changes in the pricing structure are the very ones that will provide the people who will, presumably, make the recommendations to government on the pricing structure. That is not sound legislation.

I close my comments with this last observation: Rather than refer to this commission as the Forest Products Commission, it should most probably be more accurately referred to as the timber resources commission because it is about timber and not the whole raft of forest products. Again, with considerable reservations, I indicate that the Opposition is prepared to see this matter go forward, but we reserve our rights unless acceptable amendments are made to the legislation. I say that because in debate on the first legislation designed to split the Department of Conservation and Land Management, which I spoke about on Tuesday of this week, the Opposition indicated that its position was one of considerable scepticism about the impact that the restructure of CALM would have upon the primacy and transparency of the environmental assessment process. Of particular concern then - it has not been clarified by subsequent contributions from the Minister for the Environment - was the question of whether the environmental considerations will be the final determinant of issues relating to our native forests, as they have been historically.

I referred then to the conflict which would arise when Cabinet sought to resolve a difference between the Minister for Forest Products and the Minister for the Environment, and Cabinet would direct the Minister for the Environment as to what her position will be on matters related to the forests. It makes a nonsense of the notion of openness and transparency to have a secret cabinet decision binding the Minister for the Environment in respect of future issues affecting our forests, such as logging levels or conditions to be imposed on a forest logging plan for the future, and then turn around and say it is an improvement in the process. This package of legislation is perceived to be an improvement on the current monolithic structure of the Department of Conservation and Land Management. To that extent, it is a step in the right direction, but it has some fundamental flaws. The first of the two most profound flaws is the downgrading of environmental assessment and the compromising of the Minister for the Environment in these matters by a direction from Cabinet. That has never been done before and certainly in my experience as Minister for the Environment in the early 1990s, Cabinet would not have directed the Minister for the Environment how to deal with an environmental appeal. That will be introduced for the first time as a result of this legislation. The second and most profound flaw in the Bill currently before the House is the problem of the conflict of interest, which had already emerged when the chairman of the interim committee stepped down because of his shareholding interests. Other people seem incapable of recognising that conflict of interest, and the Government seeks to enshrine that conflict of interest in this legislation. Those matters are the source of enormous concern but the Government seems to be oblivious to them.

MR KOBELKE (Nollamara) [10.34 am]: The Forest Products Bill is one part of the two Bills that will establish the new arrangement on the split up of the Department of Conservation and Land Management. This Bill will provide for the establishment of the Forest Products Commission as a statutory authority. The Forest Products Commission will have responsibility for the contracts involved in the harvesting of timber and other products. It will also have responsibility for the sale of and matters relating to the pricing of timber and other forest products. The Bill establishes a separate minister who will be responsible for this area of timber production and the Forest Products Commission. The appointment of a separate minister in this area is seen as a valuable way of trying to separate the competing interests of the need to conserve our wonderful forests and, at the same time, make good use of a valuable resource.

However, the separation is not as clear as it may seem on the surface, because the Forest Products Commission will share certain facilities with the Conservation Commission. It is likely that both will make use of the Department of Conservation, and it is also possible that the Forest Products Commission may use some of the resources from the Conservation Commission itself. That is left open as a possibility. The relationship between the Forest Products Commission, the Conservation Commission and the Department of Conservation is an important issue, and the transparency of a whole range of matters in respect of that relationship and the particular role to be played by the Forest Products Commission are also important. The model for establishing the Forest Products Commission, Conservation Commission and the Department of Conservation is not the preferred model of the Opposition. However, the Opposition has put that aside, and has recognised that it is not in government, and the Government has made a proposal that clearly moves in the right direction. On that basis, the Opposition is happy to support the Government's general thrust and to take up its model, of which the Forest Products Commission is a very important part.

This matter will come down to the details, and the Opposition has some concerns about particular matters in the general structure proposed by the Government. The two areas of particular concern I wish to raise are, first, the membership of the Forest Products Commission and, second, the pricing mechanisms which the Forest Products Commission will use to establish a system to replace the current royalty system. I turn first to the membership of the Forest Products Commission. The Government has set down in the legislation that the membership is to be made up of people whom the minister will nominate as having such expertise in commercial activity as is relevant to the functions of the commission. The general view is that these members will have experience in the timber industry. Clearly, a body such as this should have some members with experience in the timber industry but, if they are all required to have experience in the timber industry, it may be difficult to find good people because of the possibility of conflict of interest. Even if the Government finds people of the highest integrity who are beyond reproach, the public perception may be a problem. Those members of the commission will be put in the very difficult situation of making major policy decisions and, if there is not total openness and

accountability, when people are not happy with those decisions they may jump to the conclusion that members of the Forest Products Commission are making self-serving decisions.

Mr Omodei: Are you suggesting they should not have any knowledge of the timber industry?

Mr KOBELKE: No, minister. I just said it makes good sense to have members who know the timber industry, but if the requirement is that all members must have experience in the timber industry, that raises two issues: First, it may not be possible to get people of the quality and with the expertise required, because people who have not been directly involved with the timber industry but who have the financial and business background to make a good contribution to the commission will be excluded by this proposal. Secondly, if all members are seen to be closely associated with the timber industry, when unpopular decisions are made and, as a result, attacks are made on the decision by the commission, we can be certain that part of the attack from some sources will be that the Forest Products Commission is serving the interests of particular individuals and financial interests because it is made up solely and totally of people with a vested interest in the timber industry. That is a matter of concern.

A few months ago, Mr Ian Mackenzie resigned from the Interim Forest Management Committee because, from my understanding, he perceived that there was a potential conflict of interest. Mr Mackenzie is well known and highly respected in Western Australia and has had a long and illustrious career in industries associated with timber production. He obviously believed as a person of integrity that because there was a perceived, if not even a genuine, conflict of interest, he had to stand down. We can see from that case that people of standing take conflict of interest seriously, and it is a matter that must be considered when framing the legislation to set up the Forest Products Commission. Can the minister confirm which member has replaced Mr Mackenzie?

Mr Omodei: He has been replaced by Judge Gunning. I advised him last week. He was on the committee previously, but further things have overtaken that committee at this point.

Mr KOBELKE: Is he now the chairman of that committee, and is his remuneration at the same level?

Mr Omodei: He will be the chairman of the ministerial advisory committee.

Mr KOBELKE: Has the Interim Forest Management Committee now been phased out and replaced by a ministerial advisory committee?

Mr Omodei: Yes.

Mr KOBELKE: Does that committee comprise the same people?

Mr Omodei: Some of the same people.

Mr KOBELKE: What are the terms of appointment to that ministerial advisory committee? Are the members appointed for six months or two years, or is it open-ended?

Mr Omodei: I will need to check that. I think it is for two years.

Mr KOBELKE: What remuneration is paid to the people who serve on that committee?

Mr Omodei: I cannot tell you off the top of my head. I will provide the answer at a later stage.

Mr KOBELKE: We have some concerns about which people will be qualified to be nominated by the minister to serve on the Forest Products Commission, and we will return to that matter during consideration in detail. I am not suggesting that the commission should not have on it some people who have experience in the timber industry, or even some people who are anti the timber industry and want to put that point of view. Clearly the role of the Forest Products Commission will be to work with and try to meet the needs of the timber industry. Therefore, the Forest Products Commission must have on it people who have experience in the timber industry.

Mr Omodei: It would be a nonsense if it did not.

Mr KOBELKE: I am stating what the minister and I believe is obvious, but some people may take a different view. However, it appears from the Bill that all of the members of the Forest Products Commission must be in that category, and I have some concerns about that for the two reasons that I have given.

The second matter of concern is the proposed pricing mechanism for forest products. The current system is that a royalty or set percentage is determined by Cabinet and all of the players work according to the same rules. The system is totally open, and all of the companies which have contracts for timber are paid the same royalties for a particular type or quality of timber. The pricing mechanism that is proposed in this Bill, which is a cost recovery-plus profit approach, makes sense in a business environment. However, when we are dealing with a major resource of this State - our wonderful extent of forest - we must ensure that the management and sale of that resource is open to public scrutiny. We are not dealing with a person who has put in 100 hectares of plantation forest at his own expense and wishes to gain, in compliance with the laws that apply in that situation, the best financial return for the product that he has produced, nor are we dealing with a small, medium or large private landowner who has gone into the forestry business and wishes to harvest his plantations and reap the financial rewards. We are dealing with a major state asset. Therefore the pricing structure for that resource must be one in which people have confidence. It must not be one where certain people can gain an advantage because they are able to do a particular deal with the Forest Products Commission. That relates to the issue that I raised about membership,

because if people are aggrieved for whatever reason and seek to find fault with the decisions that have been made about the pricing structure, they will look to the integrity of the Forest Products Commission in making its decisions about that pricing structure.

The pricing mechanism that is proposed in this Bill presents severe difficulties in terms of openness and accountability. Members of Parliament will not be able to ask the minister about the pricing structure for a particular contract. I say that because the Forest Products Commission will be set up as a government trading enterprise and will not receive an allocation in the annual budget. Therefore, when we scrutinise the budget in the estimates committees we will not be able to examine the Forest Products Commission line by line and look at a range of contracts to determine whether they are fair and reasonable.

Another mechanism that the Opposition and the public can use to try to hold Governments accountable and to examine agencies is freedom of information legislation. However, if a range of different contracts is set up for different companies in different coupes where timber is being harvested, the Government may use the old excuse that it is commercially confidential, which will make it likely that people will not be able to use FOI to check the pricing mechanism that has been used for the sale of particular lots of timber. We have real concerns that the mechanism has flaws and that the accountability of the process will fall short of what we hope to achieve. I am not saying that the proposed pricing mechanism is one that we cannot support, but during the consideration in detail stage we will need to examine whether we can improve it or propose an alternative mechanism. The alternative mechanism that springs to mind is to maintain the current royalty system.

Mr Omodei: Did you say you want to retain the current royalty system?

Mr KOBELKE: That may be one option; I am not saying it is the best. I have pointed out the difficulties in the proposed mechanism, but if there were some minor modifications or some guarantees with regard to it, it might meet our concerns.

Dr Edwards: The other problem is that there is yet to be a review of the royalties and the methodology. On the one hand you say you are abolishing the royalties, but on the other hand you are going ahead with the review and are also proposing to bring in this new system that from our point of view is not particularly transparent and about which there are questions.

Mr Omodei: It is more transparent than the old system.

Mr KOBELKE: The royalties are set by Cabinet and it accepts responsibility. They are set rates and the system is transparent. This system, which is very different and more complex and which may have certain advantages from a commercial aspect, does not have that level of transparency. During the consideration in detail stage the Opposition will ask a series of questions that it hopes the minister will be able to answer. Members on this side will be looking for guarantees and amendments to ensure that those guarantees are honoured. We want more than verbal guarantees from the minister of the day. Alternatively, we may look to other mechanisms. The Opposition would prefer to go back to the royalty rate if the minister does not provide the guarantees and understandings expected with the mechanism he is proposing.

This Bill was introduced in November last year. The Opposition was given notice last week that the Government wished to proceed with both Bills this week with the intention of completing their passage. Members on this side were ready for that.

Mrs Edwardes: It was only the second reading debate.

Mr KOBELKE: That is not what we were told by the Leader of the House.

Mrs Edwardes: The final amendments relating to plantations have not been drafted as yet. Until such time as we have them ready for introduction in this House, we cannot go into the consideration in detail stage. We are expecting to bring them in next week, but we want to give members opposite the time and opportunity to go through them and to be briefed on them.

Mr KOBELKE: The minister's interjection raises matters I must pursue. Is the amendment drafting process now complete?

Mrs Edwardes: No, it is not finalised.

Mr KOBELKE: When does the minister anticipate it will be finalised?

Mrs Edwardes: I hope the amendments will be available for introduction on Tuesday. I have not seen the first draft, and, until such time as I have seen that, I will not know whether we will be able to introduce them on Tuesday or Wednesday of next week. Complexity obviously surrounds some of the recommendations from the report and some of the comments that have been received and the consultation that has taken place relating to plantations. The drafting process is complex.

Mr KOBELKE: Is the minister saying that the Government's amendments affect this Bill and the other Bill?

Mrs Edwardes: Yes, they affect both Bills.

Mr KOBELKE: Is the minister hopeful that they will be tabled next week?

Mrs Edwardes: Yes.

Mr KOBELKE: Will the consideration in detail stage then be scheduled for the following week?

Mrs Edwardes: Yes.

Mr KOBELKE: That also fits in with the minister's other responsibilities and the fact that she will be out of the State next week.

Mrs Edwardes: No, it has nothing to do with that because the other minister will be here. However, the real issue is allowing for a week's consideration of the amendments because of the complexity of the issues. Even if the amendments are not tabled until Wednesday or Thursday, or the following week, the Government wants to allow members opposite time to be fully briefed on them and their implications. They relate to the financial aspects of both commissions, and they are very important.

Mr KOBELKE: I thank the minister for that explanation. The Opposition does need time to consider the details of the amendments and we appreciate the offer. I hope it will eventuate and that we are not given a load of amendments hours or a day before we are to consider them.

Mrs Edwardes: We have no intention of doing that.

Mr KOBELKE: The offer is appreciated. Members on this side need that time to consider the amendments because this is very important legislation. As I have already indicated, there is a degree of complexity in the details that will have a major effect on the overall functioning of the legislation and, therefore, on the Opposition's overall position on it. As I said, it is not our model, but we are not in government. We accept that it is the Government's model and that it is going in the right direction, therefore it has our support. However, members on this side must judge the detail in very critical areas. The Government's amendments may have significant impact in some areas that we see as important. We need time to consider them. The point I was making was that this legislation was second read in this House last November - nearly five months ago - even though there was some down time with the Christmas break -

Mrs Edwardes: Just a little! Be fair. It would be totally unfair to say that the Government is dragging its feet on this. We gave a commitment that we would allow time for members opposite to be fully briefed. No-one opposite could say that I did not fully consult in the lead up to the drafting of the legislation and subsequent to that.

Mr KOBELKE: I appreciate the interjections, but we do not want them to go on too long. The fact that the amendments are not drafted is indicative of major delays or major problems in sorting them out.

Mrs Edwardes: Not at all.

Mr KOBELKE: We are given notice by the Leader of the House of what we are to deal with in a parliamentary week in a letter delivered on the preceding Friday. Last Friday's letter indicated that these two Bills were to proceed this week through all stages, and we were prepared for that. It was the Leader's clear understanding that that would happen. That is evident not only from what was in the letter but also because we are now fishing around for other business to debate. We will not be spending time on this legislation but will move on to other government business, which we are happy to do to accommodate the Government and the functioning of the House.

Mrs Edwardes: I am not cognisant of the content of the letter. It has always been our intention to do the second reading of both Bills this week and to bring in the amendments that had been drafted. There has been some complexity, particularly relating to the financial aspects. That does not mean there have been delays in the drafting process. We want to ensure that the amendments are correct and we want to give the Opposition time to be consulted and fully briefed. These are very important amendments to legislation dealing with plantations in Western Australia. If it is suggested that the Government has been tardy in that regard, it is only because the report had to be considered and changes had to be made.

Mr KOBELKE: The minister is saying that many of the amendments to be put on the Notice Paper relate to plantations and that those issues are not currently covered by the Bill.

Mrs Edwardes: There will be changes in the way plantations are handled under the Bill.

Mr KOBELKE: Is the Government changing major aspects of its approach to plantations or is it proposing to include a new section by amendment to deal with plantations?

Mrs Edwardes: It is not a new proposed section, but it is a significant change in respect of plantations.

Mr KOBELKE: The minister indicated that this is in part due to a report.

Mrs Edwardes: Yes.

Mr KOBELKE: What was that report?

Mrs Edwardes: It is the four-pack report released by the Minister for Forest Products a couple of weeks ago.

Mr Omodei: It is a major review of plantations entitled "Review of CALM plantations business unit activities".

Mr KOBELKE: That is now being picked up with amendments to the two Bills, including the Forest Products Bill.

Mr Omodei: The responsibility for plantations is going to the Minister for Forest Products.

Dr Edwards: All plantations?

Mr Omodei: Yes.

Mr KOBELKE: Is that the entire management of those plantations and not just the harvesting and pricing of product?

Mr Omodei: Yes.

Dr Edwards: What about maritime pine?

Mr Omodei: That includes maritime pine.

Mrs Edwardes: Members can see that this is a significant change and is reflective of the recommendations, although they go one step further. There may very well be a need for a transitional stage in how plantations are handled in Western Australia five or 10 years down the track, but this is the first step.

Mr KOBELKE: The Opposition is supportive of the general thrust of the Government. This issue and the detail of it are incredibly important. We cannot make the final judgments on that detail until we reach the consideration in detail stage of both of these Bills. That has been delayed beyond the time scale that had been indicated to us. We will fit in with that, as we must. However, we appreciate the undertaking given by the Minister for the Environment that we will be given adequate time to consider those amendments prior to the debate resuming in the consideration in detail stage. At that time, we will not only consider the matters in detail but also confirm or vary our overall support for these pieces of legislation, dependent upon the outcome of the debate on the Bills in the consideration in detail stage.

MS ANWYL (Kalgoorlie) [11.00 am]: I will make some brief comments on this legislation. I have some questions that I hope the minister will be able to address in response. However, similar to many other members of the Opposition, I look forward to the stage when we have an opportunity to debate this Bill in the consideration in detail stage, along with the other Bill which must be considered somewhat in tandem, given the real organisational change that is occurring as a result of the Government's decision to finally split the functions of the Department of Conservation and Land Management.

Dealing with this legislation, the issue of ecologically sustainable development will occupy all Governments much more than it has traditionally in the past. It is easy for parliamentarians to overlook that fact and to not look at this issue in the global way which is perhaps required, because this is not the only Parliament in Australia that is having difficulties coming to terms with this issue of the precise amount of logging that should be carried out in the State. If one looks at what has occurred in Queensland recently, the nature of the timber stock is somewhat different - that is being debated there - but there are real divisions in the Queensland community about whether farmers should be able to continue to clear land for the purposes of cultivation and stock. In Victoria, a debate is going on which is in most ways similar to the one occurring in this State, and people have real concerns that what is left of the indigenous timber forest is not being protected. That is just an example of two States in Australia. Therefore, we must remember that Western Australia is not the only State that is confronting this issue. In countries all around the world more significant numbers of trees are being felled. This has implications for the whole of the world's ecology and is not just a straight economic versus conservation argument. These issues should be considered on many levels.

The whole issue of ecologically sustainable development is attempted to be addressed by the Forest Products Bill. Clause 12 contains a statement concerning the two major principles on which the commission is to act. The first of those is the long-term viability of the forest products industry, and the second is the ecologically sustainable management of indigenous forest products. I am sure that when we reach the consideration in detail stage there will be many questions on this issue because we have two principles on which the commission is to act, and a lengthy statement of the functions of the commission is contained in clause 10. We know that the seven people who will be appointed by the Government to sit on this commission as a result of clause 6 will all be people - I hazard a guess that they will all be men but let us hope there will be a woman - who have expertise in commercial activities associated with the timber industry. I suggest that it will be extremely difficult for some of those members of the commission to put aside their prejudices towards the timber industry and the farming of product as has occurred virtually without question for so many decades in Western Australia. They will be required to look at those two factors to which I have just referred; that is, not only the long-term viability of the industry but also what is ecologically sustainable management of indigenous forest.

Essentially, that has been the argument between the Opposition and the Government. It is fair to say that there are very different views in respect of the public position of the Government and the Opposition on that question. Some time last year we heard the Minister for the Environment making claims about 500 scientists - I think in the end result there were fewer than 300 - many of whom, when named, were reluctant to be included in her list. We have had this issue about the scientific evidence. The fact is that there is never a clear answer in complex debates such as this. Not everybody can be right and not everybody can predict with accuracy what will happen when dealing with natural products.

I will give an example of ecologically sustainable management in my electorate. People are trying to determine the life of the underground palaeochannels which currently provide the water for the mining industry. The bottom line is that nobody knows whether they will be able to be replenished. This morning I was watching the news on the aircraft while flying to the Parliament from my electorate. A similar debate is now going on in outback South Australia, where farmers are being told that they cannot continue to harvest from underground as much water as they would wish and that controls will be put in place. I give that illustration as one in which there can never be a definite answer about the effects of harvesting in these situations.

I know that the new Minister for Forest Products is passionate about issues affecting the livelihood and lives of workers in the timber industry, particularly those in his electorate whom he has a duty to represent. I am sympathetic to the needs of those workers in the industry because I live in and represent an electorate which has an industry which is struggling at

the moment; that is, the mining industry. Over the past couple of years, I have had to deal with extremely hostile workers, particularly those who had previously been involved in the exploration industry and who have huge financial and social commitments in their occupations. It has been a lean time. What bears some comment in the context of this debate is that although the Government is prepared to set up a Minister for Forest Products who will have considerable resources at his fingertips, the Government has not been prepared to do that in the goldfields.

To take one simple example of the sorts of resources that the Government has been prepared to commit to mill restructuring, $8m has been provided for a business exit fund, $26m to help industry restructure and $8m for the retraining of workers. I have taken those figures from an article in *The West Australian* earlier this week, and I presume they are accurate. In the goldfields we have seen massive levels of unemployment. Workers have lost their jobs through absolutely no fault of their own, in part as a result of changes to government policy; the gold royalty is a simple example of that.

Mr Omodei: Would you take on a giant restructuring of the mining industry in your electorate; that is, downsizing it?

Ms ANWYL: It has been downsized, minister, so I do not understand the question.

Mr Omodei: It will downsize when it runs out of minerals. Timber is a renewable resource.

Ms ANWYL: I do not understand the question.

Mr Omodei: It is clear.

Mr Barnett: I thought gold production had increased in your electorate - that is, increased production and increased profits.

Ms ANWYL: That is interesting, Minister for Resources Development, as there is increased economic hardship in my electorate. I do not attempt to blame all that hardship on the Government - far be it from that - but the Government has certain policies in that regard, yet it does not see itself as responsible for injecting funds to assist mine workers to retrain and the like. My question is simple: Why is one industry deserving of help and another not so deserving? As I said at the outset, Minister for Forest Products, I have a lot of sympathy for the affected timber workers.

Mr Omodei: I wish I had a school of mines in my electorate.

Ms ANWYL: Perhaps the minister could work towards establishing a school of timber products in his area.

Mr Omodei: I have a bit of mining down there.

Ms ANWYL: The minister has mining, and we have no timber harvesting to speak of. We have a boutique timber industry.

Mr Omodei: Those wilderness timbers have great potential.

Ms ANWYL: They do. Do not worry, we will have the minister and his new department up there shortly to look at that issue. Some of these timber funds might be attracted to the goldfields to retrain mine workers for the developing timber industries.

Mr Omodei: I could go back to my roots.

Ms ANWYL: Fine. I will be happy to host the minister any time, as one of the largest natural woodlands in the world exists in the goldfields.

Mr Omodei: It would be a pleasure.

Ms ANWYL: Nevertheless, the size of the timbers is nothing like the trees in the south west. Only recently I had the opportunity to drive through the area, but unfortunately did not have time to stop. I drove through the fine timbered areas on the way from Albany to Bunbury.

All Governments must come to terms with ecologically sustainable development, which creates a great deal of emotion. Workers in my electorate have been significantly disadvantaged largely because of the downward spiral in commodity prices and the loss of confidence in the gold sector, particularly in exploration. I am pleased that things seem to be turning around. The local newspapers contain significant numbers of advertisements for drillers' offsiders for the industry. Unfortunately, that has come too late for some people who had to sell up and move on. The difference between the industries is that people in the mining industry are used to living portable lives moving around Australia and the world to secure employment.

Mr Shave: What do you think of the proposed 36-hole golf course the Minister for Lands has suggested down there?

Ms ANWYL: We can smell an election in the wind as people have been working towards that goal for a long time. Now that the minister has raised the issue, which has little to do with the debate, everybody would like to see the colour of the minister's money. The $3m offered is woefully inadequate.

Mr Shave: It is $3m more than you ever offered.

Ms ANWYL: That is not true. The Minister for Fair Trading does not know the history of the matter, so I will not suggest that he is maliciously misleading the House, although he is certainly misleading the House.

A change in attitude has occurred to ecologically sustainable development, which can be an extremely emotional matter. Significant concern exists in my electorate about that issue. We do not have many tall trees in my electorate. We once had

a large public park which contained the tallest trees in my electorate, but this is now the site for an aged persons home; although that is a good facility, it was unfortunate that a significant resource was lost. People in Kalgoorlie-Boulder are passionate about trees, and I am surprised by the level of concern expressed to me. For example, one day while shopping in an Esperance supermarket, I was approached by a burly, flannel-shirt-clad man. He said to me in a fairly aggressive tone, "You're a politician, aren't you?" I thought "Here we go." However, he told me that he had worked in the timber industry for a long time, and that he thought it was time that the practices were changed. That was most interesting.

Mr Omodei: They have been changing over the decades.

Ms ANWYL: I realise that. I was surprised by his attitude. I will not go into the detail of the conversation, but he believed that conservation was important and needed to be stepped up.

As shadow Minister for Youth, I spend a lot of time talking to young people. The Youth Parliament last year, and over a significant number of years, indicated clearly that young people are concerned about issues of ecology, conservation and the environment. For example, the goldfields team in the Youth Parliament last year presented a Bill opposing the siting of any Pangea-type development in the goldfields. When I visit schools, I am constantly asked about the Kyoto agreement by young people, who have a high knowledge of ecological matters. I suggest that this knowledge would surpass the degree of general knowledge of many members of Parliament. That focus is changing. Research by the Ministry of Planning in the context of statewide planning strategies demonstrated that people do not place the same emphasis on development at any cost as was the case in the past. That does not mean that people are not pro-development; most people want healthy local economies, but not at any cost. The Pangea debate was a perfect example of that attitude.

Returning to the legislation, what checks will be in place to ensure that the seven commissioners will be accountable in upholding the functions set out in clause 10 and the principles in clause 12? What role will the minister play if examples arise of conflict of interest, as mentioned by many members on this side of the House? If the bulk of the seven members, or all of them, will have a long history of commercial dealing in the timber industry, inevitable conflict will arise.

MR OMODEI (Warren-Blackwood - Minister for Forest Products) [11.19 am]: I thank members for their contribution and indication of support for the Bill, albeit that some matters require further discussion in the consideration in detail stage.

I will turn to the background of the industry and then respond directly to the concerns of members opposite. I found it interesting that the member for Cockburn indicated support for a forest industry, and said that he believed the Opposition's position was that it was worthy and should be encouraged. He said that, unlike many other industries, the forest industry is capable of being indefinitely sustained; that is, it is based on a renewable resource. I identify closely with the member's comments in that regard. However, the position of the Labor Party, particularly in the last 18 month or so, would not allow us to have a sustainable industry at all.

I take members back a little way and refer to some of the tags attributed to me and refer to the industry's beginnings in this State.

Everybody in Western Australia knows that in the very early days this State's economy was based mainly on the timber industry, and later on the mining industry. Swan River mahogany, as it was known then, or jarrah was exported from the State through Fremantle, Bunbury, Hamelin Bay and Albany in great quantities. It is said that when Millars landed at Albany in the early 1900s, they had teams of horses and men. The providoring of those horses in the harvesting of the timber generated great economic activity throughout the State. The member for Cockburn talked about Lane-Poole and his influence on the industry, on having a conservative forest and the introduction of the Forests Act in 1918.

A lot has been said about clear-felling and select cutting. I have anecdotal evidence that in the very early stages of harvesting forests, clear-felling was the preferred method to regenerate timber, particularly karri. I understand one reason to go away from that method at that time was that landholders were taking up the areas that had been clear-felled and putting them down to pasture. Those areas were not allowed to be regenerated. At that time, very large parts of Western Australia, particularly in the south west land division, were surveyed for agricultural production. Much of the current karri forest that is in either state forest or national parks was once surveyed to be taken up by land settlers in those early days.

At that time, the former Forests Department went back to select cutting of the forest. Evidence of that can been seen in the karri forests, even around my property at Eastbrook which is not far from Pemberton, where in 1930 the timber was taken using the select cut method. There are patches of good regeneration now, but there are large patches with no trees at all. As recently as only the 1970s, the Forests Department went back to clear-felling forests. It is well recognised that the clear-felling method is the best way to regenerate forest, and there is strong scientific advice to show that is the case.

By comparison, in areas, particularly in the northern jarrah forest area and the central forest region, where there is some evidence of salinity, the current prescription is to go to gap creation in very small coupes for the harvesting of jarrah. In the early 1900s, we had an abundance of timber. It was seen as a general weed, particularly to the farming population. In those days, two mills were owned by the State and were located at Pemberton; they were mill No 1 and mill No 2. Deanmill and all mills harvested mainly timber that was close to the town, but that was on crown land. The timber was left on the land taken up by the settlers. In hindsight, it could be argued quite justifiably that perhaps the timber industry and the Forests Department should have forced industry to take the timber off private property. In the early 1930s, in the days of the Depression, men were paid sustenance of 10 shillings a week to ringbark large karri trees. It was not until the mid-1970s that farmers were given timber rights. At that time, the timber industry went in very quickly and took a lot of timber from private property.

I have been told and have read in the newspaper that I have a chainsaw tag. My only real connection with the timber industry is that in 1949 my grandfather, Jack Omodei, helped build a mill at Diamond Tree with a couple of fellows called Edgar Morrelini and Matt Della Franca. That mill took timber mainly from a private property and closed in 1970. I suppose I can handle the chainsaw tag. When I went home from school in 1965 at the ripe old age of 15 years, my older brother and I were confronted with a large property that had large, dead stands of karri trees up to 10 feet in diameter. What can be done with a dead straight karri tree of that size, which could be 150 feet high, with no limbs and that could not be pushed by a bulldozer? As an aside, the bulldozers came in only in the mid-1950s. There was a lot of dead timber right across the landscape, whether it be karri, jarrah or marri. The only way to handle those trees was to cut them down. The first chainsaw we had weighed about 130 pounds, had a three-foot-six-inch blade and was called a McCulloch 73A. We had five wedges and a hammer. We set about cutting down these trees. I can tell members that was a very dangerous activity. I can identify with the fallers in the bush at the moment who are being interrupted by protesters when they are in the middle of a forest where "widow makers", as they are called, are in the trees in which they are working. In a way, I suppose the chainsaw tag is applicable, but for totally different reasons from those that my political opponents would like people to think.

Although my connection with the industry is quite remote, to the extent that I represent people who live in an electorate for which the main economy is timber, I have an affinity with and a knowledge of the industry. Having grown up close to a timber town and having close relationships with the people there, I have come to know them and the industry. If that is a liability for a Minister for Forest Products, I dare say that I will have to live with that. I have taken on the challenge as this minister. As I mentioned by way of interjection to the member for Kalgoorlie, it is quite a challenge to take on a restructuring and downsizing of an industry in one's electorate. It is certainly not conducive to being re-elected with a large margin.

As I said, in the very early days the State ran the mills in the south west, and Millars owned the mills at Nannup, Quininup and Yarloop. Later the Hawker Siddley group bought out the state sawmills at Pemberton and Deanmill, and in the 1970s the Bunnings group took over the mills from the Hawker Siddley company. In those days, and since, some mills have closed. There are probably dozens of them; however, the ones that come to my mind readily include those at Denmark, Walpole, Tone River, Nyamup and Quininup. All those towns had mills and thriving communities. The Northcliffe mill has closed, as have the mills at Coppinup, Barrabup and Ellis Creek at Nannup. Jardee was the original settlement before Manjimup started as a major town and was known in those days as Jardanup. The mill in that town was closed quite some time ago. The Shannon River mill and town was located in the middle of the Shannon River basin from 1950 to 1970. In that time, 70 coupes were cut in the Shannon River basin.

The member for Cockburn talked about the creation of the Shannon River basin. I see political parallels between the stance of the Labor Party late in 1982 in creating the Shannon River basin and its stance today in stopping logging of all old-growth karri and jarrah forests. The Government has responded to the community in relation to old-growth karri, but is holding the line for jarrah because we know we can value add that product to a greater extent than we can for karri. That member also referred to the early days of forests and national parks and the activities of the Conservation Through Reserves Committee in 1974. It was always the case that the Institute of Foresters wanted a major south coast national park. In 1983 and 1984 people in the district had no problem with the establishment of a Shannon national park.

When I was a member of the shire at that time, we believed all of the management priority areas, all the pristine parts of the south coast forest, should be put into national park, and the other parts should be managed for multiple use purposes, including for wood production, honey, tourism and water catchment. We debated that long and hard with the then Labor Government. We asked Dr Brian O'Brien, the chairman of the Conservation Through Reserves Committee in 1974, to prepare for us a paper called "Save the Shannon Sensibly". We distributed the paper far and wide at the expense of our ratepayers, to no avail of course because the whole of the Shannon valley was put into a national park. Part of the reason that we have difficulties today with the availability of resources is the decisions of the former Labor Government relating to the Shannon National Park. Those mistakes are being repeated.

Mr Thomas: I do not think Brian O'Brien was the chairman.

Mr OMODEI: I think the member will find he was. The member talked about Bruce Beggs who became the conservator of forests and later, during the period of the Burke Government, the director general of the then Department of Premier and Cabinet. Bruce Beggs was instrumental at that time in the sunk lands project, which involved a major planting of pine where there was native forest. The Burke Government stopped that project when it came into government in 1983. One of the reasons that our resource of pine is so closely matched to demand today is the lack of resource resulting from the closing off of the sunk lands project. In the mid-1980s I joined the local shire, not because of timber matters but because my rates had doubled. I now find myself as the Minister for Local Government deliberating over local government. What happened back in the mid-1980s was that because the Government had closed the Shannon River Basin it decided that it would plant pines on agricultural land in the Shire of Manjimup. The Shire of Manjimup is 7 000 square kilometres. Only 14 per cent is alienated and 10 per cent is cleared. Therefore, the total area of cleared land in the Shire of Manjimup that is suitable for agriculture is about 90 000 hectares. When we debate matters like setting aside areas of old-growth forest into national parks or reserves, we must remember that we have multiples of at least three or four times the total area of the cleared land in the Shire of Manjimup as reserve. If people were to travel to Manjimup and from Lake Muir in the east to west Manjimup and to Northcliffe, Walpole and all the country through Pemberton and Seven Day Road, they would get an idea of how big 90 000 hectares is and then perhaps find the relationship with the area of land that is being set aside in national parks and reserves.

I have always exercised my judgment on the basis that the first question that needs to be asked is whether enough forest is held in reserve that represents all of the ecosystems that exist in our forest system right through jarrah, the goldfields, karri, tingle and so on. If the answer to that first question is yes, we should manage the rest of it on a multiple-use basis and harvest the timber on a sustainable basis, which is what has been happening for quite some time. If the answer to that first question is no, let us find those areas of special ecosystems that are not replicated in the system and let us set those aside and get on with the business of managing the forest for conservation and production.

During all the debate in the mid-1980s when the Labor Government had come to power and the amalgamation of the departments of fisheries, wildlife, national parks and forests occurred, the architect of which was Dr Syd Shea, I found myself arguing very strongly against the amalgamation because I believed that the scientific knowledge for managing the forests lay within the old forest department and that the excellent officers in that organisation should be left in place. To the credit of the officers of those organisations, the Department of Conservation and Land Management was created. It established an ethos and reputation that was excellent statewide, nationally and internationally. Some of that reputation is still there. Now a decade later I find myself arguing strongly for the retention of that integrated land management when the very people who set it up and the conservation movement are arguing for its disbanding. A member said yesterday in this place that time was passing us by. That needs to be considered.

The decision has been made. The general public has made it very clear that the roles of CALM should be split. The Government has brought in this legislation to give effect to that. I find it incongruous that most Labor Party members can come into this place and speak as they do. I leave out of that the member for Cockburn because his contribution was reasonably balanced. I might not agree with all the detail, but at least he can see the need for an industry which can be sustainable in perpetuity. Everything we do in our everyday lives impacts on our environment. When we consume forest products, the product can be regenerated and renewed. I could take members to places in my electorate where as a result of man disturbing the forest or an ecological or climatic event the forest has regenerated. A block close to Karri Valley was severely disturbed in the 1860s. It is known as 1860 block. If members travelled to that block, they would see magnificent trees that have regenerated. If they travelled to the 100-year forest or settlers forest, where a farmer cleared 12 acres for wheat in the late 1800s, they would find a magnificent stand of trees that was regenerated by fire after the person had walked off that property.

We are faced with the situation of the community making it very clear that it wants these divisions in the forest industry. The Opposition has come out saying that it will stop logging in old-growth forests. The policy is to stop logging old-growth jarrah. I found it a little difficult to take when the member for Maylands yesterday referred to Mr Mike Webb and his problems. He has significant problems. He was a contractor for Bunnings, which had the logging contract for Whittakers. Indirectly there was an effect on him because of the Whittakers decision and the Government not allowing that resource to continue after Whittakers went into receivership. There will be dozens of Mike Webbs if the Labor Party gets back into power and puts its policy in place. Members should mark my words and listen very carefully to this: If old-growth jarrah logging is stopped and it affects the cut at Deanmill to the extent of even only 25 to 30 per cent, it will have a significant effect on the Manjimup processing centre that dries and dresses the timber. It is one of the biggest facilities in the world, particularly in the southern hemisphere. The job losses as a result of the reverse multiplier effect in the Manjimup and surrounding districts will be significant. The effect on Bunbury will result from something like $40m less income for people in Bunbury and the surrounding districts. The Labor Party needs to consider this significant matter. I hope it will have a reality check.

It might pay to remind members opposite that one of the strongest lobbies from the Labor Party is to stop chipping in native forest. That has been party policy for quite a while. The effect of stopping chipping in native forest would be that the waste that is currently exported in the form of woodchips for fine paper will be left on the forest floor. That will affect the silviculture of those areas which will be regenerated with jarrah and karri. Again, the Government has acknowledged that the community wants to stop the chipping of old-growth forest. With the assistance of Wesfarmers, the announcement has been made that the production of woodchips from 600 000 tonnes will go down to 270 000 tonnes in the foreseeable future. Members must bear in mind that some of those marri logs that have been chipped in the past now form part of a very viable furniture industry. The potential for growth in the furniture industry in Western Australia is almost unlimited. My prediction would be that in five years we could have a furniture industry valued in excess of $100m. It is already at about $50m. However, they are very important matters.

It was members of the Labor Party - Peter Dowding and Dave Evans - who signed the woodchip agreement in 1975. Members should note the debate that has been raised about Simcoa Operations Pty Ltd and the arguments about turning good jarrah logs into charcoal. Technically, charcoal and shale and the heat process generates silicon. Silicon is used in engine blocks, solar panels, hard disk drives, silicon chips, cosmetics and hip and knee replacements. The community should know about the types of products that come out of the process at Simcoa. Prior to Christmas, the manager of Simcoa went through the log supply. There was a large supply of logs because the product must be as dry as possible before it goes into the process. About 200 tonnes of furniture-grade logs came out of the landing at Simcoa. The timber was auctioned prior to Christmas and there is still 120 cubic metres on the landing which has not been picked up. If people want to make money out of cutting down timber at Simcoa, they should approach the manager to see how much money they can make out of it. Having had experience in cutting third-grade and salvage logs, I can tell members that those people will go broke very quickly. No doubt they could get short bits, but the short bits that are used in the outdoor furniture market come out of long bits which have been dried and dressed and which have had the faults removed at the Manjimup production centre or at the various furniture manufacturers around the metropolitan area. It is important that members understand that. Interestingly, Brian Burke signed the Simcoa agreement Act for 130 000 tonnes of jarrah timber. We have had enough of

the hypocrisy of the Labor Party; it is time it came into the twenty-first century and acknowledged that a lot of these agreements were in place when it was in power.

Before I respond to the members opposite, I will quote from a document that makes good sense about where we are going with this debate. It is a copy of the speech given in 1990 by Dr Carmen Lawrence, the then Premier of Western Australia, to the "13th All Australia Timber Congress". It states -

> For the first time the agencies responsible for the protection of our flora and fauna, national parks and forests would be allies, not competitors. The Directors of National Parks, Nature Conservation and Research would share the setting of management objectives and procedures with the Director of Forests. . . .
>
> Officers of the Department would be available to carry out a range of tasks in any of the land under the department's management. In effect, the Department's workforce would develop multiple skills. . . .
>
> As well as dealing with timber production, they also examined and made recommendations on flora and fauna conservation, the protection of scenic beauty, the protection of water courses and catchments, and on recreation; and they took account of historical and cultural features, and minor resources such as roading gravel, commercial wildflower collection and honey production. . . .
>
> But although the Government is committed to public consultation in the management of public lands, we are equally committed to basing our management practices on the findings of ongoing scientific research.

Finally, and most importantly, it states -

> We need to get things into perspective. Governments in Australia and the forestry industry should join together to remind the public:
>
> - first, that compared to alternatives such as steel, plastics or aluminium, timber is an environmentally sound resource;
> - secondly, that governments and industry grow and harvest forests in an attempt to meet public demand, which in Australia still requires us to import $2 billion worth of forest produce annually;
> - and thirdly, that it is far better to use timber from well managed Australian forests, where every tree cut is regrown, than to lock up our own forests while plundering the forests of developing countries.
>
> In closing, I would like to assure the local industry and its employees that the Government is deeply concerned at your current plight. There are no quick fixes . . .

Just after that the document concludes. It is a shame that members of the Labor Party have not read that speech thoroughly.

I will now respond to some of the comments made by members opposite. The member for Maylands referred to the forestry industry structural adjustment program funding and Wilson Tuckey. The State is currently still working with the federal Minister for Forestry and Conservation on all aspects of the FISAP package. The minister is concerned about resource security and does not want to put money into investments that may not have a future beyond 2003. He is very concerned about what would happen under a Labor Government. However, at the moment he is not holding up the FISAP funding. We are proceeding with assistance for the Greenbushes mill and we are conducting valuations for other business exits as well. We have a close, ongoing working relationship with the minister. My preference is that he release the funds sooner rather than later, but he does not want to spend any money which is under his control on any project that would be regarded as "Tuckey's folly".

There will be a new contract for the new owner of the Nannup mill. An advertisement has been placed in local newspapers seeking expressions of interest to purchase that mill from the Southern Timber Company - formerly known as Bunnings. The contract must fit in with the total average jarrah cut of 324 000 cubic metres between now and 2003. It must also fit in with the 286 000 cubic metres which is referred to in the RFA post-2004. SOTICO's contract will be reduced, like all other contracts, to line up with the 324 000 cubic metres between now and 2003 and also after 2003. The Government's involvement is to attract people and proposals for Nannup. Once the expressions of interest have been responded to, people will then come forward for further information about what the package would involve. At that point the Department of Commerce and Trade would be the normal government body that would assist those people.

As far as the commissioners are concerned, clause 6(1) relates to their expertise, commercial activities and relevance to the functions of the commission. We will be looking for people who have skills, but who do not necessarily have an involvement with the industry but who may have past experience. They certainly must have a commercial knowledge of the industry or a similar industry. Any person who holds a direct contract will not be selected as a commissioner and he or she will not be selected on the basis of sectorial representation. We would consider people who have some expertise in the conservation area as well as in other areas; in other words, those people would need skills that are appropriate to the job.

The Minister for the Environment has gone through the Minister for Forest Products' role in the management plans in relation to the activities of the Department of Conservation. As we have almost decided on the jarrah aspect of the RFA issue, there will be no disagreement between the Minister for Forest Products and the Minister for the Environment. There are a number of elements of protection in the legislation and there is no intention to override the protection provided by the Environmental Protection Act in this State.

The member for Maylands asked for examples of community service obligations and how the Forest Products Commission might be requested to perform. One example is the maritime pine project, which I would not expect to generate any major gains for the Government. Matters such as carbon credits and so on still must be resolved, and we are working through them. In that project the plantations may not be fully commercial in their own right and would require a CSO.

Mr Barnett: Not a community service order.

Mr OMODEI: I am very well advised by the Minister for Resources Development that it would not be a CSO.

I spoke about the other question raised in relation to Mr Webb: We have ongoing discussions with him, but one of the problems is that the valuations of his plant and equipment and business depend on what type of criteria are used. We are hopeful of obtaining a resolution so that we get his truck out of hock and have him back on the road. It is, however, a little bit more complex than that. A number of people have been affected indirectly by the RFA decisions. I might say that I find it quite difficult that, on the one hand, we are being accused by the conservation movement - the 700 people on the steps of Parliament House - of not doing anything in relation to preserving old-growth forest although we had set aside the 16 blocks that have been mentioned. On the other hand, we have been attacked by the other side of the argument and told that we are not working quickly enough and the impact on business and lack of confidence is great. It is a task for Government: The Government's job is to divide CALM's responsibilities and to restructure the industry. It is not an easy task, and I am sure that if others were sitting on this side, in my seat, or that of the Minister for the Environment, they would find that to be the case.

The member sought confirmation of some of the elements of the pricing structure for timber, and I can confirm that all components are the same as the current components. They are: The cost of growing, managing and protecting the forest; the cost of harvesting and delivering the timber, which for the new government trading enterprise will include corporate tax equivalents; and a profit component to the Government for the use of a community asset. The Forest Products Commission will be self-funded and the Department of Conservation will be reimbursed for any costs it incurs in growing, managing and protecting the forest. There are no conflicts with the current arrangements or contracts. Since CALM took over the integrated harvesting of forest products and the delivery to all of its customers, it has had an obligation to do this efficiently and at least cost. Those arrangements will continue. The difference with this Bill is that all the elements of pricing and revenues paid to the Conservation Commission are clearly laid out. Under existing regulations contracts are available to the public and I would expect that to continue under the Forest Products Commission. The Forest Products Commission's pricing policy is to be included in its strategic plan and also in its statement of corporate intent.

The member for Maylands also asked about the Forest Industry Federation (W.A.) Inc. timber promotion levy, and I can advise that this levy is not a government charge. In the past CALM has collected the levy on behalf of FIFWA since CALM has the commercial recording systems in place to track each tonne of logs delivered to sawmills from the state forests. The levy is collected on a per tonne or cubic metre basis and it will be a matter for the Forest Products Commission and FIFWA to see if they want to continue the service.

Dr Edwards: That is a voluntary levy, I assume?

Mr OMODEI: Yes it is. The member talked about royalty deferment and asked why royalties should be deferred. It is largely to assist businesses to even out the flow of their payments. At the moment the log supply is concentrated at this time of the year because the conditions in the forest are conducive to harvesting, particularly in the jarrah forest. In the middle of winter it becomes very difficult to harvest timber with the alluvial soils that exist in that part of the State. Currently over 60 percent of logs are delivered in summer months and are milled throughout the year. If one visits log landings at the moment one will see a lot of logs and they are irrigated, particularly the jarrah, in order to stop them from splitting. We have a deferral system that assists the sawmillers to have even cash flows throughout the year. That will be a matter for the Forest Products Commission to consider in its pricing policy.

Regarding incentives for value adding, the Government announced on 27 July 1999 and stated clearly the intention to have stringent requirements for value adding in future contracts. They will be based on sawn outcome of timber, 100 percent for premium grade logs, 70 percent for first grade logs and 50 percent for second-grade logs. There are further incentives in the form of the Forest Industry Structural Adjustment Package assistance, which was mentioned by members opposite and which will be considered in the allocation of future contracts. We want the timber resource that is harvested from our native forests to be value added to the fullest possible extent. The Forest Products Commission has a role in promoting and developing the forest products industry and also in promoting the sustainable use of indigenous forest products located on public land, while having regard for the provisions of relevant management plans. Those functions are outlined in subclause 10(1) of the Bill. Regarding the dividends that the member for Maylands talked about, she made reference to clause 30 of the Bill, but I am advised that most of those issues in relation to dividends and their determination are covered by clause 43. I think that should address the concerns the member had.

I have already mentioned the contribution made by the member for Cockburn, who out of all the members opposite has a greater knowledge than most, although I suspect that the member for Eyre would probably have a very good working knowledge of the forest industry. We are looking at a major restructure of the forest industries in Western Australia and I think it is incumbent on all members to travel to the south west and look at all aspects of this debate. A lot of people in this State, particularly members of Parliament, have had their first port of call at either the chip heap at Bunbury or the chip mill at Manjimup and a clear-fell coupe. If members think that a clear-fell coupe looks bad just after the process of being clear-felled, it looks even worse when it has been burnt in order to generate a seedbed. I have not heard of anybody who

goes to the butcher's shop via the abattoir. I can tell members that if they see a nice two-year-old animal or any primary produce that requires slaughter, they must realise that a clear-felled coupe is the slaughterhouse of the forest. One has to go to the next stage and come back two or five years later in order to see the regeneration. If one goes to Big Brook dam, which is one of the best tourist destinations in the State, one is in the middle of a regenerating forest that was clear-felled in 1930. One has to do these things in order to get the picture in one's own mind of where this industry is going. People should go to Deanmill to see where the timber is milled and then go down the road to the processing centre to see how it is dried and value added, and then go onto Jensen Jarrah, Clarecraft, Inglewood Products JAHROC or BRV to see what happens to the timber that is produced from native forests.

The timber that we see at the southern entrance of Parliament House comes from an old-growth jarrah forest. The timber we see in the foyer of the main entrance is timber from old-growth forest. Then when we say we are going to stop this we are not only going to be stopping industry that generates a lot of commercial activity in the south west, but we are also going to put to the sword a lot of families. It is very important that people here recognise that.

The member for Collie talked about fire, and I think we have that well and truly under control. It is obvious that fire has to be controlled under one bureau or business unit and there will be some overlapping as with the Water Corporation and the Water and Rivers Commission. Personnel from the Conservation Commission will be involved in fire control and fire control will stay under the control of the commission. People from the Forest Products Commission will be involved in fire control as well. That needs to be the ethos of our fire control in Western Australia. We have a very professional group that is well led and it should be allowed to continue and develop new methods. The fire bombers are one example of the effect that they have.

The division between the Forest Products Commission and the Department of Conservation is an important issue that we are going through logistically at the moment. I think the community is demanding a division between the two organisations. We will use the resources as best we can to try to make sure that division is clear, and at the same time make the best use of the resources we have by way of buildings, administration, and so on.

Dr Turnbull: When you say community, are you talking about the community of people who protest on the steps of Parliament House? I can assure you that down in our community they see the very great sense of having these people collocated. They do not have to be in the same office space but in the same compound or area where they pass each other. We all recognise that. Anyone who is in our area, whether they are deep green or brown, recognises that.

Mr OMODEI: I share that view very strongly, but if a door is the only separation between the Forest Products Commission and the Conservation Commission, the first accusation levelled at the Government will be that it is business as usual. We do not want that. The Government will establish a new Minister for Forest Products and a new Manager for Forest Products will be appointed. Wherever possible, we must make sure the division is there and satisfy the public's concern in relation to that division. The activities of many government departments overlap. The Department of Conservation and Land Management at the moment is the integrated body for management of forest products, wildlife and national parks, and it overlaps with Agriculture Western Australia and the Water and Rivers Commission. There is no reason that those government departments and personnel cannot interact. If necessary, there will be a memorandum of understanding in which those divisions will be made very clear.

The activities in Donnybrook and Preston demonstrate that where people consult over the logging issue and there is goodwill, there can be great success. That goes awry when there is a political agenda, and I think that is happening in Northcliffe at the moment, and probably at Easter block. I predict there will be many people at Easter block over the Easter period. People should not lose sight of the fact that this is a sustainable industry which is very important to Western Australia and particularly to the south west communities.

The member for Fremantle raised the issue of the membership of the Forest Products Commission, which I have already covered, and referred also to the interim forest advisory committee. The Minister for the Environment has clearly indicated that further amendments will come to the Parliament in relation to plantations. When the Government went through the logistics of splitting the organisation, it decided that the whole of the operation of plantations, from the plant propagation centre at Manjimup through to the silviculture and production, was best handled by one department. For example, in the maritime pine issue, it could be argued that part of that issue is a conservation measure and that the growing regime needs to be controlled by the people who will sell the product. Fertilisers, control of insects and the plantings per hectare must be controlled by one organisation. The amendment will come to the Parliament the week after next. Some complications have arisen because those amendments impact on other parts of this legislation and other legislation.

I refer to the comment by the member for Fremantle about the conflict of interest and having an Environmental Protection Authority representative on the commission. I cannot subscribe to that because that would be a conflict of interest, in that the EPA member would deliberate over the forest management plan and that would be inappropriate. The member for Nollamara raised issues in relation to members of the Forest Products Commission having expertise in the timber industry. It is important that the members of that commission have business acumen.

I thank members for their contribution to the debate and I look forward to a positive debate at the consideration in detail stage so that we achieve good legislation.

Question put and passed.

Bill read a second time.

PLANNING APPEALS BILL 1999

Cognate Debate

On motion by Mr Kierath (Minister for Planning), resolved -

> That leave be granted for the Planning Appeals Bill 1999 and the Planning Appeals (Transitional and Consequential Provisions) Bill 1999 to be debated cognately, and that the Planning Appeals Bill 1999 be considered the principal Bill.

Second Reading

Resumed from 24 June 1999.

MS MacTIERNAN (Armadale) [12.05 pm]: The Opposition accepts that there is a very pressing need to renovate the town planning appeals system, and we recognise the great need to rid ourselves of the ministerial appeals system in place in this State at this time. However, the Opposition has absolutely no intention whatsoever of supporting this legislation. Indeed, this legislation is not even worthy of amending, so deeply and profoundly is it flawed. I have been struggling to think how even the Minister for Planning could have come up with a package such as this, which has been universally condemned by the stakeholders in the industry. It has been condemned by the Western Australian Municipal Association, the developers and the Law Society. I thought not even Graham could get it this wrong but, after a few discussions today, I have worked out the game plan; that is, the minister wants it to be so bad that the Opposition will knock it off. He wants to be able to continue to peddle influence by way of ministerial appeals, and has no intention of getting rid of them. This is a smokescreen. It is legislation so profoundly off the pace that not even our deeply misguided friend, the Minister for Planning, could have ever thought it would have legs.

Today we are going through a charade. We are debating legislation that the Government has no intention of ever proceeding with. This is a way of allowing the Minister for Planning to say that he tried to get rid of ministerial appeals and could not get the legislation through the Parliament. Nice try, Minister for Planning, but it will not work because the public are not that gullible. They will realise that the legislation will be knocked off, if not in this place certainly in the other place, because it is fundamentally flawed. Instead of dealing with the problem of ministerial appeals, it takes all the worst elements of ministerial appeals and entrenches them across the entire system. Under this legislation, there is no alternative in the system, and no part of the system offers any accountability, transparency and adherence to the rules of natural justice. I will go through the background to this, and then get on to what is wrong with the system.

It is certainly true that the system is in urgent need of attention. Currently there is a dual system which offers the alternatives of appeals to the Town Planning Appeal Tribunal or the Minister for Planning. The number of appeals to the Minister for Planning has skyrocketed, and currently 95 per cent of all appeals go to the minister and only 5 per cent of appellants choose the tribunal. Ministerial appeals are favoured in part for some positive characteristics because they are cheaper, quicker and less intimidating. However, in other instances the decision to opt for a ministerial appeal is underpinned by an understanding that personal, or even political, considerations may be taken into account when the minister hears an appeal.

Much of the speed and the cost saving of a ministerial appeal is not an unmitigated good. Rather, it is a consequence of not adhering to the principles of natural justice - not considering precedent and not necessarily providing carefully argued reasons for decisions.

I will go into this notion of natural justice because it is often floated but not completely understood. Natural justice is that component of the rule of law that is designed to ensure that the parties have an opportunity to present their case and to respond to the case against them. Under our system of ministerial appeals, neither side has a right to know what has been said in opposition to their case, nor what other matters the minister may be taking into account. We have a situation in which each party does not know what is being said by the other side, so they do not have an opportunity to address that case. Clearly, on any analysis, the ministerial appeals system is contrary to the principle of natural justice, and that is well accepted across the industry. All the stakeholders I have spoken to have that as the centrepiece of their objection to the way in which ministerial appeals have been operating.

The concealed nature of the deliberations are also contrary to the notions of transparency and accountability, which are important building blocks in our democratic system. The lack of transparency in the process - that is, parties never knowing to whom the minister is speaking or what is being said - is exacerbated by the absence of any requirement for the minister to give reasons for his decision. We know this bloke has not been as bad as his predecessor in that regard. The previous minister would notoriously claim that his decisions to uphold an appeal were based on new evidence. He would then refuse to disclose the nature of that new evidence.

Transparency and accountability are important, particularly in this area of planning, because the outcomes inevitably affect third parties who are not privy to the appeal. Sometimes these decisions will affect whole communities; communities across the State have been affected by the upholding of appeals by ministers. They have been kept out of that process, have not been given the right to view the material presented to the minister and were given no opportunity to find out the reasons for these decisions, which have had a great effect on them. Much more must be done to ensure that the voices of these communities are heard in the planning process.

It is also true to say that, unfortunately, occasionally local authorities exploit the shortcomings of the system. I saw this

happening during my days on the Perth City Council. The councillors will publicly vote against a proposal to appease their consistency, but during discussions with a ministerial adviser - or the minister himself - will let it be known that there would be no difficulty overturning a decision on appeal. The minister will agree that that happens. Often councillors vote against a proposal expecting the proponents to win on appeal.

The failure to publish decisions and to take into account earlier decisions - this is rife with ministerial decisions - creates an inconsistency in outcomes that is contrary to good and fair administration. It also creates a climate in which allegations of political patronage can thrive. The often understandable view that the decision has been based on improper or personal consideration contributes to the public's growing cynicism and is extraordinarily damaging to our political institutions. While some ministers acquit themselves fairly and honestly, the system is not conducive to sound administration.

Having pointed out what is wrong with the ministerial system, it is also true to say that there are problems with the Town Planning Appeal Tribunal. The tribunal was directed to operate with minimal formality. However, in reality it has copied many of the Supreme Court's practices. These procedures have made it more intimidating, costly and time consuming than it need be. It is true that the system has been very adversarial. Les Stein, my erstwhile urban legal studies lecturer, put it well in one of his submissions when he said that the appointment of lawyers to the chair has led to their moulding the Town Planning Appeal Tribunal in the image and likeness of what they know best; that is, the Supreme Court. The tribunal has, in its over formality and over embracing of Supreme Court forms, contributed to the flight of work out of the tribunal and into the ministerial systems.

Even the Court Government must recognise, particularly after the scandalous conduct of the previous minister, that the public is no longer prepared to tolerate these ministerial appeals. I note that, while he was still a minister, Richard Lewis - first as caretaker and then as caretaker minister and not a member of Parliament - made 49 planning decisions which, because of his role, became contentious. The scenario uncovered grave deficiencies in the planning appeals process. It was that pressure that led the Government to go through this charade of pretending it was doing something about abolishing ministerial appeals. In September 1997, Minister Kierath told us the system was about to be changed. It limped on and on, and now - two and a half years later - we are about to debate this legislation. In the meantime, the ministerial appeals system has been alive and well.

I hope the minister is here because I will now refer to a number of the town planning appeals in which he is currently involved. I hope that he will be able to clarify some situations. As I said, although we were promised in September 1997 that the town planning appeals system would cease to exist, we have seen it kick on. In the meantime, a number of decisions have been controversial; in fact, these are matters of some considerable controversy as we speak. I refer the minister to the Nutri-Metics case, which involved a 78-square metre building. The minister overrode the council's discretion and substituted his own discretion. Of course, he claimed that he had no choice.

Mr Kierath: It is a pity you were not here during this morning's grievance debate when I outlined the situation.

Ms MacTIERNAN: I want to raise some specific issues. In his appeal decision, the minister interestingly suggested that there may be a series of high-rise development cells in Victoria Park. He did not confine himself simply to commenting on this site but went on to speculate about the possible future development of high-rise sites. We do not know with whom the minister consulted during this appeal process.

We would be interested to know whether he, or any of his staff, had discussions with the developer, particularly with other landowners in the area. One particular landowner springs to mind; that is, John Hughes of Skipper Mitsubishi, just over the Causeway, as the advertisements say. At the time this appeal was being considered by the minister, John Hughes had his lawyer actively arguing against the introduction of any height restrictions in the area. One day a couple of chaps in suits rocked up to a community meeting on the urban design study comprising councillors and community representatives. These people started participating in the discussion taking a very strong line against the introduction of height restrictions. They were cagey about how they came to be at the meeting and when asked, "Do you live in the area?" they replied, "No, we don't." When asked, "Do you work here?" they replied, "We work nearby." Finally, they conceded that they were lawyers acting for John Hughes of Skipper Mitsubishi. At the same time as the minister is deliberating on this appeal this well-known benefactor of the blue team is instructing his lawyers to go into council and community forums and argue strenuously against the introduction of height restrictions in the Victoria Park region. The Opposition thought that was curious. Is it not amazing that merely a month later the minister announced a decision that related not only to discussions about what should occur on the Nutri-Metics International (Australia) Pty Ltd site but also to the Government's considering a whole series of these high rise developments?

I want the Minister for Planning to tell us what discussions he had during those months and what discussions any of his planning appeals people had with John Hughes, any solicitor of John Hughes or any personnel associated with John Hughes. At the very least an apprehension of bias exists in the community. The community is concerned that these players have been able to influence the final decision that was made, which goes to the fundamental problem with these town planning appeals: We simply do not know the matters that have been taken into account in the decision. I am concerned that the minister is able to have discussions and arrive at a decision that favours his party's political patrons but massively disadvantages the rest of the community. Unfortunately, the minister, who is normally very full of interjections, has wandered away and engaged himself in discussion.

The next issue is similar. Another Liberal Party operative, or a person known to closely align himself with Liberal Party forces in the northern suburbs, Councillor Eion Martin of Stirling City Council, wanted to develop a retirement village on his land holdings in Gwelup at a density considerably higher than was allowed by the Stirling town planning scheme. The

community was outraged at the proposal. Difficulties occur when a councillor is also a developer and some jurisdictions prevent developers from serving as council members. However, the council knocked back the proposal. Shortly thereafter, Minister Kierath was a guest at the council chambers of Mr Martin, who wined and dined the Minister for Planning.

Mr Kierath: He would have to do a lot better than that.

Ms MacTIERNAN: Does the minister mean he would have to offer him a bit more than that?

Mr Kierath: You would know. I will tell you one thing, no allegation of that has been made by anybody while I have been a minister; that is one thing I can guarantee.

Ms MacTIERNAN: I am not suggesting that financial kickbacks are going to the Minister for Planning. We are talking about something a little more subtle than that.

Mr Kierath: If he offered one, I can guarantee he would be knocked back.

Ms MacTIERNAN: Two problems arise about the matter in that the minister was wined and dined by the councillor, which created an apprehension of bias. I am not saying that a free feed will persuade the Minister for Planning to reverse his position but it does indicate a closeness.

Mr Kierath: Were any Labor Party members at that dinner?

Ms MacTIERNAN: I am not sure.

Mr Kierath: There were. The councillors invite any guest they want to invite.

Ms MacTIERNAN: Who invited you?

Mr Kierath: Councillor Eion Martin.

Ms MacTIERNAN: We have an admission now that Councillor Eion Martin did invite the minister.

Mr Kierath: Absolutely.

Ms MacTIERNAN: Why did he invite you?

Mr Kierath: You would have to ask him that.

Ms MacTIERNAN: Come on! All of a sudden, out of the blue, the minister received an invitation. Did the minister know Mr Martin previously?

Mr Kierath: I have had a very good working relationship with the City of Stirling. In fact, under my stewardship as minister, the Government has had a very constructive working relationship and I have been there on numerous occasions for meals.

Ms MacTIERNAN: Did the minister know this particular Eion Martin?

Mr Kierath: I did ask why I was being invited. I was told he was in the construction industry and he wanted to introduce me to some guests in relation to reforms I made in the construction industry and industrial relations. I therefore went along on that basis.

Ms MacTIERNAN: Who was on the minister's table?

Mr Kierath: Someone from the Ministry of the Premier and Cabinet was on the table.

Ms MacTIERNAN: Were people from the construction industry on the table?

Mr Kierath: I cannot remember the guest list but I can check my notes and find out for you.

Ms MacTIERNAN: What sort of dinner was it?

Mr Kierath: It was one where all the councillors were able to invite guests.

Dr Hames: It is a standard dinner. I have been there a few times myself.

Ms MacTIERNAN: Who invited the Minister for Water Resources?

The ACTING SPEAKER (Mr Osborne): Order! I do not mind some interjections and some exchange between the member on her feet and the minister. However, if another minister becomes involved, especially if that minister is not in his seat, the debate will degenerate into a conversation.

Mr Kierath: Did you ever invite anybody for dinner when you were a member of the Perth City Council?

Ms MacTIERNAN: Absolutely.

Mr Kierath: Does that mean they were in your pocket and owed you favours?

Ms MacTIERNAN: No, I would invite friends and people who had helped me to secure a position on the council.

Mr Kierath: You used it for political purposes, did you?

Ms MacTIERNAN: Yes.

Mr Kierath: You used it for blatant political purposes.

Ms MacTIERNAN: I invited people who supported me.

Mr Kierath: You pork barrelled.

Ms MacTIERNAN: No, not at all.

Mr Kierath: You used your office for pork-barrelling.

Ms MacTIERNAN: Not at all. People who supported me were invited, which was a standard thing to do.

I am asking the minister why Eion Martin would invite him, of all people? Just a month before this dinner Mr Martin's application to rezone his property was knocked back by the council; then he invited to the council as his personal guest none other than the Minister for Planning. He could have invited a whole raft of people as dinner companions. He could have invited the Minister for Water Resources but he did not invite him that time; he chose to invite the Minister for Planning. The Minister for Planning at the time of the dinner was holding in his hot little hand the appeal from Mr Martin about his property.

Mr Kierath: I beg your pardon; I actually do not hold appeals in my hot little hand. I do not know who has appealed. If somebody approaches me over an issue, I have to ring the appeals committee to find out whether an appeal has been lodged. The only time I see the appeal is at the end of the process when the report has been printed.

Ms MacTIERNAN: The minister has answered questions -

Mr Kierath: I need to find out whether an appeal has been lodged, the appeals do not come to me.

Ms MacTIERNAN: Is the minister trying to tell me that he does not know that Mr Martin has appealed?

Mr Kierath: At that stage if it hadn't been before me and I do not think it had -

Ms MacTIERNAN: Does the minister know now?

Mr Kierath: I am sorry; I deal with about 800 a year and I find it hard to remember all the details. You tend to remember the details of the more controversial ones like Nutri-Metics but you simply don't with the more routine ones.

Ms MacTIERNAN: The Minister for Planning should not be disingenuous. Of course he knows; he answered a question in Parliament at the end of last year acknowledging that he had received the appeal.

Mr Kierath: If somebody asks me, my office will contact the Town Planning Appeals Committee and see whether an appeal has been lodged. They do it all the time. They ring up and ask if someone has lodged an appeal and are told "Yes, they have" or "No, they have not."

Ms MacTIERNAN: Did the Minister for Planning know Mr Eion Martin prior to his inviting the minister to dinner?

Mr Kierath: When he invited me I sought advice from someone who knew Eion Martin about why he wanted to invite me along to a function. The reason that person gave me was Eion Martin was involved in the construction industry and he wanted me as his dinner guest because of the changes in industrial relations.

The ACTING SPEAKER: (Mr Osborne): I am aware that this conversation is taking place with the agreement of both members but this is a debate and the proper format for this Chamber is the member on her feet will pose a series of questions and raise a series of issues and the minister will respond to them at the appropriate time.

Mr Kierath: Apologies.

Ms MacTIERNAN: I will move on but I would like the Minister for Planning to inform the House by interjection whether he had any involvement with Mr Hughes from Skippers in October and November and prior to his making the Nutri-Metics decision.

Mr Kierath: Not related to any issues associated with the Nutri-Metics site or any land he owns. I have met him socially. A long-term friend of mine works with Mr Hughes and I met Mr Hughes at his fortieth birthday party.

Ms MacTIERNAN: When was that?

Mr Kierath: I will find the dates but I met him socially at a fortieth birthday party, for crying out loud! Mr Hughes has been to see officers in my department about certain planning matters but I have not spoken to him about them.

Ms MacTIERNAN: Mr Hughes has been in to see officers of the minister's department about planning matters?

Mr Kierath: I believe so, but not on the Nutri-Metics site.

Ms MacTIERNAN: It would not be on the Nutri-Metics site; he does not own it. That is very interesting. We know that Mr Hughes was actively arguing against the introduction of any height restrictions in the region when the Nutri-Metics town

planning appeal was being considered. We know the Minister for Planning has had a range of contacts with Mr Hughes - some of a personal nature and some of a planning nature. Finally we have a decision by the minister to uphold the decision to have a 76-metre building in that area and, what is more, the minister envisages a number of cells of high-rise development. That would be music to the ears of Mr Hughes and his site at Skippers.

We have seen a similar instance with Mr Martin. Having lost his case, Mr Martin suddenly invited the Minister for Planning to dinner as his personal guest at the council and, lo and behold, his application is now before the minister. I tell the minister that not only must justice be done, but justice must be seen to be done. The minister must acknowledge that even if he was being completely honest and straight, these situations cause people to feel a great deal of suspicion about the system. There is no openness and there is no fetter on the matters the minister can consider.

Mr Barnett: I would have thought dinner at a council was a very open public place; this is trivial.

Ms MacTIERNAN: Yes, but does the Leader of the House believe that it is pure coincidence that one month Mr Martin's application is knocked back and the next month, of all the people he could invite, Mr Martin invites the Minister for Planning to dinner and then lodges his appeal with the minister. The Leader of the House can go out and talk to the people in the marginal seat of Innaloo and tell them that this is pure coincidence and that the dinner invitation had nothing to do with the minister's decision, but no-one will believe him. That is why I say the system must be changed. There is a great deal of cynicism in the community about the decency and propriety of our political system.

I will now look in a bit more detail at what will happen under the new system. This is not just my analysis of the problems of ministerial appeals - the minister's own appointee, Mr Rod Chapman, identified precisely these problems as being a reason to get rid of ministerial appeals. However, in this model the Minister for Planning has taken all the problems - the denial of natural justice, the lack of transparency, the abandonment of consistency and the potential for political and personal influence - and extended them to the whole system. We are getting rid of the Town Planning Appeal Tribunal - the one place where we could say we had transparency, accountability and natural justice albeit with a bit too much formality. We are getting rid of all those positives and putting in place a body which will replicate the way the minister does business. The new town planning appeals authority will continue to have the power to collect evidence from any source. It will be able to be at large and collect evidence from any source without any obligation to disclose to the parties to the appeal what information it has collected. It does not need to take past decisions into account and it is not required to give reasons for decisions. It is extraordinary that we would allow that to take place.

There is also an overriding concern that this body is not independent of the minister in any sense. I will go through some of the ways in which this body is not independent of the Minister for Planning. The minister wrote a letter to *The West Australian* when he was attacked over his call-in powers and said that under the proposed changes, all appeals would go before an independent appeals panel except for those appeals called in by the minister. However, it is notable that if the Bill becomes law, the minister will have the power to appoint, terminate and decide the salary of the appeal assessor who will investigate the appeals. It is very much like the appeals committee the minister has helping him. These people are not employed under the general provisions of the Public Sector Management Act; they appear to be appointed in the same way as the minister appoints his ministerial staff. They do not even have the independence of normal public servants. The Public Sector Management Act precludes a minister of the Crown from appointing people to the Public Service. However, the people on this panel will be appointed directly by the minister.

The members of the panel are not like judges, for example, who once having been appointed can be removed only by the Parliament. These are grace and favour appointments. Not only does the minister appoint them but, as I understand it, he can also remove them from office. The minister is entitled to have access to and retain copies of information on any of the files of the appeals. We have a situation where the panel is collecting material from any source and at any time the minister can go into those files and have a look at them. He can take copies and keep them for his own purposes. One would have to ask oneself what sort of independence is this. The appeals assessor can discuss the cases with the minister. The Bill expressly provides that the planning assessor may investigate an appeal by having discussions with witnesses and anyone else considered appropriate. Therefore, the minister is allowed to be one of the people to be consulted.

The Bill contains no requirement for these disclosures to be subject to public scrutiny because there is no requirement that the assessor's report must be made public. The minister can enjoy the power to issue verbal directions to the Town Planning Appeal Tribunal. He can also issue written directions but of course those must be laid on the Table of Parliament. He is entitled to issue those directions, which hardly makes for an independent body, but over and above that he can give verbal directions which do not have to be reported. Any suggestion that these parties are at all independent is completely removed by that analysis.

The next issue is the lack of transparency. As I have said before, the principle of natural justice is an important component of the rule of law. It means that people must know the case that is being heard against them and they must have the right to respond to that case. Again, this authority will be able to act in a completely cavalier fashion. There is no obligation to disclose to whom it has spoken as witnesses during its investigation and no capacity therefore for people to know the case mounted against them so that they can respond to it.

Extraordinarily, there is no obligation to give reasons for a decision. The Bill expressly says that the authority may, if it wishes, give reasons for a decision. It might well be a requirement to record and keep some sort of record of an appeal, but that record under the Bill may be as minimal as saying whether the appeal had been upheld or dismissed. That is completely unacceptable and fails to respond to the concerns that have been raised time and again about the lack of decisions given in ministerial appeals. It is particularly ironic because the Opposition in 1997 moved in this place a Bill

that would require a minister to give decisions on appeals that he made. The minister said that he supported the principle that the giving of decisions should be a mandatory requirement and that in his new model it would be dealt with.

Mr Kierath: It is.

Ms MacTIERNAN: Where is it dealt with?

Mr Kierath: I will give chapter and verse. I think the part the member is referring to is that the director may publish information on appeals. All letters are required to have decisions in them and be published. However, many decisions do not set precedents but some do. The wording in the Bill is to give the director the ability to go on and publish certain key decisions which set new precedents or direction. Between now and the time I reply I will find it and give the member chapter and verse.

Ms MacTIERNAN: It is important to understand that these planning decisions are of great interest not only to the parties to the appeal but also to the community at large. The general public must have the right to have access to the reasons for those decisions. Not only Nutri-Metics International (Australia) Pty Ltd has an interest in knowing the outcome of the appeal on the Nutri-Metics site. Not only Nutri-Metics but also the entire community should have the right to know the reasons for the decision. One of the reasons that publication is so important is that a body of reasons needs to be built up so that people can have some idea of the general direction of decision making. There needs to be some consistency in our planning laws. I do not understand, but perhaps the minister could explain why he is anticipating that some decisions need not be published.

Mr Kierath: They will all be published. All the decisions will be publicly available. The member understands the case of precedent. There may be certain cases that have faced up to an issue with which people have been grappling. If such a case sets a trend, we want not only to publish it to make sure it is available to anybody who wants it, but also to promote among the planning profession that a case has set a new precedent or direction. The powers relate to the promotional part and all decisions will be made publicly available.

Ms MacTIERNAN: That is not what the legislation says.

Mr Kierath: The member's interpretation might say that but I would say that it is there.

Ms MacTIERNAN: I will be intrigued to find the provisions to which the minister is referring. Certainly the ones I am looking at refer to the maintenance of a register. The Bill says only that the authority may list reasons for the decision. We will go into that in more detail, but as far as we can see there is no obligation to publish reasons for every decision. It is completely at the discretion of the director of the Planning Appeal Panel.

Mr Kierath: I have found the clause. Clause 23(6) on procedure states that each decision of the Planning Appeal Panel is required to be in writing and to include the planning reasons for the decision.

Ms MacTIERNAN: Not all of those will be published.

Mr Kierath: Each decision of the Planning Appeal Panel is required to be in writing and to include the planning reasons for the decision.

Ms MacTIERNAN: Yes, but it is not necessary to publish those, is it?

Mr Kierath: There is another part which I will find. First you were telling me they did not have to do that and I proved that they do.

The ACTING SPEAKER (Mr Osborne): Once again the nature of this second reading debate is a consideration in detail style of activity.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 5160.]

IRISH IN AUSTRALIA

Statement by Member for Perth

MS WARNOCK (Perth) [12.50 pm]: On the eve of St Patrick's Day it is appropriate to honour the Irish in Australia, from convict, poet and Fenian rebel, John Boyle O'Reilly, to justly celebrated engineer, C.Y. O'Connor. It is frequently claimed that around one-third of Australians have some Irish ancestry and that Western Australia is still the State which has the most Irish-born Australians. It is true, too, that whereas there are only five million people in Ireland, something like 70 million make up the Irish diaspora. Ireland, now a successful player in the new Europe, once had nothing to export except its people. Perhaps I should declare an interest. One of my grandfathers was born in Belfast and one of my great grandmothers came from County Meath. The Irish in Australia have been convicts, warriors, poets, rebels, adventurers, goldminers and fighters for justice. In present day Australia it is appropriate to celebrate an Irish Australian who is also known as a writer and freedom fighter in Ireland and America. John Boyle O'Reilly, whose life will be commemorated in a ceremony near Australind on Sunday, was a Fenian prisoner transported to the Swan River colony who escaped to America and became famous as a writer and antislavery campaigner. President Kennedy on his visit to Ireland in 1962 quoted O'Reilly in a

speech at Wexford saying, "He is not free who is free alone" - a reminder that we must continue the fight for others' freedom. I salute the Irish in Australia.

DAIRY INDUSTRY, DEREGULATION

Statement by Member for Vasse

MR MASTERS (Vasse) [12.51 pm]: As from 1 July this year, the dairy industry in Western Australia is certain to feel the full force of national competition policy and deregulation. I will advise members of some of the personal consequences that will be felt by dairy farming families in my electorate. The members of the first family are aged in their sixties. None of their children are interested in farming so the parents are looking to retire. They have decided that deregulation is providing them with an opportune time to exit the industry. However, their retirement income can be gained only from their two major assets - their farm and their milk quota holding. They wish to retire on the farm in order to remain physically and mentally active, renting out most of their land for a small income. However, the sale of their quota entitlement, which they had hoped would provide them with a superannuation lump sum equivalent, will not be possible because the quota system will stop after 1 July.

The second family has done its financial planning on the basis of a post-deregulation average milk price of 28¢ per litre. They will suffer a net loss of between $8 000 and $30 000 per year. Deregulation will force this family of five to restructure its finances and make a financially sound decision on whether to stay in the industry by expanding the size of the farm or to exit the industry completely.

The third family milks 139 cows, but believes it cannot economically survive at the lower deregulated milk price. The cows will be artificially inseminated so as to produce beef cattle, resulting in a 12 month total loss of income until the calves are born and then a diminished income for 12 months until the calves are ready for sale. As a responsible Government, we must not forget those people who will be unfairly or severely disadvantaged by dairy industry deregulation.

KALGOORLIE ELECTORATE, NEEDS

Statement by Member for Kalgoorlie

MS ANWYL (Kalgoorlie) [12.53 pm]: I am pleased to advise the House that today is the fourth anniversary of my election to this Parliament. However, not so pleasing is some of the effects that the Government has had on my electorate during that time. Finally we will have a year 11 and 12 seniors college after many years of lobbying by me. It was promised by the Government in 1993. Other positives include the establishment of a community legal centre, something on which I have been working for about eight years, and an improvement in some domestic violence services that are available. However, we have a gold royalty now, and we have a Government with an obstructive view on native title. A ward in the Kalgoorlie Regional Hospital has been closed for more than two years. An automotive workshop which provided courses for young male offenders has been closed down. A respite house, which previously provided for the needs of people with disabilities, has been closed down. Two youth centres have closed down during that time with the possibility of a third also closing. A police plane has been sold by the State Government for no good purpose. There has been a failure to address the issue of increased drug use and the danger to the public of large numbers of needles and syringes discarded by those users. There has been an increase in crime statistics. We now have two outlaw motorcycle groups which we did not have previously. We also have the unsolved presumed murder of a young woman who was last seen outside one of those motorcycle clubhouses. The needs of my community remain the key determining factor in the way in which I choose to spend my time. Many challenges confront my community, not the least of which has been the falling commodity prices. What is most absent is a keenness by this Government to assist mining industry workers.

MANDATORY SENTENCING LAWS

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.54 pm]: I place on the public record my strong support for the retention of Western Australia's so-called three strikes mandatory sentencing laws. They are radically different from those of the Northern Territory, but this point has been continually ignored in the debate associated with this issue. I have just finished reading the report of the Senate Legal and Constitutional References Committee following its inquiry into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999. I believe three aspects of the report are very telling and prejudice its veracity. The first is that the report does not contain an examination of the human rights of the innocent victims of home burglaries, particularly the elderly, the disabled, children and families. The second is that the report does not contain an examination of the views of the people of Western Australia, the clear majority of whom support mandatory sentencing. The third and most obvious aspect is that the committee's membership was dominated by ALP senators and was chaired by an ALP senator who claims to represent the interests of Western Australia in the States' House in our Federal Parliament.

At the end of the day one simple question must be answered: Should Western Australian sentencing laws be made by, first, the people of Western Australia via their duly elected state parliamentarians; secondly, the federal Parliament based in Canberra or; thirdly, the United Nations based in New York? Let us ignore the federal Labor Party's policy on this issue and leave the sentencing laws of Western Australia to the people of Western Australia, not to the looney left of the Labor Party and the United Nations.

LITTLE ATHLETICS, FUNDING

Statement by Member for Rockingham

MR McGOWAN (Rockingham) [12.55 pm]: I am very concerned about the current status and funding of athletics in Western Australia. It worries me that last year Athletica, the Western Australian athletics commission, received over $213 000 in government funding yet shared none of it with Little Athletics. It should also be concerning to anyone interested in athletics that the Minister for Sport and Recreation has stacked the Athletica organisation with close Liberal Party mates. The chairperson of the board is Mr Peter Bacich, a well-known Liberal Party figure and candidate. The chief executive officer is Chilla Porter, who is a well-known Liberal Party fundraiser. Furthermore, it appears that a great deal of the public funds received by Athletica are paid in wages, particularly to Mr Porter. His salary would be better spent in assisting Little Athletics. It is a fact that Mr Porter commenced in the position in August 1996 and the lease on the Athletica premises in Plaistowe Mews, West Perth was signed in November 1996. The Plaistowe Mews location in West Perth is physically adjacent to Mr Porter's business, Controlled Marketing. It is extremely worrying how much time Mr Porter is putting into athletics and how much he is putting into his business interests in the same location, particularly considering the high salary he is receiving from Athletica. The Minister for Sport should start thinking more about athletics and less about rorts for his Liberal Party mates and fundraisers.

Sitting suspended from 12.57 to 2.00 pm

QUESTIONS ON NOTICE

Statement by Speaker

THE SPEAKER (Mr Strickland): On 24 November 1999, the member for Midland asked the Speaker four questions on notice in which she sought information about specific complaints and investigations the Parliamentary Commissioner for Administrative Investigations may have received and may have been investigating. Answers have been provided today to the extent possible, and I draw to members' attention the limitations on providing answers in this area. Those questions were the first that can be recalled in which information concerning specific complaints and investigations has been sought. After discussions with the Ombudsman and the Clerk of the Legislative Assembly, the following background is provided for the benefit of members who may wish to ask similar questions in future and to assist the Ombudsman in responding to those questions.

The Parliamentary Commissioner Act 1971 imposes on the Ombudsman a number of specific requirements which are designed to maintain the confidentiality of all information given to or obtained by him in the course of an investigation. In particular, the following restrictions apply: Any disclosure of information that is made by the Ombudsman must be in accordance with the limitations on disclosure contained in the Act; the Ombudsman would contravene the provisions of the Act and commit an offence if disclosure of information occurred other than as authorised by the Act.

For relevant purposes, the Act requires the Ombudsman to not disclose any information obtained in the course of, or for the purposes of, an investigation except where the disclosure is for the purpose of an investigation and any report or recommendation to be made thereon; or when the Ombudsman considers that disclosure about the performance of his functions or an investigation is in the interests of a department or authority to which the Act applies, or of any person, or is otherwise in the public interest. In such a case, the Ombudsman must not disclose information if to do so is likely to interfere with the carrying out of any investigation or the making of a report. In addition, the Ombudsman must not disclose the identity of a complainant or matter that would enable a complainant to be identified unless it is fair and reasonable in all the circumstances to do so.

The Act is premised on the notion that complaints will be investigated in private. Strictly, even the complainant only has a right to be informed of certain information about the results of an investigation and it is otherwise in the Ombudsman's discretion about how much information is provided to the complainant on the progress of an investigation. It is apparent then that the Ombudsman has a discretion about what information can be disclosed, but that the discretion must be exercised in accordance with the restrictions imposed by the Act.

The Ombudsman will provide information in response to questions asked by members to the greatest extent possible, but consistent with the limitations referred to above. Each question will be considered in the light of its particular circumstances but, as a general rule, questions which ask whether a complaint has been received from a named individual are premised on an assertion that a complaint has been received from a named individual, or seek detailed information about the conduct of an investigation will not be answered.

The Ombudsman has asked me to inform members that he is happy to receive inquiries by letter or telephone from members on behalf of complainants about the progress of an investigation. Provided it is apparent that the member is seeking information on behalf of the complainant - who can, therefore, be taken to consent to the information being provided to the member - the Ombudsman will provide the member with essentially the same information that would be provided to the complainant direct.

The Ombudsman has also informed me that there should be no difficulty in answering parliamentary questions when the information sought concerns the general administrative operations of his office and does not relate to specific complaints or investigations.

[Questions without notice taken.]

TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA AMENDMENT BILL 1999

Returned

Bill returned from the Council without amendment.

ACTS AMENDMENT (FINES ENFORCEMENT) BILL 1999

Receipt and First Reading

Bill received from the Council, on motion by Mr Prince (Minister for Police), and read a first time.

Second Reading

MR PRINCE (Albany - Minister for Police) [2.45 pm]: I move -

That the Bill be now read a second time.

By way of background, members will be aware that a fundamental purpose of the Fines, Penalties and Infringement Notices Enforcement Act 1994 is to ensure greater certainty and more expeditious enforcement of fines. Since the introduction of that Act, some difficulty has been experienced in respect of the enforcement process, including the execution of fines enforcement warrants. In particular, the lack of flexibility of the fines enforcement process, involving rigid adherence to the legislation, at times inhibits fines enforcement.

The application of the Fines, Penalties and Infringement Notices Enforcement Act 1994 can therefore be problematic for particular persons or groups in that when the processes of the Act are applied, they result invariably in either the serving of a work and development order or imprisonment. However, this is often many months after the imposition of the original fine. This is a reasonably common problem and it is in the interests of all concerned that it be addressed. The carrying out of obviously futile enforcement action is a waste of time and money so far as government is concerned. This leads to the charging of further enforcement fees so far as the fine defaulter is concerned. It also increases the period of time between incurring the fine and enforcement, which is clearly an undesirable punishment practice.

One group that has complained in this regard is the communities in the Central and Western Deserts. They say that the delay in enforcing community imposed fines detracts from the effectiveness of the punishment, and they are concerned at the accrual of fines because of the increased difficulty of enforcement when there is a delay. Problems have been encountered there due to the dispersal and remoteness of the population, coupled with the fact that the majority of the population is tribal Aboriginal with minimal income and few or no assets upon which a fine enforcement warrant can be levied. Moreover, the itinerant nature of the population causes further delays in enforcement. In particular, the police have considerable difficulty in making contact with fine defaulters for the purpose of serving orders to attend work and development or execute warrants.

These amendments will address such problems and support local communities that want a punishment system that community members can connect to a particular offence. A system that operates months later is not regarded by them as satisfactory or one meeting their cultural needs. However, this Bill has much wider application to both urban and non-urban communities and to members of the public who have little chance of paying their fines.

The Bill seeks to allow for fines to be converted to a work and development order, either in court or by the Registrar of the Fines Enforcement Registry. This conversion will be in circumstances in which an offender has no capacity to pay and licence suspension is likely to be ineffective, and will ensure that the court's order will be dealt with in a timely manner and enforced while still fresh in the offender's mind.

The proposed amendments pertain to those persons who meet all the criteria set out in the Bill, including that of having no means to pay. There are other difficulties with people who have no means to satisfy fines while their vehicle or driver's licence is under suspension, and these will be addressed in later amendments. In the meantime, at the suggestion of the Auditor General, the Attorney General, Hon Peter Foss, has instituted a broader fines write-off policy, particularly relating to fines under the old system. This should also ensure the system is more up to date and effective.

The Fines, Penalties and Infringement Notices Enforcement Act 1994 is a reflection of the principle that the expeditious enforcement of court orders is a critical factor in maintaining an effective justice system. The amendments now before the House are sensitive and practical measures designed to achieve a more expeditious enforcement regime, to which targets groups can better relate. I commend the Bill to the House.

Debate adjourned, on motion by Dr Edwards.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL 1999

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Prince (Minister for Police), read a first time.

Second Reading

MR PRINCE (Albany - Minister for Police) [2.50 pm]: I move -

The Bill be now read a second time.

On 1 July 1996, the Guardianship and Administration Amendment Act was proclaimed. This Bill was designed to remedy some of the technical problems that were experienced in the first two and a half years of operation of the Act. At the time, the Attorney General informed the other place that the public advocate was in the process of preparing a broad community consultation process on more substantial proposals concerning changes to the legislation.

This Bill arises from that review process and addresses a range of issues which, in the consultation process, achieved broad community support from service-providing agencies and those representing the interests of adults with decision-making disabilities. Other complex matters canvassed in the community consultation process have been the subject of further stakeholder consultation. Recommendations emanating from this are currently being considered by the Guardianship and Administration Board and the public advocate.

Provisions of the Bill: The Bill seeks to make largely technical changes to the operation of the Act, though important changes are proposed in the areas of enduring powers of attorney and consent to medical treatment. I will now discuss the significant provisions of the Bill.

Enduring powers of attorney: Experience has shown the need to allow for appointment of alternative conditional donees for enduring powers of attorney. This has been supported by community demand. The reforms proposed by the Bill will mean that a donor will be able to nominate a substitute donee in the event that the first donee is unable to act; for example, a man could nominate his wife to act as sole donee and his son or daughter as substitute donee. Additional changes will validate all currently existing enduring powers of attorney that contain conditional alternative appointments. The changes will maximise the choices available for those who want to complete an enduring power of attorney and may reduce the number of applications for administration.

Consent for medical treatment: The proposed change to the way in which consent for medical treatment is given follows the mechanism which has been successfully used in New South Wales. The Bill proposes a hierarchy of persons responsible who would be able to provide consent without the need to apply to the board for the appointment of a guardian. This change provides for the widely accepted role that next of kin play in consent to medical treatment, while overcoming significant difficulties in the medical consent provision of the Act.

Despite these changes, all of the safeguards provided by the Act remain in place. Should the treatment be considered controversial, if the patient is refusing treatment or if there is conflict between the medical team and the "person responsible", application can be made for the appointment of a guardian.

Plenary guardians: Currently, the Act gives a plenary guardian similar authority to that of a person who has been vested with the responsibility for the long term care, welfare and development of a child under the Family Court Act 1997. It is proposed that four additional functions be specifically articulated in the Act. These are that a guardian could consent to education and training for a represented person; decide with whom a represented person is to associate; act as next friend; and act as guardian and litem in legal matters, excepting those matters relating to the estate of the represented person.

These additions will assist guardians to understand the scope of their authority if appointed in a plenary capacity. It will also allow the Guardianship and Administration Board to make limited rather than plenary orders, which is a major tenet of the Act.

Other matters: The Bill seeks to have donees of enduring powers of attorney inform the board if they become subject to bankruptcy provisions. The Act currently provides that administrators inform the board if they become bankrupt. There is not an explicit expectation that donees undertake similar steps. This provision is a safeguard for people with decision making disabilities who have donated an enduring power of attorney and emphasises the responsibility carried by a donee.

The Bill also proposes to include the principle of best interests as part of the considerations that must be undertaken by administrators in the performance of their functions. Similarly it is proposed that the board apply the principle of best interests when considering applications for revoking or varying an order. This change will bring consistency with application of the best interests principle currently in place when the board considers new applications.

Conclusion: The reforms proposed by the Bill will contribute significantly to ensuring that the interests of adults with decision-making disabilities are effectively represented. I commend the Bill to the House, and I present an explanatory memorandum.

Debate adjourned, on motion by Mr Cunningham.

PRISONERS (INTERNATIONAL TRANSFER) BILL 1999

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Prince (Minister for Police), read a first time.

Second Reading

MR PRINCE (Albany - Minister for Police) [2.55 pm]: I move -

> That the Bill be now read a second time.

This Bill will open the way for Western Australia to join a commonwealth-state scheme for the international transfer of prisoners. As a consequence of the enactment of the commonwealth International Transfer of Prisoners Act 1997, it is

necessary for Western Australia to enact "model" state legislation to give effect to the scheme. The Bill is relatively straightforward. It provides a framework to allow the commonwealth Act to operate in Western Australia and complements the commonwealth Act, which contains most of the core elements of the transfer scheme.

Background: In 1996 the Standing Committee of Attorneys General reached agreement on the legislative basis for the international transfer of prisoners. The international transfer of prisoners scheme provides for Australians imprisoned in foreign countries and for foreign nationals imprisoned in Australia to be returned to their home countries to complete the serving of their sentences. It also enables persons who have been convicted by international war crimes tribunals in relation to Rwanda and the former Yugoslavia to be transferred to Australia to serve their sentences.

The benefits of returning prisoners to their home jurisdictions have been recognised in Australia since 1983, when the interstate transfer of prisoners scheme took effect. Many hundreds of prisoners have since been transferred around Australia to benefit from serving their sentences in a location that will better promote their rehabilitation.

Outline of scheme: The international transfer of prisoners scheme was agreed to on the basis that -

> the Commonwealth will administer the scheme, provide an administrative structure for transfers, and regulate the status of prisoners who are transferred;
>
> States and Territories will pass legislation providing the necessary authority for the transfer of State or Territory offenders out of the jurisdiction and to permit the detention within their prisons of persons outside their jurisdiction;
>
> jurisdictions agree to accept prisoners on transfer to their prisons on the basis of demonstrated community ties;
>
> the Commonwealth will meet the costs of administering the scheme and the receiving State or Territory will meet the costs of transfer from overseas to Australia and of maintaining that person while in prison; and
>
> the scheme will apply to all offences without exception.

Although this Bill is modelled on the commonwealth legislation, it varies in several ways due to concerns Western Australia has with aspects of the commonwealth legislation. Specifically, while the commonwealth legislation allows for probationers and parolees to participate in the scheme, and allows prisoners with sentences of six months or more to be eligible for transfer, the Western Australian Bill does not follow with these approaches. Following consultation and endorsement by the federal Minister for Justice, the Bill adopts a policy of different consent criteria, being -

> not to allow probationers and parolees to participate in the scheme; and
>
> to allow only prisoners with two years or more of their sentences left to serve to be eligible to apply for international transfer.

Reflecting this, the threshold criteria for the state minister's consent will be provided for under the administrative arrangements which are being formulated under section 50 of the commonwealth Act. No-one will leave Western Australia, or be returned to Western Australia, to serve a sentence without the agreement of the Western Australian minister. Consent must also be obtained from the prisoner, the foreign Government and the Commonwealth Government.

Prisoners transferred to Western Australia are deemed by the commonwealth Act to be federal prisoners. This is for reasons of administrative convenience. The commonwealth Attorney-General determines the way in which the sentence of the foreign court is carried out in Australia. Before a prisoner can be transferred the Western Australian Government must agree with the determination of the commonwealth Attorney-General.

There are two methods of sentence enforcement in the commonwealth Act. One is continued enforcement, which means keeping as close as possible to the sentence of the foreign court. The other is converted enforcement, where a different sentence is substituted. It is expected that the continued enforcement method will usually be used in Australia; however, the method used in a particular case may depend on an agreement with a foreign country.

Tribunal prisoners: Apart from providing a framework for general transfer of prisoners, the commonwealth legislation also enables persons who have been convicted by certain international war crimes tribunals to be transferred to Australia to serve their sentences. Two international war crimes tribunals were established in 1993 and 1994 by the United Nations Security Council to deal with war crimes committed in Rwanda and the former Yugoslavia. Persons convicted by the tribunals are to serve their sentences in countries designated by the tribunals from a list of countries which have indicated to the security council their willingness to accept such prisoners. A number of countries have already agreed to accept tribunal prisoners, and Australia's acceptance is subject to the qualification that the prisoner has a connection with Australia.

Costing and financial implications: The costs to the State will include sending escort officers and returning prisoners - including airfares - and the costs of maintaining prisoners during the terms of sentences in Australia. The cost arrangements will be different for transfers of tribunal prisoners, since that responsibility arises from international relations and Australia's membership of the United Nations. The Commonwealth will be responsible for the costs associated with transfers arising from sentencing by the tribunals.

In relation to general prisoner transfers, there may be significant cost savings to the State if there is a net outflow of prisoners. However, it is difficult to predict the number of prisoners likely to be moved in and out of Western Australia once the scheme is operating and, of course, any financial savings will depend upon the number of transfers. Therefore,

the cost implications are unable to be precisely quantified at this stage, but will be examined as part of the agreed evaluation strategy. This will entail a review of the legislation, both commonwealth and state, after the scheme has been in place for 12 months, to determine the extent to which it has been utilised and to assess its resource implications.

Conclusion: The commonwealth and state legislation, taken together, will not be sufficient to enable prisoners to be transferred to and from Western Australia. Once all the participating States have passed legislation, the Commonwealth Government will negotiate transfer treaties with foreign countries. Administrative arrangements will also have to be entered into between the States and the Commonwealth, defining the relationship between, and the responsibilities of, the Commonwealth and States in administering the scheme. Once these treaties and administrative arrangements are in place, transfers will then be possible. I commend the Bill to the House.

Debate adjourned, on motion by Ms McHale.

CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 1999

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Prince (Minister for Police), read a first time.

Second Reading

MR PRINCE (Albany - Minister for Police) [3.02 pm]: I move -

> That the Bill be now read a second time.

The background to this Bill is that the commonwealth Child Support Act 1988 introduced a new system for the collection of maintenance. This legislation designated the commonwealth Commissioner of Taxation as the Child Support Registrar, and made the commissioner responsible for registering the enforcing maintenance orders and agreements. In 1990 the Western Australian Parliament passed the Child Support (Adoption of Laws) Act, which adopted the commonwealth legislation and some of the amendments made to the legislation controlling the scheme by the Commonwealth Parliament during the period since its enactment. Those amendments meant that the 1988 commonwealth Act applies in Western Australia of its own force in relation to children of a marriage; and the 1990 Western Australian legislation applies in relation to exnuptial children.

Further commonwealth amendments were adopted in 1994. At the time of introducing those 1994 amendments, the then Minister for the Arts, Hon Peter Foss, pointed out in the other place that, unlike other States, Western Australia is in the fortunate position of having its own Family Court. The Family Court of Western Australia is a state court which exercises both federal and state jurisdiction. One beneficial consequence of this situation is that the Family Court of Western Australia can exercise not only powers under the commonwealth Family Law Act 1975, but also powers and jurisdiction conferred by state legislation so that no jurisdictional disputes arise, for example, when exnuptial children are involved.

The then Minister for the Arts, Hon Peter Foss, also pointed out that as a result of those arrangements, Western Australia has not, like other States, referred its legislative power over family matters to the Commonwealth Parliament. Indeed, this approach was recognised and endorsed by this Parliament when it enacted its Child Support (Adoption of Laws) Act 1990.

The House would be aware that in the period since 1994, a number of amendments were not adopted because there was serious concern and severe criticism that the formula application did not give a fair result. However, with the most recent changes the unsatisfactory aspects of the legislation not previously adopted have been addressed. Just as was the case in 1990 and 1994, a number of important reasons now require adoption legislation to be enacted by this Parliament. However, the decision to proceed with legislation adopting the relevant commonwealth amendments to the child support scheme has been taken advisedly, and for the purpose of allowing Parliament to exercise its choice.

First, the existing Western Australian legislation - namely, the Child Support (Adoption of Laws) Act 1990 - already adopts commonwealth legislation concerning the child support scheme. Second, the commonwealth legislation provides that it applies only to exnuptial children in States which refer power over the maintenance of children to the Commonwealth or which adopt the commonwealth legislation. Third, the total package of reform effected by the Commonwealth since 1994 is substantial; therefore, not adopting the changes will lead to a situation of significant difference between exnuptial and nuptial children in relation to obtaining the benefits of the child support scheme.

Expressed simply, the Bill will adopt the commonwealth Child Support (Registration and Collection) Act 1988 as amended by a range of nominated commonwealth Acts, and will adopt the commonwealth Child Support (Assessment) Act 1989 as amended by a range of nominated commonwealth Acts. In each case, the amendments relate to the child support scheme as it exists at 1 July 1999. This is the date of commencement of operation of the most recent commonwealth amendments to those Acts.

Just as was the case in 1994, this Bill, and its adoption of the commonwealth Acts to which it relates, will apply to those commonwealth amendments only from the date of royal assent. Therefore, maintenance for exnuptial children in the period before the date of royal assent will proceed under the previous arrangement; that is, by using those aspects of the child support scheme which are already available as a result of the 1994 Western Australian legislation, but not those aspects covered by the commonwealth legislation which are to be adopted by this Bill. In other words, the Bill is not retrospective.

Structure of the Bill: The main change to come from the Bill will be to adopt the major reforms to the child support scheme

which were introduced in December 1998 by the Child Support Legislation Amendment Act 1998. This is a matter upon which I will shortly provide more detail. In addition to those changes, and for completeness, prior commonwealth amendments in the period since 1994 must also be adopted, as follows -

(i) Child Support Legislation Amendment Act 1995;

(ii) Social Security Legislation Amendment (Family Measures) Act 1995;

(iii) Taxation Laws Amendment Act (No. 3) 1995;

(iv) Family Law Reform (Consequential Amendments) Act 1995;

(v) Statute Law Revision Act 1996;

(vi) Child Support Legislation Amendment Act (No. 1) 1997;

(vii) Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997;

(viii) Income Tax (Consequential Amendments) Act 1997.

(ix) Audit (Transitional and Miscellaneous) Amendment Act 1997;

(x) Taxation Laws Amendment Act (No. 3) 1998;

(xi) Social Security Legislation Amendment (Parenting and Other Measures) Act 1997;

(xii) Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998.

Details of the December 1998 changes to the commonwealth legislation: In introducing the December 1998 reforms, it was pointed out in the second reading speech to the House of Representatives that the reform package underscores the fundamental principle that parents are primarily responsible for the financial support of their children; and that the Government, through these measures, will not intrude unnecessarily into people's lives, but rather the package will provide a safety net to ensure that children are adequately supported and that the community is not asked to carry an undue burden.

As earlier indicated, the main change to come from this Bill will be to adopt the major reforms to the child support scheme introduced in December 1998 by the Child Support Legislation Amendment Act 1998. Summary details of those changes follow.

The basic administrative formula, which uses each parent's taxable income as a starting point, has been modified by increasing the liable parent's exempted income, including an allowance for a shared care child, and reducing a carer's disregarded income. Other changes will mean that child support payable by a liable parent with a subsequent family will reduce the income used in calculating that person's entitlement to family allowance. Another significant change means that all liable parents will be expected to contribute to the support of their children, with the minimum amount of child support payable being $260 per annum. Clearly the introduction of a child support minimum amount will emphasise the primary responsibility of parents in caring for their children.

Incomes used in assessment: Under the new arrangements, child support assessments will no longer be based only on taxable income as assessed by the Commissioner of Taxation, but will take into account a number of supplementary amounts, which include net rental property losses, and from 2000, reportable fringe benefits will also be added to the supplementary amounts.

A further change means that the most recent taxable income will be used to assess child support in lieu of the current formula based on taxable income from two years earlier, as increased by an inflation factor.

The estimates process: Although clients can have their assessment changed by lodging an estimate of current year income, the process at times has been abused. Therefore, the recent changes include a number of provisions which allow the Child Support Agency to ensure that estimates are used appropriately and more accurately reflect income.

Care Arrangements: A number of changes have also been made to the way in which shared cases, and changes in care or custody, are administered. The most important of these is that changes in care will generally take effect from the date of notification, which should prevent significant overpayments to carer parents. Also, assessments are to be modified to take into account certain kinds of parents' agreements as to care arrangements, both factual and lawful daily care of a child. But for a drafting error in the commonwealth legislation, this change would also apply to a stepchild where a liable parent has a duty to maintain the stepchild. Although it is expected that the Commonwealth will legislate to address this, my advice is that adoption of the commonwealth legislation as it stands would be unlikely to cause difficulties for many clients - if any.

Change of Assessment Process: The recent changes reduce the complexity of the departure from assessment process, which parents can use if the basic formula does not fit their particular circumstances, clarify the rights of parents to exchange information, and clarify the circumstances under which hearings will be granted. Additionally, the registrar will have the right to initiate a departure when satisfied that a parent's financial circumstances are not accurately reflected in their child's support assessment.

Non-agency payments: Currently, even when both parents agree, there are only limited circumstances in which a liable

parent can make direct payment to the carer parent or a third party. Greater flexibility has been introduced, including provisions for carer parents to pay up to 25 per cent of their monthly liability in the form of certain prescribed payments to third parties, which may include payments for education and child care.

Parents' rights and responsibilities: Taken together, the various 1998 reforms act to clarify parents' rights and responsibilities as follows -

> either parent may apply for an administrative assessment of child support;
>
> the registrar may suspend payments of child support where the Family Court has been asked to make a decision;
>
> parents may move from Child Support Agency collection of child support to private collection by agreement at any time, and the registrar may require parents to move to private collection where satisfied that regular payments are likely to continue;
>
> a parent may elect to end their administrative assessment where the secretary to the Department of Social Security has granted an exemption;
>
> a child support assessment or agreement may continue until the end of the school year if a child turning 18 is a full-time student;
>
> information shown on an assessment notice in relation to children of a liable parent will be limited; and
>
> parents may object to all decisions of the registrar made in relation to administrative assessments.

The commonwealth Child Support Agency and the Family Court of Western Australia have been consulted about the matters the subject of this Bill, and both support the objectives of the Bill. This Bill has as its primary objective the alignment of relevant state legislation with that of the Commonwealth so as to ensure that exnuptial children in Western Australia obtain the benefits of the child support scheme in the same way as do nuptial children. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

PLANNING APPEALS BILL 1999

Second Reading - Cognate Debate

Resumed from an earlier stage of the sitting.

MS MacTIERNAN (Armadale) [3.13 pm]: I was explaining earlier why the Opposition believes this Bill does not deal with the problems of ministerial appeals, but extends them. It does not really get rid of a system that has all the problems of ministerial appeals and effectively extends the control of the minister to every appeal.

The Opposition accepts the basic proposition that it is proper for the minister to call in some matters for a decision. Some issues that have state, regional or other public importance would be more appropriately dealt with by a minister than by a group of bureaucrats or judicial officers. However, the Opposition is very concerned about the procedure proposed under this legislation. We have two major concerns. One is the knowledge by the public that the minister has done this.

When this became a matter of some notoriety, the minister claimed that his call-in powers would be dealt with in the full glare of publicity. The Bill provides that he is required to include in an annual report the fact that he has called in the appeal. The only way in which the public might learn about it is in an annual report, which may not be published for some 18 months after the appeal call in has occurred. Generally, annual reports are released approximately within six months after the end of the year, so it could be anything up to 18 months before the public learns about it. By that time, the matter would be well and truly over. We anticipated that, at the very least, the minister would have sought to offer a concession by requiring that his call in be laid on the Table of each House within 14 days of using the call-in power.

We note that the 14-day provision is required when he directs the director of the Planning Appeal Panel to do anything. Such a direction is required to be placed on the Table of both Houses of Parliament. For some reason or other, this exercise of the ultimate power is not subject to that provision. That is obviously completely unacceptable and is one of the reasons we cannot go along with this legislation.

Although that aspect could be changed by an amendment, the more fundamental problem is that on exercising the call-in power, the minister will not be subjecting himself to any accountability in the way he conducts the appeal. That is not something we can deal with by amendment because it is inherent in the whole structure of the Bill. As he is not requiring the Planning Appeal Panel to comply with the rules of natural justice and does not have those basic elements of transparency and accountability in the establishment of the appeals system, no mechanism as part of an amendment could impose those requirements on the minister in his exercise of those call-in powers.

In summary, the Opposition does not oppose the notion of a call-in power; we think it is proper. However, we oppose the secrecy in which this power will be exercised. We believe that the reporting requirement is a joke and does not amount to anything like the full glare of publicity about which the minister spoke. If an appeal is to be heard after a call-in, it should be subject to the laws of natural justice and the accountability and transparency to which we referred.

Both parties must have the right to know what case has been mounted against them. There must be complete openness

about the evidence and the right of parties to address all aspects of the evidence put forward by the other side or being considered by the assessors. There is no way of incorporating that into this scheme by way of amendment, which is the reason that we are opposing it and not simply seeking to amend it. It is too fundamentally flawed for it to be rectified by way of amendment.

The Bill proposes also that a person will have a right to legal representation only if granted leave by an assessor or the director of the appeals authority. No real justification has been given for this, and I suspect, as do many in the industry, that it arises from the minister's rather strange attitude to the legal profession generally. It may arise from the minister's less than stellar career as a law student. However, whatever may be the reason, the minister has sought in all his portfolio areas to remove the right of the legal profession to be actively involved. That really does border on the pathological.

The Law Society of Western Australia pointed out in its detailed submission that the provisions of this Bill are contrary to national competition policy in that they restrict competition -

> Affecting natural persons in conflict in appeals with corporations which may authorise to represent them, persons with planning or other expertise, including persons with legal expertise who are not legal practitioners, to represent them.

That is similar to the conciliation and review processes in the workers compensation system, where the Government has said that because no-one is entitled to have legal representation, it is a level playing field. However, this may be the first planning appeal that an ordinary punter has lodged, and he is likely to come up against an officer of an agency who has professional planning experience, who has gone through the gamut of these proceedings time and time again and who has gained a great deal of expertise in matters relating to planning law. It is ludicrous to suggest that this is in some way a level playing field, and, as has been pointed out by the Law Society, it is also in breach of the principles of national competition policy. It is curious that the minister has given little explanation of why he wants to do such a thing, and I am interested to know which of the stakeholders pushed for the removal of lawyers from this area. I have admitted that there are problems with the Town Planning Appeal Tribunal and that the eminent Perth lawyers who have chaired that body over time have tended to make that tribunal into a replica of the Supreme Court. However, there are other ways of dealing with that by revamping the tribunal and getting rid of some of that formality, which was never intended. Rather than do that, the minister has taken the rather bizarre view that having kicked lawyers out of the workers compensation system he will now also take them out of the town planning area, even though that is likely to create a great deal of unfairness for many people who do not have experience in town planning matters and have never conducted a town planning appeal. The minister does not seem to have the capacity to understand that. He will say to us, no doubt, that under those circumstances the assessor has the power to approve representation by a lawyer. That is not good enough. A person should have the right to be represented by a lawyer, and if there is a problem with the proceedings becoming lengthy or overly formal, that can be dealt with by setting up a better regime to guide the operations of the Town Planning Appeal Tribunal or whatever authority we may have.

The objections that I have raised are in no way minimal. They go to the very heart of this process. The absolute irony of all this is that the minister has taken all the worst features of a ministerial appeal and entrenched them into the system across-the-board. The minister might not want to listen to the Opposition, but he cannot ignore the fact that the Western Australian Municipal Association, the Law Society of Western Australia, the developers and the Urban Development Institute of Australia all say that this is not the right way to go. Some of the leading developers have formed a separate group and have urged us to heed the comments that have been made by WAMA and the Law Society because they have the same concerns. They do not want an appeals process that is dominated by the minister, that is not open and transparent, and that is not guided to some extent by precedent. In a nutshell, they do not want planning in this State to be at the discretion of people who are completely unaccountable, with decisions that are not published and that are made in a kangaroo court where people do not know and have no way of knowing what has been taken into account in determining the outcome.

We urge the Government not to proceed with the Bill, although I guess we will proceed to the second reading. I will be interested to know from the minister what is his feedback from industry and why it is that against all that opposition he still intends to go ahead with this legislation.

DR EDWARDS (Maylands) [3.28 pm]: I would like to think that the Planning Appeals Bill came about because the Government had listened to the Commission on Government recommendations with regard to town planning appeals, but unfortunately I think this Bill had its genesis in the publicity that occurred in January and February of 1997, when it was slowly revealed to the public that the former Minister for Planning, Mr Richard Lewis, had made a total of 47 planning appeal decisions after Parliament had been prorogued and after he had ceased being a member of Parliament but was still Minister for Planning. That raises two serious concerns: The first is the hidden power in the Constitution that allows a minister to act and make decisions after the Parliament has been prorogued, and particularly after an election has been held, because in this case there was a gap from 14 December until early in January, during which time that minister was no longer an elected member of Parliament because a new member had been elected to his reconstituted seat. There is a real issue that he could still be the Minister for Planning and make these decisions. It caused a lot of controversy in the community and focused attention on the system of planning appeals that we have here and it brought home the fact that we are the only State in Australia that has a dual system. We are the only State where someone who is not happy with a planning decision on certain grounds can appeal to either the minister or the Town Planning Appeal Tribunal. We on this side of the House are concerned, like the Commission on Government was concerned, at the lack of accountability that can flow through with this ministerial planning appeal system.

To go back to what Minister Richard Lewis did, in the eight weeks between 14 November 1996 and the swearing-in of the new Cabinet on 9 January 1997 he made 47 planning decisions. He overruled 29 local government and WA Planning Commission decisions in full or in part, and he dismissed appeals in 18 cases. It is interesting to reflect that he did that even up until the day before the new minister was appointed. I want to go through some of these cases to highlight the concerns and also to show the controversy that surrounds town planning decisions and their appeals and to highlight our concern that having the minister still in the position was a problem.

I want to refer firstly to the decision about the Royal Medical Centre in Yokine. The Royal Medical Centre is now up and running because the then Minister for Planning in late 1996 overturned the decision by the City of Stirling which was opposed to the new medical centre. There are two issues with this: One is not a planning matter and therefore was not considered, but it did have the community concerned and that was the mushrooming of these big medical centres. At the time this decision was made, I and the member for Yokine, now the Minister for Water Resources and other portfolios, were contacted by doctors who were particularly concerned with these actions. In one instance a doctor who had been in a solo practice for many years, and whom I knew for many years as we were in the same year at medical school, was particularly alarmed about the situation. That is not a planning matter so I will leave that aside. There were, however, legitimate planning reasons to be worried about the clinic. It was going to increase the traffic and certainly increase noise and there was little community support for it. The local member wrote to the minister, drawing to his attention these concerns. The member then wrote to the local residents apologising for the decision and the way the decision had been made by the Minister for Planning.

There was also the issue of the $10m bond that the Shire of Murray put on Rhone-Poulenc. Members will remember that Rhone-Poulenc is a large French multinational company that wanted to process monazite near Pinjarra. This was a very controversial issue as it raised the spectre of radioactivity and the issue of trucking movements. People were concerned about local amenity and the value of their land. The issue on which there was an appeal to the minister was that the Shire of Murray put a $10m bond on the company to ensure that the site was closed when the project finished. I think that, from the point of view of the Shire of Murray, that was a very reasonable request and a very reasonable attachment that it had put on its own local government decisions. It did not so much want to stop the development but it wanted an assurance that at the end of the day the shire and its ratepayers would not be left with a huge mess. The project has not proceeded because it is not economically viable. I think that it highlights the thought behind the Shire of Murray's decision. Mr Lewis scrapped the council's demand on 3 January 1997, only six days before he was due to finish as the caretaker minister. One of the issues that comes through in the former minister's decisions is the fact that he could have left a lot of them a few days longer and allowed the new minister to make the decisions. The problem with having a caretaker minister is that he is not accountable. To whom is he accountable when for half of that period of time he is no longer even an elected member of Parliament? I urge the Government and the Minister for Planning, given that it was a planning matter, to also look at this type of constitutional issue and to make sure that in the future we get the openness and accountability that the community desires.

I want to refer to a decision that was made on the day before the previous minister made his exit. On 8 January 1997 Mr Lewis wrote to the Perth City Council regarding a multimillion dollar development at Kings Park. So, on the day before the current minister stepped into the role as the State's Minister for Planning, the then minister upheld an appeal. Why could he not have waited? There appears to have been no urgency with the matter. Ultimately, the City of Perth would probably have approved the development but it wanted to make sure that certain conditions were in place. It wanted more time to negotiate what it wanted from the deal. This is just one in a whole host of decisions that were made. The Commission on Government was set up by the Court Government to try to improve accountability in government decision-making processes and to look at the system as a whole and make the whole process much more open, transparent and accountable. As part of its deliberations the commission looked at planning appeals, and that is something one would expect when looking at the broad-ranging system. The Commission on Government said that the current system of appeals to the minister left open the possibility of political patronage and that it could not be seen to be independent. Unfortunately, that is a cry we have heard many times and indeed, to some extent, we still hear that today. When all this came to light in January and February 1997, the Opposition called for a full inquiry into what had gone on. That was not heeded by the minister. Indeed, the minister initially refused to release information about the appeals and it was only after there had been a lot of publicity, a saga that went on for a number of weeks, with people coming out of the woodwork all over the place saying that their appeal had been decided in December or January before the new minister was appointed, that the minister changed his views.

Credit must be given to the minister as he has made information more readily accessible and available than it has been in the past. The system is still not perfect and the Bill we have before us today is by no means perfect either. In this State we have a dual system - the Town Planning Appeal Tribunal and the ministerial planning appeals process. There is no doubt that in the past the Town Planning Appeal Tribunal has been overly legalistic, extremely expensive and has taken too long. As the member for Armadale said, at times it has set itself up to be a bit of an alternative court. Credit also must be given to the tribunal that in recent years it has moved towards mediation, and indeed, has had some success in that it has been able to resolve some of the cases through mediation. We need to place a lot of emphasis on mediation. We need to make sure that where situations can be sorted out between the parties involved, it happens. The current minister has made improvements to the ministerial appeals process and has taken steps, I believe, to make it more accountable and transparent. Nevertheless, we still hear complaints from aggrieved parties and I accept that we will always hear complaints. Some of the complaints are about the processes, about who the assessor spoke to, what was said, and about the information that formed the basis of the decision. We are not confident that this really improves the situation as the minister is so closely involved.

Although thousands of planning decisions are made each year, approximately 1 000 still end up as an appeal, mostly to the minister with a smaller number to the tribunal. We also must look at the quality of the decisions to see whether anything can be done so that we do not get appeals just because someone has made a decision. It is more likely that local government will have made what might be nicely called a more opportunistic local decision. Therefore, I would be interested to hear of anything the minister has in mind to improve those decision-making processes so that there is more communication at that level and the need for appeals is reduced. I accept that the appeal rate in terms of the overall number of decisions is very low. Nevertheless, as a local member of Parliament, over the years I have seen a number of decisions when I have thought that the decision-making people should have made a slightly different decision because commonsense dictated that the decision they made was not the fairest one that could have been made.

I remember vividly one case with which I dealt. A family wanted to subdivide its block of land. The family lived on a corner. It was a very large block with no traffic problems. There was nothing startling about the situation. I am no planner, but on all the advice I read, it seemed that there was no amazing planning aspect that prevented the decision. It went to appeal, and in that case the minister ruled in favour of the constituents. Therefore, it highlights the effectiveness of the ministerial system, which is quicker, cheaper and does not involve legal representation, with people being required to engage lawyers. In fairness, it should be said that many people vote with their feet and go to the minister because it is an effective system. However, as was exemplified during the time of the former Minister for Planning, we know that the system is not always open, transparent and accountable to the extent that the community demands.

The Opposition believes that there should be a change in the way ministerial appeals are undertaken. However, we are much more inclined towards a model of trying to improve and build on the work of a tribunal-type system rather than continuing to have the minister so involved. I echo the concerns of the member for Armadale that in many ways this legislation seems to have picked out some of the less good bits of both systems and put them together in a new system. I am concerned with the call-in power, particularly the section that states that the minister has the power to call in appeals which have a state, regional or other public significance. "Other public significance" should be carefully defined. The member for Armadale has outlined the Opposition's concerns and position on this matter. I look forward to the consideration in detail stage to have some of these questions answered in more detail.

MR KOBELKE (Nollamara) [3.42 pm]: In this cognate debate we are dealing with two Bills that restructure the planning appeals system in this State. I will first make a few comments on the existing appeals system, then ministerial appeals, and the changes which are mooted by this legislation. As the previous speaker, the member for Maylands, has indicated, there are certainly some attractive aspects of the ministerial appeals system. In Western Australia, people who feel that they are aggrieved by a planning decision at local government level can use either of two mechanisms to try to have a decision that has been made by a local government authority overturned or varied. To appeal to the Town Planning Appeal Tribunal involves a much more legalistic approach. The minister may correct me, but I think we have seen of the order of 15 to 30 appeals a year to that tribunal. If it is legalistic and therefore expensive, it can take time to obtain a judgment. The tribunal tends to act on precedent and on the legal technicalities of the appeal. Therefore, it is not surprising that something like 700 appeals a year are made to the Minister for Planning. Such appeals are much cheaper, involving just the application fee and perhaps some consultants' advice to prepare the appeal. However, people can do that themselves, and therefore the whole system can be very cheap. It is relatively quick, because if the appeal can be made through the system to the minister, one can have an answer from the minister in a relatively short time. Therefore, it is cheaper, less legalistic and often quicker. The Opposition obviously commends that.

For some years I have been a strong supporter of maintaining a system of planning appeals to the minister of the day. However, I acknowledge that that view has changed over the past few years. Western Australia is one of the few States, if not the only State, that still has such an open system of appeals to the minister. In other States, due to allegations or proof of corruption, the whole system has been moved to a semi-judicial level, and appeals follow along lines similar to the Town Planning Appeal Tribunal rather than appeals to the minister. The reason my views on this matter have changed is the way in which ministers over the past seven years have made decisions on planning appeals to them. The problem is that large amounts of money and commercial advantage are involved in planning matters, particularly when a person can gain an advantage by getting approval for a land use which does not fully conform with or is totally outside existing planning requirements. That can be a way of giving a person a commercial advantage in reaching a particular market. It can create a huge windfall profit for the owner of land, because by getting a rezoning the value of the land is increased many times.

Therefore, there is real incentive for people to get around the planning constraints of a local government authority and to get through the appeals process a change in the use of land. When people go to the minister and it seems that they are close to the minister or that they are people from whom he may gain some advantage by assisting them in making a decision that can hand millions of dollars of profit to a particular developer, people will obviously jump to the conclusion or make the assertion that a level of corruption is involved. It is of concern that people do not have confidence in our planning appeals system and that they feel that if a person is a mate of the Government of the time, that person can get an advantage and will not necessarily be treated the same as everyone else. Those allegations were made when Labor was in government, and they have been made while the current Government has been in power. There will always be people who feel aggrieved in one way or another, and they will see in the decision-making process something that is improper or even corrupt. What we have seen in the past few years has undermined the integrity and credibility of the appeals system to the minister.

I will give some examples of what has happened - not in the time of the current minister. In the time when Hon Richard Lewis was Minister for Planning, I was the opposition spokesperson for Planning, therefore I took a close interest in these matters. A number of scandalous planning appeal decisions were made which have brought the whole system into

contempt. That contempt for the system has been one of the big motivating forces in the current minister bringing forward a revamped scheme to try to improve the system, not only for its own sake but also, as I suggest, because there was such an aura of problems surrounding the planning appeals to the minister in previous decisions.

In the times of Minister Lewis, there were occasions when he refused to give reasons for his decisions. I understand - and certainly would commend the minister if it is the case - that all the decisions of the current minister, with reasons, are available. That being the case, I commend the minister. However, in the days of his predecessor, the minister refused in some instances to give reasons for decisions. In other cases when I used freedom of information legislation to try to get the background papers and the details relating to a decision by the minister on a planning appeal, I found that I was delayed at every turn, and the minister tried to prevent those documents being made public. It even went to the extent of an appeal going on for many months beyond what the Act allows. When I finally received a determination by the Information Commissioner that the documents must be released, the minister took me to the Supreme Court. I was put to the cost of engaging lawyers and putting down a deposit with a law firm to try to fight that action and uphold the decision of the Information Commissioner.

Under the Freedom of Information Act the Information Commissioner makes a decision to release documents but does not attend court to defend that decision. It is the applicant who seeks the documents and who must take on the legal power and resources of the State and the Minister for Planning in order to uphold the decision of the FOI commissioner. I did that and did not end up with my day in court. The matter of recovering my costs from the Government is still outstanding. After some months, the minister conceded that he was not going to win and provided me with the documents. That concession was based on another planning refusal by the minister with which I was unconcerned. The people aggrieved in that case had taken action in the Supreme Court a month or so previously and the court upheld the Information Commissioner's decision requiring all documents to be released. As the documents in that case were similar to the documents I was seeking, there was obviously not going to be much of a fight in my case being heard in the Supreme Court. Therefore, I received the documents many months later with the minister of the day using every possible opportunity to try to prevent me gaining access to those documents.

The minister said, in answering a member earlier, that currently we have an above-board system. I will make some comments on how the system works so that one can see that it is open to all kinds of influence. Having undertaken freedom of information applications for a small number of planning appeals, I had the opportunity to read all the paperwork involved in those appeals. In some cases that involved me making an FOI application to the local government authority. I therefore received all the documents on the local government authority planning matter and most, if not all, of the documents that related to the planning appeals committee of the minister and was able to get a good view of all the facts relevant to the issue on which there was an appeal to the minister. I read with great interest the appeal report which was prepared by an officer to the minister. When a planning appeal is made to the minister, the final decision is made by the minister. The minister is not legally bound to give reasons for that decision although, as I said, we appreciate that the current minister does give reasons. The minister is not bound by any principles in law in respect of planning and can make the decision without having to abide by any planning principles; the minister has carte blanche. The minister can make a decision as he or she thinks fit in respect of the planning appeal. Those far-reaching powers can be used to make good decisions but potentially can be used also to make bad decisions.

The minister then refers the appeal to the committee and an officer with expertise and standing - often a consultant, if not in all cases - will prepare a report. In most cases he will talk to the local government authority, although I became aware of some appeals in the time of Minister Lewis when the officer preparing the report did not visit the council but simply visited the proponent making the appeal and then reported to the minister. How biased is that? The council made a decision and the report to the minister was prepared without any consultation with the council. That is improper. I am not saying that it is standard practice but I am aware of some cases in which that has occurred.

The report to the minister recognises that it is the minister of the day who will make the decision. The officers, in preparing their reports, may use their personal views of the form the report should take. However, on the limited number of reports I have seen, I can say that as professional officers, they try to take a reasonably even-handed approach. They try to look at what is being proposed by the applicant, why the application had been rejected by the local authority and the interests that the local authority may have been seeking to look after. Those officers write a report in a way which covers the whole range of issues involved and, judging by the ones I have read, are usually well written and try to set out in a reasoned way all the issues and arguments which impinge on the minister's decision.

However, the writer of the report is still aware that it is the minister's decision. In one instance it was my clear judgment that the application was an open and shut case. The decision made by the council was supported overwhelmingly by the evidence and, after visiting the proponent, the officer could not put forward any strong arguments against him in his report. The report, in trying to be even-handed, gave both cases equal weight. It may be that I misjudged it because, as I said, it was my judgment; the officer may have believed that, to be totally fair, both cases must be put very strongly; or the person writing the report may have had a view that the minister was of a mind to support the applicant in overturning the council and therefore put as much argument as possible to leave it open to the minister to make that decision. It is difficult looking at it from the outside, if one has not read through all the details, to see how those reports are put together.

In another report the advice to the minister clearly was to not overturn the decision of the council. The report was worded carefully to say that if the minister was of a mind to uphold the appeal and overturn the decision of the council, those arguments could be used. There is nothing improper about that. However, it gives an insight into how the process is working. The officer writing the report is very much aware that it is the minister's decision and not the decision of the

professional person writing the report. That person's continued employment as a consultant may depend on the minister's being happy with his work, and if the general belief is that the minister, or his delegate, is of an inclination to support the appeal, why would the applicant not ensure that the argument is put as strongly as possible? I therefore have concerns about the manner in which some decisions are made and will give an example.

I considered closely the decision by Minister Lewis to allow BGC (Australia) Pty Ltd to build a concrete batching plant at Neerabup in the northern suburbs. At first the minister refused access to all documents and gave less than adequate reasons for it. However, it came down to the fact that Mr Buckeridge had been seeking for some time to build a concrete batching plant in the middle of the urban front in our northern suburbs where a large number of residences were being constructed with a high demand for concrete. Nearby in Flynn Drive was an industrial area which had two concrete batching plants. The council indicated to Mr Buckeridge that that was the only area available for concrete batching plants. However, Mr Buckeridge could see a commercial advantage in being four kilometres closer to where all the housing construction was occurring. There was some bushland there, which has now been declared national park, close to the proposed freeway and a short distance from existing houses and houses being built. It was clear from the arguments in the case that there was a commercial advantage to Mr Buckeridge in relocating to Neerabup and not four kilometres away in Flynn Drive. The minister later said that that was the reason for his decision. If there were no other concrete plants in the area, and it was not a matter of providing a commercial advantage to one operator over the others, the minister may be on strong ground in saying that giving Mr Buckeridge a commercial advantage would mean his houses would be cheaper which is good for everyone.

The minister's argument ran across the issue of trying to treat companies even-handedly. The two existing companies which competed with Mr Buckeridge in the concrete business had been told to go four kilometres away and had already set up their plants. Therefore, a commercial advantage was provided by the minister to one person against the existing reputable companies operating in the area. Members opposite can take issue if they like, and we could go chapter and verse through the papers. The minister made the improper decision, and he did not want any information to come out on what was happening. As a result, and in view of other cases I will not go into, the current appeals system to the minister lacks the integrity needed for a wide appeals system. Therefore, it should be done away with.

Our concern with the minister's proposals is that they give even greater powers to the minister. I have a fundamental concern that if we are to require local government to carry out a planning role to make decisions in planning with powers vested in local government by the State Government, one cannot have a minister totally overriding that role. This applies in the general planning area in putting in place and reviewing town planning schemes, but particularly with planning appeals. The minister of the day will have call-in powers under the legislation and the ability to say, "The council made a bad decision. Put it up to me and I will override the council." We would then undermine the delegation of planning powers to local government, which is very much opposed to the minister's proposals. I am not sure of all the reasons for local government's objection, but I suspect it is because it further undermines the planning role local government plays. Also, people will be unsure whether the minister or the local authority is the decision maker, and doubt about the different roles at different levels of government creates an ineffective and inefficient planning system. Planning appeals are always needed, but to provide that power to the minister strikes at the root of the delegation of planning powers to local government.

The minister has said on more than one occasion that the local authorities like the system as it gets them off the hook. He is correct in one or two cases. To my knowledge, the number of such cases is extremely small, although the minister might recount a few cases to prove me wrong: A council knows that A is the right decision, but is locally unpopular; therefore, decision B is made, and people are told to appeal in the knowledge that the minister will make decision A. That is wrong in the small number of cases it occurs. If one did not have the recourse to the minister, councils would have to accept responsibility and stand by their decisions. They would have no opportunity to play silly games and pass a resolution in one form knowing something else was the best decision, and then leave it to the minister to fix. That process undermines the role of local government in planning in this State. Although the minister has used the argument to support the view that planning appeals to the minister are important, looking at it more closely, it encourages that undermining behaviour. Therefore, planning appeals to the minister should be removed from the system.

Under this Bill the minister will be able to call up appeals as he or she sees fit, which will increase the power of the minister. That should not be the case under a system which seeks to delegate a fair degree of planning power to local government. If one does not believe in giving power to local government, one should centralise that power. The Brisbane City Council controls all planning in that area. Rather than having two levels, with appeals moving backwards and forwards, all planning should be put at one level. I do not suggest giving it all to local government, as one would then have no statewide strategic planning. If one cannot trust local government, one should lay down the parameters and principles under which they are to work in the planning area. The result would be to take all power back to the State Government. Let us not play ducks and drakes: "I will give the power to you, but I will override you as I do not like what you're doing." That is not the way to go. Local government plays an important role in upholding the planning principles of this State; therefore, let it get on with the job. When a mistake is made, we should have a proper planning appeals process which is open, accountable and not for the minister to determine. That may mean a degree of cost; however, we can look at the administrative appeals structure to ensure costs are kept to a minimum. People can then get on with their planning decisions without going to the minister on a range of minor issues, in which case too much room is left for the minister's decision to be misunderstood or, in other cases, the minister makes bad decisions for which he is not accountable.

MR McGOWAN (Rockingham) [4.07 pm]: I back up the comments of my colleagues the members for Maylands,

Nollamara and Armadale on this Bill, which has caused a great deal of consternation throughout local government in Western Australia. This Bill will result in a diminution in the responsibilities, powers and prerogatives of local authorities throughout this State. It is part of a worrying trend in the treatment of local government by this State Government, which in its seven years in office has dropped the ball regarding local government, which is very unhappy in many areas, including legislation, in its dealings with the Government.

Mr Omodei: Get it straight! That is not right at all! If you talk to local government, you will find they're happy with the Government in relation to dealings with local government.

Mr McGOWAN: They are unhappy. Has the minister spoken to them about this Bill? They are very unhappy with it. Why does the minister not stick up for local government in Parliament? He worries about one thing only - forests.

This Bill is part of a list of matters causing concern over the past few months. We had the Culture, Libraries and the Arts Bill controversy, and fortunately the new more reasonable minister has listened to concerns on that issue. The heritage Bill caused enormous concern to local government throughout the State. Fortunately, a reasonable shadow minister convinced the minister that the legislation was not in the interests of local government. These authorities have been very dissatisfied in the area of prostitution law and the lack of any real legislative solution. The fire services levy upset local government immensely, and the smoking laws put another underfunded mandate onto local government about which authorities were very unhappy.

Mr Omodei: What would you have done?

Mr McGOWAN: I will deal with the minister in a while. I dealt with him yesterday, and I will do so again later. The minister keeps putting his maiden speech on my chair, and I do not know why. I remind the minister that I do not want to read his maiden speech. I read a little part of it stating that we had to retain quotas for the milk industry, yet the Government's proposal is complete deregulation.

Mr Omodei: Look at the new regulations. What would you do?

Mr McGOWAN: The Labor Party has a good policy. The Minister for Local Government should remain quiet.

Mr Omodei: You tell the truth and I will sit quietly.

Mr McGOWAN: It is better for the minister to remain quiet and to be thought a fool, than to open his mouth and remove all doubt. I have a letter with me which was written to the Minister for Planning by the Western Australian Municipal Association setting out the views of local government about this Bill. This letter confirms the view of the Opposition that local government in this State is not happy with these laws, and it states what it proposes to do about them. I will refer to a few areas of concern of local government in the letter. It states -

> Due to the confidentiality of the draft Bill this paper has, by necessity, been prepared without consultation with WAMA members. Comments are therefore made having regard to WAMA's previously stated position in regard to the existing planning appeal systems and the recommendations in the Rod Chapman report.

The first thing local government is upset about is the lack of consultation. A common complaint that local government brings to the Opposition is that the Government does not consult with it enough in these matters. The letter continues -

> In particular, WAMA is concerned about the wide scope of the Ministerial call in powers and the opportunity provided in the Bill for the independence of the Appeals "office" to be eroded or misused. The proposed new appeal process is essentially a revamped Ministerial appeal process. In this sense the proposed Bill is contrary to numerous government recommendations and reports from the last 20 years . . . all of which have advocated the establishment of an Administrative Appeals Tribunal to provide independent merits review of administrative decisions, including those in the planning arena.
>
> A further area of concern is that the draft Bill does not appear to fully provide for a more open and accountable system as most of the investigation and decision procedures will not be open to the public and the investigation procedures do not provide for full disclosure and exchange of information from all parties to the appeal.
>
> While mediation is supported as a valuable means of resolving matters at appeal the mediation provisions in the draft Bill do not appear to be founded on the principles of voluntary participation and the problems that this creates are compounded by the disciplinary measures included in the Bill if a party, intentionally or otherwise, is unable to cooperate in the mediation process.
>
> WAMA believes that these matters of concern can be resolved by further discussion and negotiation prior to the Bill being presented.

Obviously there was none.

We have seen that local government is very upset by what the Government is proposing in this Bill and would prefer this system to be scrapped and a more independent system put in place. Obviously this is part of a history that seems to have developed. This Government has been in office for seven years and has become quite arrogant and no longer listens to important interest groups in the State - for example, local government - and they are very upset about it and have a right to be.

That brings me to other planning issues relating to this Bill that I would like to raise. In this context, I refer to the planning decision made by the coalition Government regarding the Heathcote site. That site is to be opened this Sunday morning by the Premier, I think; I did not get an invitation, although I am not surprised by that fact. I understand is to be a fairly low-key affair, probably designed to reduce the attention that has been brought to this ongoing sore, the Heathcote issue. I think the planning decision the Government has made concerning the Heathcote site is a very bad one. It is also bad in terms of its dealings with -

Mr Kierath: It has nothing do with planning appeals.

Mr McGOWAN: It is certainly a major planning issue. This will relate directly to what the minister has done on planning appeals.

Mr Kierath: I am just pointing out that it was a decision by local government; it is not an appeal.

Mr McGOWAN: It relates because local government may want to make a planning appeal about what has been done at that site.

Mr Board: The member may not have been around at the time, but it was the previous Labor Government. A private member's Bill was brought into this House by the member for Applecross at the time in opposition, because the then Labor Government wanted to bulldoze all the buildings, including the heritage buildings on-site, and build high-density housing over the entire site, including the ridge.

Mr McGOWAN: I am aware of that.

Mr Board: On that site we have ended up with something that the community and the Government can be quite proud of.

Mr McGOWAN: I am aware of the history of the matter and I might note this was a matter at issue before the Minister for Employment and Training became a member of Parliament. He was the head of an organisation and said that 100 per cent of the site would be preserved, as is, with no sell-off of any of it. The member should not talk to me about hypocrisy. I was not around when the previous Labor Government made that decision. The minister can point out what he calls hypocrisy as much as he likes. I was not in the Parliament, nor were the majority of my colleagues. The decision the then Government looked at bringing in was a bad one. If we are to talk about people saying one thing and doing another, the minister was the head of an organisation which wanted 100 per cent of the land preserved as it was.

Mr Board: We did exactly what we set out to do.

Mr McGOWAN: The minister may try to rewrite history all he likes. Twenty or 30 people who live in Melville will back up exactly what I am saying.

Mr Board: I can tell the member exactly what we did. Does he want to hear exactly what that committee tried to do and succeeded in doing? It wanted to save the heritage buildings and maintain the top part of the land for public open space. The bottom of the land was always negotiable. As a council, not a committee, we decided as a negotiating tool to go in for a hundred per cent, with a fall back position.

Mr McGOWAN: Did the minister support that position?

Mr Board: Yes. We supported that.

Mr McGOWAN: Is the minister now supporting a position which is contrary to that?

Mr Board: We had to go in with an ambit claim to try to force the then Labor Government to give us at least 50 per cent of site, and the record will show that.

Mr McGOWAN: I accept that if the upper part of site was to be demolished and a high-density development constructed, that would be a bad decision. Those buildings are spectacularly good.

Mr Board: They are there, thanks to us.

Mr McGOWAN: I think the member was probably successful from opposition in stopping the demolition.

Mr Board: Only because the private members crossed the floor.

Mr McGOWAN: The Labor Government decided not to demolish the site in the end; it withdrew. A decision was made in the early 1990s not to demolish the site on the basis of that campaign.

Mr Board: That was a good decision.

Mr McGOWAN: I will not withdraw from what I said, that the minister is well known in that area to be in favour of 100 per cent preservation. I take up another point he made - that the fall back position was building on the lower part of site and maintaining the upper part of the site. That is exactly what was not done. This Government has not adopted that position.

That raises two central points: The first is that the Melville City Council, acting in good faith, negotiated with this Government in 1996 and came up with a very good deal; I note the member is nodding in agreement. That deal basically preserved the crown jewels on that site and left the bottom portion of the site available for another purpose; that is, low-

density housing. The bottom portion is nothing special in the slightest. I have walked over that part of the site on a few occasions. We could virtually call it a bit of wasteland adjoining the South of Perth Yacht Club and the escarpment. The beauty of the site expands exponentially when people walk up the hill. The view from the top of the hill is spectacular. Members will be aware of the history of the site, the existing buildings and the work that has been done. The City of Melville negotiated in good faith with the Government to develop the site. It came up with a good deal to make the top area of the site available for community access, to make improvements to Duncraig House and to preserve the escarpment in its present form and for the bottom area to be available for low-density housing. It made a good arrangement in which 28 per cent of the site would be developed and the remaining 72 per cent of the site would remain as it was. My first point is that local government relied on this Government. It is now obvious that it should not have done that, and has learnt a lesson. My second point is that along the way something happened to change the Government's view about this site. Something came along that impinged upon the relevant minister who also happened to be the local member responsible for the site. That something was a series of advertisements by a local multimillionaire who lived near to the heritage listed building which would be made available to the public. Basically, he placed 10 advertisements in the local newspaper; in fact, one was a full-page advertisement in *The West Australian*. He did not threaten the minister, but he outlined some conditions for what he wanted done with the site. This public consultation process and the agreement entered into by the State with the City of Melville went out the window. Local government was treated in a poor manner simply because one man with many millions of dollars got to a weak, politically-driven local member, and that local member caved in. An arrangement which it does not want has now been forced upon the City of Melville. The minutes of the council meeting state that the arrangement was forced upon them, and it is not what they want. The point needs to be made that the minister's backdown was completely poll driven.

An article in *The Australian* dated 2 February states that the minister is facing a two-pronged poll threat. The first prong will get him, and the second prong will follow. The first prong is the finance brokers scandal in which he has dismally failed to meet the expectations of the Western Australian public. The second prong is the threat of an independent or a Liberal for Forests candidate running against the minister. *The Australian* says that the Melville mayor is the candidate who will contest the minister's seat of Alfred Cove. A number of reports have come to me from people who are very annoyed by this decision that has been forced upon the City of Melville. It is the second-best option and it will remove heritage buildings from public access and also some of the best land at the top of the site. A number of reports have come to me that there were meetings between the member for Alfred Cove and this millionaire in which the member for Alfred Cove was told, "You do it or else these full-page advertisements will continue and will become a lot more pointed towards the member for Alfred Cove." We have seen a major backdown by the minister. It is common knowledge throughout Melville and in the Melville Council that this is what has happened. I suspect what has happened is common knowledge among local politicians. It is a disappointing way to run a government. A weak member, who is recognised throughout the State and certainly by the media outlets as being a weak minister, has caved in because the pressure came on. His cave-in will mean a reduction in the heritage value of the site and in the partial desecration of a beautiful heritage site that should have been available for the people of Western Australia. It is a poor reflection on the Government that this has been allowed to take place.

My view is that the original agreement was fine. If I had been the member for Alfred Cove I would have toughed it out and argued the case that we preserve the best part of this site. What is wrong with selling the bottom part of the site and making $6m to pay back the Melville Council for the work it has done and another $4m for the mental health area of the Health Department? That is what should have happened. Instead the minister caved in when someone with a lot of money put the pressure on him.

Once the member for Alfred Cove indicated he was caving in, the advertisement in the local newspaper signed by Mr Michael Colman said that at the instigation of local member, Doug Shave, a working party was formed to examine alternative proposals for the future use of Heathcote that will be more acceptable to the community. One should read that as being more acceptable to the author. The advertisement also attacks the City of Melville and suggests there will be legal action. The City of Melville does not have endless funds. It realised what it was up against and gave in. It is tawdry. The public in that area will realise that this new deal is worse. It might suit the interests of people with a lot of money who live on Duncraig Road, but it will not suit the interests of the majority of Perth people. There will be another backlash and the member for Alfred Cove will have to set up another committee and stack it with more of his mates from the Liberal Party, or his friends on the council, and come up with another solution. It is a bad way to do business in government. I am sure if the member for Murdoch were able to speak freely he would agree.

The Planning Appeals Bill will not be supported by all those people with an interest in local government who want some independence for local government and a proper process. That is the position that the Labor Party will stick to. I am sure that we will ensure the 142 local governments throughout Western Australia are aware of that.

MR KIERATH (Riverton - Minister for Planning) [4.28 pm]: I will try to answer the questions as they have been put, but I first want to make a few comments. I refute the allegations made by the member for Armadale that this Bill is flawed and the Government is not serious about its introduction. I am not in the business of bringing a Bill to the House if I do not think it will be an improvement on the existing situation, and I certainly would not bring a Bill forward to waste the time of the House. I am serious about that.

In line with some perceptions of the present appeal system, I endeavoured to take those aspects that work extremely well and to come up with a proposal which will build on the strengths of the existing system and to add procedures that will improve it.

I find it difficult to thank members for their comments because some were so far off the mark I wonder about the Opposition's motivation. The member for Armadale claimed the principles of natural justice were absent in not only the present system but also the Bill. Obviously under the existing system it is of no great concern because most appeals come to the minister. People would not use a system that did not afford them any natural justice.

I think the member for Maylands said people vote with their feet and that is why they use the ministerial appeals provisions. In many cases, the respondents' comments are shared with the appellant and vice versa.

Ms MacTiernan interjected.

Mr KIERATH: When I seek to answer the issues raised by the member for Armadale, she is intent on talking over the top of me so that she cannot hear. In almost all the cases with which I deal, the parties are aware of what the other party has claimed in its submissions. To ensure that is more formalised, under clause 42(b) the assessors will be required to act in accordance - obviously the member for Armadale did not read the Bill - with the principles of natural justice, fairness and good conscience. Some other clauses also relate to that.

The member for Armadale also raised the issue of the absence of accountability in the present system. There does not appear to be strong community concern as evidenced by the number of appeals. They show strongly that people prefer the current system. It provides open access by all parties to the information from the opposing parties when requested and reasons are given for the decisions. In addition, as one of the member's colleagues admitted, all the information, not only the decision letters and the reports but also the assessors' reports and the submissions, are available under the Freedom of Information Act, although the former minister tried to prevent that.

Ms MacTiernan: That is after the decision has been made.

Mr KIERATH: I ask the member to please not interrupt. I mentioned that, during the process, people have access to the information. As I said, under the new system - the member has obviously not read the Bill - they are required to act in accordance with those principles.

Under clause 44(1), future decisions are to be kept available in a public register.

Ms MacTiernan: It doesn't say that.

Mr KIERATH: The member for Armadale is impossible. In other discussions I had with some parties I undertook to move amendments during the consideration in detail stage. Under clauses 20 and 23(6) and (7), the decisions must be put into a public register available to the public and they must be in writing.

Ms MacTiernan: Is that the decisions or the reasons?

Mr Kierath: The member for Armadale also raised the issue of the Nutri-Metics International (Australia) Pty Ltd appeal. The Chairman of the Town Planning Appeal Committee conducted this appeal personally and spoke to Michelle Lavery, the planner at Victoria Park Town Council, Lynn Thomas and concerned residents, the third parties, which I think called themselves the Causeway Action Group. He also spoke to Greg Rowe for the developers. In other words, he spoke to all the parties.

I am not aware that any of the other town Planning Appeal Committee members or the ministerial office, other than the person who prepared the report, spoke to developers. I think it was alleged that John Hughes or someone from Skipper Mitsubishi spoke to me. As I pointed out, I had met John Hughes on a couple of occasions for other reasons. However, I assure the member that Mr Hughes did not attempt to discuss the Nutri-Metics site at that time. I was aware that he came in to speak to the person responsible for the town planning appeal, as many people do. I am sure the member for Armadale has sent people in to talk to that person in my office as have many of her colleagues.

I allow that person to sit with anyone who wants to talk to her, rather than me. While the appeal is live, until it is concluded, generally - there have been only a couple of exceptions - I refuse to meet with the people involved. On a few occasions, when many people have been involved, I have met everyone. I think I met everyone involved with the White Sands Tavern issue.

I also met all the parties involved in a dispute over a view in Attadale. I usually refuse to meet the parties so that I am not swayed by people's views irrespective of whether they are friend or foe.

Ms MacTiernan interjected.

Mr KIERATH: As I said the other day, no allegation nor even a hint of an allegation of impropriety has been made concerning money or favours while I have been Minister for Planning. That is a record of which I am proud. I am deeply offended by any loose insinuation the member for Armadale attempts to make. As a human being, I think lowly of her for doing that about someone who has gone out of his way to prevent that. If she does not see that, I feel sorry for her.

Ms MacTiernan interjected.

Mr KIERATH: The member for Armadale can seek more information in the consideration in detail stage.

Mr Hughes come to my office over a planning matter which had nothing to do with Victoria Park. It concerned a car yard in the City of Melville. I understood it was resolved at council level and no further action was required. That is one case in which my office's working with someone prevented a matter going through the appeals system. It is a matter of getting

parties to talk to each other and resolving problems without reverting to the adversarial system during which process people suffer anger, pain, hurt and frustration and the lawyers put money in their pockets.

There is no doubt that the thrust of this Bill is to get parties talking to see whether issues can be resolved around a table rather than taking them to the dispute settling process. I make no apology for those provisions. One of the other opposition members asked how we can reduce the number of appeals. If we do that more often, it will reduce the number of appeals and the number of people who feel they have been unsuccessful with an appeal and that they have been hard done by. We would end up with many more happy people.

As I said, I wish the member for Armadale had been here during grievances this morning when, concerning the Nutri-Metics site, I outlined that a previous proposal had been submitted and the council indicated that if certain issues were addressed, it would give approval. In the end, the only sticking point was the height of the tower. I had to make a decision whether a tall, thin tower was preferable to a smaller, but large squat building. In the end I decided that people would have better views and be better looked after from a community aspect if there was a tall, thin tower which accommodated the same number of units on the site, with a limit of six stories that would be "wall to wall" on the site, which is what the various controls will allow. In hindsight, I am sure anyone else would agree that was a better proposition.

As I said this morning, the council's town planning scheme has no height controls and although a recent review of that scheme was undertaken, it still did not include height controls. This is one of the examples to which, I think, the member for Nollamara referred in which councils do not make the right and proper decisions because they are too difficult. They make cheap political decisions, knowing the minister will fix them up. I think the Mayor of Victoria Park, Mick Lee, said in discussion that if the council knocked back the proposal, the minister would fix it up and make the decision; and that is exactly what happened. It knew what it was doing when it knocked it back, and knew that its decision was wrong, because the professional advice was that it should approve it but put appropriate conditions on it. Again, something that I have learnt as Minister for Planning is that when people will not make a difficult decision and handball it to me to make, when I make it they then complain about it. I guess that is part of the decision making process.

I will not raise the issue that the member raised about the decisions of the former Minister for Planning, Mr Lewis, but when David Smith was the Minister for Planning in the last couple of weeks before the 1993 state election, he made a number of appeals on his own without the benefit of the expertise of the Town Planning Appeal Tribunal members or their reports; and if ever there was a case of blatant political decision making, that was it. When minister Lewis sat on appeals, he sat with the members of the Town Planning Appeal Tribunal and with the reports that had been investigated, and I think that demonstrates the difference.

The member also raised the issue of the Gribble Road appeal by Councillor Eion Martin. That really annoyed me. I have had time to check our records, and I met Councillor Martin on 6 August 1999. That was over six months ago, and the appeal has not been determined yet, so if he was trying to curry a favour for an appeal, to do so six months beforehand is a pretty long time. In August he did talk to an appeals advisor in my office, a person who talks to all members of Parliament and their constituents. I believe that the appeal was lodged towards the end of August and still has not been completed. As I said to the member earlier in interjection, I did ask him why I had been invited, and the answer that I received was that it was because of the reforms that I had made in the construction industry in sorting out some of the member's union thug mates, and because of the changes that I had made to industrial relations that had cleaned up the industry a lot, and that he wanted to say thank you to a member of the Government for doing that. I thought they were pretty reasonable things to be thanked for, and I can assure this House that not once that night did he raise any planning matters that he had either in the system or potentially in the system. I understand that the appeal is likely to be resolved in four weeks -

Ms MacTiernan: Why has it taken so long?

Mr KIERATH: The person who is investigating it convened a public meeting in January to hear all of the third party objections that the member for Armadale is going on about, and all the people put their point of view. The member also alleged - this demonstrates her lack of competence - that the rezoning of the land is taking place. No rezoning is involved at all. In fact, the uses being proposed are currently permitted under the scheme, although admittedly some of it may be discretionary. That is a legitimate way of making a planning appeal. It is not some back-handed way, as the member for Armadale tried to present. My policy is that I do not meet with the applicants or respondents with regard to their appeal. I sometimes have people ask me whether they can talk to me about something else, and if I know that they have an appeal in the system I say I will not talk to them about the appeal, but if they want to talk to me about something else I will be happy to meet with them on that issue. The appeals advisor does meet with the applicants on my behalf and has met with this person.

The member for Armadale also alleged that this new system will perpetuate the worst elements of the ministerial system. I believe the exact opposite is true. The new appeal system will perpetuate the best elements of the ministerial system but take out the elements about which the member has complained. It is fascinating that the member said that I will gain control. Currently I deal with 95 per cent of appeals. When I get the call-in power, I think I will be lucky if I get to deal with 1 per cent of the appeals that I deal with currently, because 99 per cent of the appeals that I will deal with will be given to an independent body. Therefore, for the member to accuse me of further entrenching myself in the system shows her appalling ignorance and lack of understanding.

The assessors are required to operate with equity and good conscience and according to the principles of natural justice. Clause 39(4) provides that assessors can be public servants, and clause 39(5) provides that assessors who are not public servants are to be paid the remuneration and allowances for government boards and committees as determined by the

Salaries and Allowances Tribunal. Under clause (1) of schedule 3, the community representative will be appointed for three years, so again the member did not read the Bill. Under clause (1) of schedule 2, the director will be appointed for a term not exceeding five years. The appointment period for assessors is not given in the Bill, because in some cases they can be public servants. They can also be people who have recently retired. We have a lot of people who have given a lifetime of service to the community, and they have said they love being on government boards and committees because it is an avenue that allows them to put their life's experience back into the system by helping people to resolve difficulties.

The member also alleged that the minister will have access to files and all file papers. That is covered in clause 52. All appeals will be in the register of appeals and will be generally available to other people, not just me. All the information will be subject to freedom of information, so it is not as though I will be keeping any secrets. As minister I do need to maintain a general oversight of the process, and because I will have some call-in powers I will need to know what appeals are current to determine whether I should call them in. I think the reason that members opposite do not want the current system to change is that if, heaven forbid, they ever came into government again they would want to be able to do their dirty deals again. That is what they are after.

The member also made an allegation about the ministerial power of direction. Clause 51(2) provides that this power is to be limited to matters of administration and is not to deal with the mediation, investigation or determination of appeals. Clause 51(3) provides that any direction is to be included in the annual report of the accountable authority, and clause 51(4) provides that a copy of a direction is to be laid before each House of Parliament. Therefore, the ministerial power of direction relates only to administrative matters, is clearly accountable and has severe limitations.

The member also challenged the quality of decisions. Clause 3(6) provides that all decisions are to be in writing, and clause 44(1) provides that all decisions are to be kept in the public register. There is also provision for a committee stage amendment, which I agreed to introduce to overcome the concerns of the Western Australian Municipal Association.

With regard to transparency of ministerial conditions on call-in, clause 27 prescribes that the minister's decision must be in writing, include reasons, be sent to both parties and be kept on the public register. That is very transparent indeed. Clause 25(4) provides that all called-in appeals must be included in the annual report of the accountable authority.

With regard to publication of decisions - and this is over and above the fact that they are available publicly - clause 45 provides that select decisions may be published and promoted by the director where they have a significant impact on planning practice and planning law. That is, as I said previously, where a decision may set a precedent or standard. The member also raised some concern about how a party will know that an appeal has been called in. Clause 25(3)(d) provides that both parties must be advised. Therefore, it is unnecessary for each call-in to be tabled in the Parliament, because both parties will be aware that their appeal has been called in; and I believe the member's argument on that matter went over the top. With regard to the transparency of the process, clause 27(2) provides that the minister is required to act in accordance with natural justice.

The member then touched on the exclusion of legal representation and claimed that I am trying to cut out the lawyers, as I did in workers compensation matters. The member would know if she ever went to see the conciliation and mediation part of workers compensation that that works exceptionally well and has been one of the great benefits of the changes that have been made. Having seen and listened to the parties who have been involved in mediation, I agree that that should be included in this process because, as another member said, anything that can be done to reduce the number of conflicts and disputes is a positive for those people who have been involved. The member for Armadale went on to say that some part of it was in conflict with national competition policy. A study has been done; it is only marginal. However, we have said that if the appellant is disadvantaged, the assessor is to allow legal representation, which is the basis of the member's argument. For the member's information, it is in clause 28(5).

The member referred to the original decision being made by various unqualified councillors. This is important. She had a great deal to say about these decisions. The councillors will often have no planning qualifications, but they are able to make decisions. Many of them do not have legal qualifications. Therefore, why would one insist that there is a need for legal involvement in the appeal stage? All that is required is commonsense and basic planning principles. That has been one of the advantages of the ministerial system; that is, people do not have to engage expensive lawyers. If a legal issue arises, it can be addressed. Apart from that, planning is about commonsense and basic planning principles; it is not about getting lawyers involved to try to complicate matters. Those who want to use lawyers invariably choose the tribunal and go down that path.

The Western Australian Municipal Association is not opposed to the entire Bill. It has listed some objections. We have had discussions with WAMA, and we have tried to incorporate some of its suggestions to overcome some of its objections. We have not overcome all of them. I strongly dispute the fact that all industry is opposed. There was some misreporting in some press articles. A number of bodies made desperate approaches to me, including WAMA. They said, "We would not like you to think that we are opposed to the Bill in total. We disagree with some areas of it, but we strongly support the major thrust of the Bill and what you are trying to achieve." The Urban Development Institute of Australia is in a similar position. It was quoted as being opposed to the Bill. It contacted my office and said that it generally supported the Bill. There were one or two aspects about which it was not as happy as it otherwise could have been. However, in general, if one asked UDIA to convey its support or opposition, its position would be one of support, whereas I think the member tried to twist that around the opposite way.

The member for Maylands raised several issues. She referred to the difficulties with the actions of former Minister Lewis. I think she raised a constitutional problem. We have been down that path before. That is completely irrelevant to the Bill

before the House. I simply say that Minister Lewis dealt with 47 appeals with the benefit of his assessors' reports and his Town Planning Appeal Committee, whereas the former Labor minister, David Smith, dealt with, I think, more than 40 appeals in his last few weeks, most of which he dealt with without the benefit of a Town Planning Appeal Committee report or advice from some of its members. They are the different standards in government that set us apart from the Opposition.

The member for Maylands referred to Rhone-Poulenc. I did not know anything about it. However, I am advised that the reason the appeal was knocked out was that the bond simply duplicated the controls that were already in the environmental works approval, therefore it was a doubling up of controls and was not necessary. The Commission on Government made a number of recommendations. I think we have covered the spirit of its recommendations. It said something about a legal body similar to the Administrative Appeals Tribunal. That is how the Town Planning Appeal Tribunal commenced. However, it has become more legalistic so that it is almost like another court. The first tribunal did not work. It became so legalistic and like a court that changes were made. That is when the present tribunal was established. However, it has gone the same way. Even the chairman, the former professor, admits that. He came to me as soon as I became minister and proposed changes to the system so that it could be made more administratively efficient and concentrate more on the benefits of mediation. He recognised the benefits of getting the parties together.

Dealing with the avoidance of a number of appeals, the member for Maylands raised the issue that local government authorities handball the decisions on difficult issues. That does occur. The number is not huge, but we see it on a regular basis, particularly with the more difficult political decisions that councils must sometimes make. I talk to the councils and tell them that if they want more controls, they should get them through their town planning schemes, which have a proper process in which the public and interested people are consulted. I tell them that they should put their controls in the scheme and should not try to do it through a back-door method; it should be done through the scheme. The member asked what could be done to reduce the number of conflicts. Again, we need more mediation, with people sitting around the table talking commonsense to ascertain if there is some common ground where the parties can accommodate each other's points of view. When people sit around a table and look into each other's eyes, it is much easier to compromise than to be hard and adopt a tough, adversarial line. That is the way to reduce conflicts. It would not be done in the way suggested by the member for Armadale.

The member for Maylands also raised complaints from aggrieved parties. If a decision is made, one party will be aggrieved. I can guarantee that somebody will disagree with the decision, because the decision must be made one way or another. When the minister or whoever makes a decision, there will always be aggrieved parties. The member said that the minister is still closely involved. How can that be if more than 99 per cent of the appeals will be handed over to an independent body? It does not stack up.

The member for Nollamara raised a number of issues. If my summary is correct, I think he suggested that appeal decisions can override the present planning system. That is not so. All appeals must be according to the law. The law includes the town planning scheme, which is subsidiary legislation, as the member for Armadale would know; therefore, we are bound within the scope of the provisions of those town planning schemes. If they are black and white, there is no discretion for the minister. If there are discretionary provisions, that is the only time the minister can become involved. Therefore, we have to operate within the town planning schemes.

The member for Nollamara referred to the reasons for decisions. They are now given. The new Bill requires that reasons for decisions be given, that the decisions be made public in a register and that both the Planning Appeal Panel and the minister must give reasons for their decisions. The member also dealt with the former minister's decisions, and I think I have covered most of those. He also raised the issue of a commercial advantage on the batching plant, which I think is wrong. I am advised that the quarry and the batching plant were compatible and were complementary uses under the existing town planning scheme. I point out again that WAMA is not opposed to the basic concept of the Planning Appeals Bill but only certain aspects of it.

I have dealt with the issue of handballing decisions. I admit that that occurs. The member asked me what proportion they would be. I would deal with maybe one or two a week, therefore they probably comprise about 5 or 10 per cent of the decisions. It is not the majority of decisions; it is a minority. However, I see them regularly enough to know that they are still coming through. The member raised the issue of call-in appeals and claimed that I would be giving myself more power. How can I do that? I currently have 95 per cent of the total number of appeals. Of that 95 per cent, as the minister, I would probably deal with less than 1 per cent, which would be fewer than four a year. We have looked around Australia and in this State where there are call-in powers. They are rarely used. The minister must table that information in Parliament. Much of our legislation and written directions are rarely used for that reason. The member said that the minister is open to influence. I strongly refute that. I have done everything I possibly can to avoid that.

The member for Rockingham raised a number of issues. He said that the Bill will result in the diminution of powers and responsibilities. I do not know how that can occur and I do not think he explained that. I have a draft response from WAMA which I am happy to make available to the member. It deals with the issues, many of which will be dealt with during the consideration in detail stage. At that time I will provide all the details of that.

Mr McGowan: Have you satisfied WAMA?

Mr KIERATH: Not completely. As I said earlier, I have satisfied some of its concerns on certain aspects of the matter, but there are still some areas on which it is not completely satisfied.

It is interesting to raise the issue of the Western Australian Municipal Association because we were consulted when Rod

Chapman did his original investigation and WAMA consulted with me on drafts of the legislation. This is one that I gave them and asked them to comment on without actually making public comment until it was tabled in the House. I find it fascinating that they say that they were not consulted because they were. I used to give them a privileged position and some of the key bodies were given drafts of the legislation on the condition that they made the information available to me. They could not comment publicly until the Bill was released but, once it was released they could then make any comment they liked. I pointed out to them that it helps them be better prepared and they acknowledged that. I think on this one there was a breach of that undertaking and they have since come back to me, apologised and asked to be included on that basis because they like to be so involved and included in the drafting of legislation. They actually paid me a compliment and said that I had tried to include them in that. There will not be any objection from them about being involved. That must have been something that someone else gave because WAMA would not give it.

The member rejects the ministerial call-in power.

Ms MacTiernan: You do not even follow the argument.

Mr KIERATH: I am not talking to the member because I was about to say that she actually supported some form of ministerial call-in power, but it was the member for Rockingham who objected to it. I have attempted to cover in detail the broad range of the debate and I give the undertaking that any more detail will be covered during the consideration in detail.

Question put and a division taken with the following result -

Ayes (26)

Mr Ainsworth	Mrs Edwardes	Mr Marshall	Mr Prince
Mr Baker	Dr Hames	Mr Masters	Mr Shave
Mr Barnett	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Barron-Sullivan	Mrs Holmes	Mr Omodei	Mrs van de Klashorst
Mr Board	Mr Johnson	Mr Osborne	Mr Wiese
Mr Bradshaw	Mr Kierath	Mr Pendal	Mr Tubby *(Teller)*
Dr Constable	Mr MacLean		

Noes (14)

Mr Brown	Mr Graham	Mr Riebeling	Mr Thomas
Mr Carpenter	Ms MacTiernan	Mr Ripper	Ms Warnock
Dr Edwards	Mr McGinty	Mrs Roberts	Mr Cunningham *(Teller)*
Dr Gallop	Mr McGowan		

Pairs

Mr Court	Ms Anwyl
Mrs Parker	Mr Bridge
Mr Cowan	Mr Grill
Mr House	Mr Marlborough
Mr Sweetman	Mr Kobelke

Question thus passed.

Bill read a second time.

House adjourned at 5.06 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

TELECOMMUNICATIONS, IMMIGRATION POLICY CHANGE

1399. Mr BROWN to the Minister for Commerce and Trade:

(1) What representations has the Premier personally made to the Federal Government to change its immigration policy to allow more well-educated computer experts and/or other information technology or telecommunications specialists to migrate to Australia?

(2) When did the Premier make those representations (dates)?

(3) In what form were the representations made -

(a) letters; and/or
(b) personal representations; and/or
(c) submissions; and/or
(d) other?

Mr COURT replied:

(1) In the Government's 1999 submission to the Commonwealth on the formulation of the Commonwealth's 1999-2000 Migration and Humanitarian Programs, the importance of the links between immigration and economic growth was highlighted. The relationship between immigration, job prospects and skilled migrants addressing specific skills shortages was stressed. The submission reiterated that enhancement of Australia's skills base should form a primary focus in immigration policy.

(2) 27 April 1999.

(3) Submission.

POLICE OFFICERS, ASSISTANT COMMISSIONER MacKAAY'S COMMENTS ON REINSTATEMENT

1413. Mrs ROBERTS to the Speaker:

(1) What advice will the Speaker give the House on the Parliamentary Commissioner for Administrative Investigations inquiry into comments made by Assistant Commissioner MacKaay in a release that commented that reinstatements of five police officers was not synonymous with innocence?

(2) Is this inquiry ongoing or concluded?

(3) Has the complainant been advised of the outcome?

(4) Did the Parliamentary Commissioner for Investigations refer any matters connected with this to the Director of Public Prosecutions?

The SPEAKER replied:

Before providing more specific information, the following background to the limitations on answers to questions 1413, 1414, 1415 anD 1427 will be helpful for members who may wish to ask similar questions in future and to assist the Ombudsman in responding to those questions.

The *Parliamentary Commissioner Act 1971* ("the Act") imposes on the Ombudsman a number of specific requirements which are designed to maintain the confidentiality of all information given to or obtained by him in the course of an investigation. In particular, the following restrictions apply -

(1) Any disclosure of information that is made by the Ombudsman must be in accordance with the limitations on disclosure contained in the Act. The Ombudsman would contravene the provisions of the Act and commit an offence if disclosure of information occurred other than as authorised by the Act.

(2) For relevant purposes, the Act requires the Ombudsman to not disclose any information obtained in the course of or for the purposes of an investigation except -

(a) where the disclosure is for the purpose of an investigation and any report or recommendation to be made thereon; or
(b) where the Ombudsman considers that disclosure about the performance of his functions or an investigation is in the interests of a department or authority to which the Act applies, or of any person, or is otherwise in the public interest. In such a case the Ombudsman must not disclose information if to do so is likely to interfere with the carrying out of any investigation or the making of a report. In addition, the Ombudsman must not disclose the identity of a complainant or matter that would enable a complainant to be identified unless it is fair and reasonable in all the circumstances to do so.

(3) The Act is premised on the notion that complaints will be investigated in private. Strictly, even if the complainant only has a right to be informed of certain information about the results of an investigation and it is otherwise in the Ombudsman's discretion as to how much information is provided to the complainant regarding the progress of an investigation.

It is apparent then that the Ombudsman has a discretion about what information can be disclosed, but that the discretion must be exercised in accordance with the restrictions imposed by the Act. The Ombudsman will provide information in response to questions asked by members to the greatest extent possible, but consistent with the limitations referred to above. Each question will be considered in the light of its particular circumstances but, as a general rule, questions which -

ask whether or not a complaint has been received from a named individual;
are premised on an assertion that a complaint has been received from a named individual; or
seek detailed information about the conduct of an investigation

will not be answered.

The Ombudsman has asked me to inform members that he is happy to receive inquiries by letter or telephone from members on behalf of complainants about the progress of an investigation. Provided it is apparent that the member is seeking information on behalf of the complainant (who can, therefore, be taken to consent to the information being provided to the member) the Ombudsman will provide the member with essentially the same information that would be provided to the complainant direct.

The Ombudsman has also informed me that there should be no difficulty in answering parliamentary questions where the information sought concerns the general administrative operations of his office and does not relate to specific complaints or investigations.

Answers to the specific questions follow.

(1)-(3) A complaint concerning this issue was received by the Parliamentary Commissioner. An investigation has been concluded and a recommendation made to the Commissioner of Police. The response of the Commissioner of Police to the recommendation is currently under consideration.

(4) No.

POLICE, COMPLAINT ABOUT NAMING OFFICERS IN BREACH OF SECTION 54

1414. Mrs ROBERTS to the Speaker:

(1) When did the Parliamentary Commissioner for Investigations first receive a complaint regarding Mr R. Falconer's conduct in naming six Police Officers in breach of section 54 of the Anti-Corruption Commission Act 1988?

(2) How long did it take to conduct this investigation?

(3) Were any of the following persons interviewed -

(a) Mr Peter Newman; and/or
(b) Mr Howard Sattler; and/or
(c) Mr John Townsend?

(4) If so, who was interviewed?

(5) If not, why not?

The SPEAKER replied:

For preliminary information see answer to question 1413.

(1) 8 April 1998.

(2) The investigation was discontinued and the complainants so advised on 10 June 1999 because of the existence of a private prosecution dealing with the same issues as the complaint. The investigation was reopened on 7 October 1999 following the decision of the Director of Public Prosecutions to discontinue the prosecution. The investigation has been concluded and a recommendation made to the Commissioner of Police.

(3)-(5) The Parliamentary Commissioner has advised me that, for the reasons set out in the answer to question 1413, he does not consider that it is appropriate to provide the information sought. It is for the Parliamentary Commissioner to determine the nature and scope of his inquiries.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS, COMPLAINTS

1415. Mrs ROBERTS to the Speaker:

(1) How many complaints from any or all of the following persons has the Parliamentary Commissioner for Administrative Investigations received -

(a) Mr Pryce Scanlan; and/or
(b) Mr Christopher Cull; and/or

(c) Mr Stephen Clark; and/or
(d) Mr Craig McMurtrie; and/or
(e) Mr Larry Parker; and/or
(f) Mr Peter Coombes?

(2) On what date was each complaint received?

(3) On what date was each complaint finalised?

(4) Which complaints are still outstanding?

(5) What has been the cause of any delays?

The SPEAKER replied:

The Parliamentary Commission has informed me that, for the reasons set out in the answer to question 1413, he does not consider that it is appropriate to answer the question because to do so would involve the identification of individual complainants.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS, COMPLAINT ABOUT POLICE NETMAIL

1427. Mrs ROBERTS to the Speaker:

(1) On what date did the Parliamentary Commissioner for Administrative Investigations receive a complaint regarding the contents of a police netmail sent out by Superintendent Darryl Lockhart in 1997?

(2) Has that complaint inquiry been finalised?

(3) If so, when was the complaint finalised?

(4) If not, why not?

(5) When will the complainant be advised of the outcome?

(6) Did the Parliamentary Commissioner for Administrative Investigations refer any matter connected with this to the Director of Public Prosecutions?

The SPEAKER replied:

For preliminary information see answer to question 1413.

(1) 10 March 1998.

(2) Yes.

(3) 5 October 1999.

(4) Not applicable.

(5) The complainants were advised of the outcome on 23 November 1999.

(6) No.

MAIN ROADS WA, CONTRACTS

1428. Mr BROWN to the Minister representing the Minister for Transport:

(1) Do Main Roads WA have a qualification or pre-qualification list of contractors?

(2) What are the regional based small businesses/contractors that are on the list, and what size work are these contractors able to undertake?

(3) Do Main Roads have a policy of allocating work in contracts over -

(a) $1m;
(b) $2.5m;
(c) $5m:
(d) $10m; and
(f) $20m?

(4) Does the policy of Main Roads WA exclude or effectively exclude small business and small contractors from tendering for work in their own right?

(5) What steps does the Minister intend to take to ensure small business contractors in regional areas are not excluded from contracts put to tender by Main Roads WA?

(6) What are the contracts Main Roads WA have awarded over a value of $10m during the term of this Government?

(7) How many of the regional small businesses/contractors would qualify under the qualification requirements to tender for contracts over $10m?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(1) Yes.

(2) The list contains 51 contractors 12 of which are regionally based. The list is publicly available on Main Roads internet website at www.mrwa.wa.gov.au/contracts.

(3) Contracts are awarded on the basis of appropriate prequalification as follows:

Contract	Estimated Contract Value
Bridgeworks BN1 and BC1	$0-$1M
Bridgeworks BN5 and BC5	$1-$5M
Bridgeworks BN5+ and BC5+	$5M+
Roadworks R2 (minor and major)	$0-$2M
Roadworks R5	$2-$5M
Roadworks R10	$5-$10M
Roadworks R20	$10-$20M
Roadworks R20+	$20M+

(4) No. Any company may seek pre-qualification in the categories listed in (3).

(5) Small business contractors in regional areas are presently able to tender for Main Roads contracts where they are appropriately pre-qualified.

(6) The list of contracts exceeding $10 million awarded between 1 March 1993 and 30 November 1999 are as follows -

Contracts Exceeding $10 million Awarded Between 01 March 1993 and 30 November 1999:

Contract Number	Contract Description
140/92	Road Construction, Kwinana Freeway, Forest Road to Thomas Road
70/94	Road and Bridge Construction, Reid Highway, Beechboro Road to Middle Swan Road.
19/95	Design and Construct City Northern Bypass, Mitchell Freeway to East Parade.
23/95	Design, Construct and Maintain Roadworks, Drainage and Associated Works, Sues Road Project.
117/95	Term Maintenance Works, Wheatbelt North, Mid West and Metropolitan Regions.
118/95	Term Maintenance Works, Pilbara and Mid West Regions.
119/95	Term Maintenance Works, Metropolitan North.
120/95	Term Maintenance Works, South West, Wheatbelt South and Great Southern Regions.
372/95	Construction of eight kilometres of Road and four Bridges, Bunbury Highway, Australind Bypass.
404/95	Design and Construct City Northern Bypass, East Parade to Great Eastern Highway.
671/95	Road Construction on Burkett Road.
672/95	Road and Bridge Construction, Stage 2, Roe Highway.
30/96	Road and Bridge Construction, Beenup Mineral Sands Haulage Route.
64/96	Road Construction, Albany Highway, Bedfordale.
537/96	Road and Bridge Construction, West Coast Highway, Curtin Avenue to Alfred Road.
105/97	Road Construction of 132 kilometre of the Marble Bar – Woodie Woodie Road, Talga Stage 2, Ripon and Oakover sections.
335/97	Road Construction, Eyre Highway, Fraser Range Section (Stage 2).
573/97	Road and Bridge Construction, Loftus Street Duplication.
716/97	Road and Bridge Construction, Lord Street Railway Crossing Grade Separation.
3/98	Electrical Services for Traffic Control Infrastructure throughout Western Australia.
6/98	Design and Construct, Goldfields Highway, Mt Keith-Wiluna Section.
15/98	Bridge, Tunnel, Road and Railway Construction, Roe Highway, Stage 3.
16/98	Design and Construct, Narrows Bridge Duplication.
44/98	Construction of the Mitchell Freeway from Ocean Reef Road to Hodges Drive and Widening from Karrinyup Road to Hepburn Avenue.
417/98	Road Construction, Mount Magnet – Sandstone Road, Youanmi Section.
3/99	Provision of Maintenance Services on Network No 3 in the Mid West and Wheatbelt North Regions.
7/99	Provision of Maintenance Services on Network No 7 in the Metropolitan Region (South).
44/99	Design and Construct for the Kwinana Freeway Interchanges and Extension to Safety Bay Road.
62/99	Road and Bridge Construction, Bussell Highway, Sabina River to Busselton and Busselton Bypass Sections.

(7) Currently there are no regional small businesses/contractors prequalified to tender for contracts over $10 million. However, as stated in part (4) any company may seek prequalification in any of the categories listed in (3).

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1497. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?

(2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?

(3) If not, in what way does the Government seek to fulfil that commitment?

(4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?

(5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?

(6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?

(7) If so, what were the circumstances of that non-compliance?

(8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?

(9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr BARNETT replied:

(1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEO’s to comply with the objective of supporting regional economic development.

(6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.

(8) The Compact applies to all Government agencies.

(9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1499. Mr BROWN to the Minister for the Environment; Labour Relations:

(1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?

(2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?

(3) If not, in what way does the Government seek to fulfil that commitment?

(4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?

(5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?

(6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?

(7) If so, what were the circumstances of that non-compliance?

(8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?

(9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mrs EDWARDES replied:

(1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEO’s to comply with the objective of supporting regional economic development.

(6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.

(8) The Compact applies to all Government agencies.

(9) See questions 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1501. Mr BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

(1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?

(2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?

(3) If not, in what way does the Government seek to fulfil that commitment?

(4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?

(5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?

(6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?

(7) If so, what were the circumstances of that non-compliance?

(8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?

(9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mrs van de KLASHORST replied:

(1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEO's to comply with the objective of supporting regional economic development.

(6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.

(8) The Compact applies to all Government agencies.

(9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1510. MR BROWN to the Minister for Police; Emergency Services:

(1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?

(2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?

(3) If not, in what way does the Government seek to fulfil that commitment?

(4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?

(5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?

(6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?

(7) If so, what were the circumstances of that non-compliance?

(8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?

(9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr PRINCE replied:

(1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEO's to comply with the objective of supporting regional economic development.

(6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.

(8) The Compact applies to all Government agencies.

(9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1519. MR BROWN to the Minister for Resources Development; Energy; Education:

(1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?

(2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?

(3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?

(4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?

(5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?

(6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?

(7) If not, why not?

Mr BARNETT replied:

(1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEO's", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.

(5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.

(7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1521. MR BROWN to the Minister for the Environment; Labour Relations:

(1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?

(2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?

(3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?

(4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?

(5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?

(6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?

(7) If not, why not?

Mrs EDWARDES replied:

(1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief

Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEO's", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.

(5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.

(7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1523. MR BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

(1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?

(2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?

(3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?

(4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?

(5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?

(6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?

(7) If not, why not?

Mrs van de KLASHORST replied:

(1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEO's", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.

(5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.

(7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1532. Mr BROWN to the Minister for Police; Emergency Services:

(1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?

(2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?

(3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?

(4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?

(5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?

(6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?

(7) If not, why not?

Mr PRINCE replied:

(1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEO's", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.

(5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.

(7) Not applicable.

ROAD CONTRACTS

1579. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to the following contracts -

(a) 16/98 - Narrows Bridge duplication Leighton Contractors Pty Ltd;

(b) 105/97 - Road construction of 132 km of the Marble Bar - Woodie Woodie Road, Talga Stage 2, Ripon and Oakover sections Henry Walker Eltin Contracting Pty Ltd;

(c) 15/98 - Bridge, tunnel, road and railway construction, Roe Highway, Stage 3 Consolidated Constructions Pty Ltd;

(d) 6/98 - Design and construct, Goldfields Highway, Mt Keith-Wiluna section MacMahon Contractors (WA) Pty Ltd;

(e) 44/98 - Construction of Mitchell Freeway, Ocean Reef Road to Hodges Drive and widening from Karrinyup Road to Hepburn Ave Henry Walker Eltin Contracting Pty Ltd;

(f) 573/97 - Road and bridge construction, Loftus Street duplication between Wellington Street and Carr Street Thiess Contractors Pty Ltd;

(g) 417/98 - Road construction, Mount Magnet - Sandstone Road, Youanmi section BGC Contracting Pty Ltd;

(h) 716/97 - Road and bridge construction, Lord Street railway crossing grade separation Walter Constructions Group Ltd;

(i) 335/97 - Road construction, Eyre Highway, Fraser Range section (Stage 2) MacMahon Contractors (WA) Pty Ltd;

(j) 493/98 - Overlay, widening and bridge strengthening, GNH (Wyndham Spur), Shire of Wyndham - East Kimberley BGC Contracting Pty Ltd;

(k) 27/98 - Road reconstruction and widening of Great Northern Highway, Roe Highway to Lennard Street CSR Limited;

(l) 322/98 - Bridge construction and associated road works, Little Panton River and Spring Creek, Great Northern Highway J. J. McDonald & Sons Engineering Pty Ltd;

(m) 298-97 - Road and bridge works to extend the existing Kwinana Freeway Buslane by approx. 2.5 km over Mt Henry Bridge Henry Walker Eltin Contracting Pty Ltd;

(n) 60/98 - Bituminous seal, reseal and line marking of various sections of roads, Kimberley Region Boral Asphalt;

(o) 128/98 - Pavement repairs, cement stabilisation and primer sealing, various roads, Goldfields-Esperance Region Pavement Technology Ltd;

(p) 240/98 - Pavement repairs on various roads in the Wheatbelt South Region BGC Contracting Pty Ltd;

(q) 191/98 - Seal/Reseal of highways and main roads for Wheatbelt South (Narrogin) and South West (Bunbury) Regions RNR Contracting Pty Ltd;

(r) 4/98 - Bituminous surfacing, enriching, reinstate white lines, various roads, Pilbara Region Boral Asphalt;

(s) 117/98 - Road construction, Brookton Highway, Kettle Rock section Brierty Contractors;

(t) 3/98 - Bituminous sealing and line marking on various roads, Midwest and Wheatbelt North Regions CSR Emoleum Road Services;

(u) 192/98 - Bituminous sealing and resealing, various roads, Goldfields-Esperance Region CSR Emoleum Road Services;

(v) 590/98 - Cement stabilised pavement repairs, various roads, South West Region Pavement Technology Ltd;

(w) 202/98 - Data collection service for road networks 1, 2, 4, 5, 6 and 8 ARRB Transport Research (WA);

(x) 361/97 - Bridge construction, Bridge No.1293 over Hill River, Cervantes to Jurien Road Consolidated Constructions Pty Ltd; and

(y) 669/98 Longitudinal road line marking in the Midwest, Wheatbelt North and Goldfields-Esperance Regions Supalux Paint Company Pty Ltd, and ask -

(i) what was the original contract cost;
(ii) if completed, what was the actual final cost;
(iii) on what date was the contract awarded;
(iv) if completed, on what date was it completed; and
(v) how many companies tendered for the contract?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

	Contract	(i)	(ii)	(iii)	(iv)	(v)
(a)	16/98	$41 865 995	Not completed	25/03/1999	Not applicable	5
(b)	105/97	$34 342 242	$34 460 714	25/08/1998	15/10/1999*	3
(c)	15/98	$30 296 199	Not completed	04/02/1999	Not applicable	8
(d)	6/98	$23 153 378	Not completed**	11/02/1999	Not applicable	4
(e)	44/98	$15 828 991	Not completed	05/02/1999	Not applicable	3
(f)	573/97	$14 647 657	Not completed**	08/01/1999	Not applicable	6
(g)	417/98	$12 014 330	Not completed	11/06/1999	Not applicable	5
(h)	716/97	$11 708 500	Not completed**	26/11/1998	Not applicable	6
(i)	335/97	$10 530 459	$ 8 963 144	14/10/1998	03/05/1999*	4
(j)	493/98	$ 5 571 202	$ 3 968 827	25/06/1999	15/12/1999*	6
(k)	27/98	$ 5 521 699	$ 6 291 327	06/10/1998	03/07/1999*	8
(l)	322/98	$ 4 528 995	$ 4 519 450	06/05/1999	29/11/1999*	8
(m)	298/97	$ 3 452 980	$ 3 012 339	10/07/1998	21/12/1998*	5
(n)	60/98	$ 2 797 485	$ 3 010 459	02/10/1998	18/06/1999	4
(o)	128/98	$ 1 842 060	$ 2 539 820	04/11/1998	08/07/1999*	2
(p)	240/98	$ 1 827 952	$ 2 203 802	27/01/1999	30/04/1999*	3
(q)	191/98	$ 1 743 813	$ 1 880 455	23/10/1998	05/03/1999*	5
(r)	4/98	$ 1 694 555	$ 1 976 009	05/08/1998	11/06/1999	4
(s)	117/98	$ 1 681 331	$ 1 428 585	30/10/1998	21/04/1999*	7
(t)	453/98***	$ 1 466 375	$ 1 550 476	23/12/1998	16/09/1999	4
(u)	192/98	$ 1 375 124	$ 1 476 726	22/01/1999	26/10/1999	3
(v)	590/98	$ 1 249 969	$ 1 222 667	15/02/1999	23/10/1999*	3
(w)	202/98	$ 1 123 490	$ 1 165 585	18/08/1998	31/12/1999*	1
(x)	361/97	$ 1 120 000	$ 1 069 831	05/11/1998	20/05/1999*	4
(y)	669/98	$ 1 035 404	$ 1 069 943	07/05/1999	27/08/1999*	6

* Certificate of Practical Completion has been issued. This certificate is issued to the contractor when it is agreed that the works can be taken over and operated safely despite minor defects and omissions. Some minor changes to the final cost may result.
** Road open however associated works not yet completed.
*** The description provided by the Member does not match the given contract number (3/98). I assume the Member if referring to contract 453/98.

CRIME STATISTICS, SOUTH PERTH

1610. Mr PENDAL to the Minister for Police:

(1) I refer to the Minister's answer to my question on notice No. 2639 of 1997 and ask will the Minister give the number of reported break-ins in the South Perth Police District (South Perth, Como and Kensington) in each of the last 24 months, that is from November 1997 to October 1999?

(2) In each case, how many arrests and/or convictions have resulted?

(3) What number or percentage of such break-ins remain unsolved?

Mr PRINCE replied:

(1)-(3) Since 30 June 1999, the Western Australia Police Service has provided quarterly statistics detailing reported offences and clearance rates in relation to:

Assault
Robbery
Burglary
Motor vehicle theft (excluding attempts)
Damage
Drugs.

These statistics are available for each police region (Metropolitan, Southern, Northern and Central) and are supplementary to the crime statistics printed in the Police Services' Annual Report. Additionally, each calendar year the Australian Bureau of Statistics collects and collates data from all police agencies and produces the "Reported Crime" publication for that year. This information is also provided to the Safer WA Committees, Local Government Authorities (for the purposes of conducting community crime audits), Neighbourhood Watch Committees and community newspapers. Given the time and resources already allocated to provide the above statistical information, I am not prepared to commit further police resources to provide the information you request.

GOVERNMENT DEPARTMENTS AND AGENCIES, ADVERTISING AND PUBLIC RELATIONS BUDGET

1682. Mr RIEBELING to the Minister for Police; Emergency Services:

(1) For each department or agency under the Minister's control, what is the total 1999-2000 budget for -

(a) advertising (television, print and radio);
(b) pamphlets, brochures, bulletins and other forms of printed information, excluding annual reports and "in-house" bulletins; and
(c) public relations and events management?

(2) For the period 1 January 2000 to 30 June 2000, can the Minister advise of the planned -

(a) advertising campaigns (television, print and radio);
(b) pamphlets, brochures, bulletins and other forms of printed information, excluding annual reports and "in-house" bulletins; and
(c) public relations campaigns and events management?

(3) For the period 1 January 2000 to 30 June 2000, can the Minister advise of the estimated cost and approximate commencement or publishing dates of -

(a) advertising campaigns (television, print and radio);
(b) pamphlets, brochures, bulletins and other forms of printed information, excluding annual reports and "in-house" bulletins; and
(c) public relations campaigns and events management?

Mr PRINCE replied:

The following answer was correct at 29 February 2000.

Police

Police Recruiting Section
(1) (a) $23,000
(b) $14,000
(c) $4,000

(2) (a) Nil campaigns – Ongoing print ‘Employment’ advertising.
(b) Application forms and information hand out material only.
(c) Nil instigated events – attendance only at events to which Police Recruiting Section is invited to participate.

(3) (a) $14,500 - Ongoing monthly, nil campaigns
(b) $11,800 - Handout information material as required, nil events or campaigns
(c) $4,000 - Attendance at ‘Every Woman’s Expo’, 10 to 12 March 2000, other events when Police Recruiting Section are invited and available.

Media & Public Affairs
(1) (a) Not applicable.
(b) *Newsbeat* $38,380.00
(c) *Police Week* $27,134.28

(2) (a) Not applicable.
(b) 2 editions of *Newsbeat* to be printed
(c) Not applicable.

(3) (a) Not applicable.
(b) 2 editions of *Newsbeat* (Autumn – 3rd week in March 2000 and Winter – 3rd week in June, 2000) $19,190.00
(c) Not applicable.

Delta
(1) (a) Not applicable.
(b) $35,000
(c) Not applicable.

(2) (a) Not applicable.
(b) At this time only document re-prints, on a 'needs' basis is planned.
(c) Not applicable.

(3) (a) Not applicable.
(b) $29,761. As needed.
(c) Not applicable.

Policy, Planning & Evaluation
(1) (a) Not applicable.
(b) *Strategic Action Statement* - $16,000.00
(c) Not applicable.

(2) (a) Not applicable.
(b) Annual Business Plan
(Strategic Action Statement) $16,000.00
(c) Not applicable.

(3) (a) Not applicable.
(b) Annual Business Plan
(Strategic Action Statement)
$16,000.00 April/May 2000
(c) Not applicable.

Professional Standards
(1) (a) Not applicable.
(b) $25,000
(c) Not applicable.

(2)-(3) Not applicable.

Traffic & Operations Support

(1) (a)-(c) Not applicable.

(2) (a) Not applicable.
(b) (i) Reprint of pamphlets and brochures according to supply and demand.
(ii) Feature for Milli Milli Wunka Magazine
(iii) Child Safety message magnets
(iv) Domestic Violence Booklets
(v) Domestic Violence Brochures
(c) Not applicable.

(3) (a) Not applicable.
(b) (i) Cost and timing relating to the reprint of pamphlets and brochures will depend upon supply and demand
(ii) March 2000, cost $1,500.00
(iii) January 2000, cost $8,500.00
(iv) January to June 2000, cost $3.340.00
(v) January to June 2000, cost $1,352.00
(c) Not applicable.

Emergency Services
(1) (a) $8,303
(b) $287,000
(c) $515,000

(2) (a) Television: - volunteer recruitment
- community service announcements
Print: - safer communities
- smoke alarms
- Winter storm safety
Radio: - smoke alarms
- Winter storm safety
- community service announcements

(b) - Farm fire safety brochure reprint
- Winter storm safety leaflet
- Winter home fire safety leaflet
- State Emergency Service information brochure
- Holiday fire safety brochure - joint with CALM*fire*
- Promotional items on fire safety for children

- Fire & Emergency Services Authority poster
- Fire & Emergency Services Authority information brochure reprint
- Volunteer Marine Rescue Services brochure
- Industrial training (fire services) brochure
- Cotton palm fire safety leaflet

(c) - Winter storms safety publicity campaign
- WinterSafe - fire safety campaign
- Safer Communities campaign
- Easter Championships - Volunteer firefighter recruitment

(3) (a)-(c) Costings, commencement and publishing dates have not yet been determined however all advertising, public relations and events management campaigns will be conducted within existing budgets.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRINTED INFORMATION

1704. Mr RIEBELING to the Minister for Police; Emergency Services:

(1) For each department or agency under the Minister's control, what brochures, pamphlets, bulletins and other forms of printed information, other than annual reports and "in-house" bulletins, were produced during 1998-99?

(2) For each brochure, pamphlet, bulletin and other form of printed information, will the Minister advise -

(a) the original and final costs;
(b) the purpose; and
(c) the names of any contractors involved in the production, and the services they provided?

Mr PRINCE replied:

The following answer was correct at 29 February 2000.

Police
(1) *Newsbeat*
(2) (a) Design and printing of Newsbeat $7,500 for two editions (Spring & Summer)
Design and printing of Newsbeat $9,595 for two editions (Autumn & Winter)
$34,180 for 1998-99 financial year.
(b) Newsbeat provides an effective and efficient public relations, media and marketing service for the Western Australia Police Service. Promotes internal and external communication. The only official magazine of the Western Australia Police Service.
(c) MJB&B Advertising – design and printing of Newsbeat
Touchstone Colour – design and printing of Newsbeat

(1) *"Making a complaint about the Police" – public distribution pamphlet*
(2) (a) Original and Final cost is $1,606.
(b) On or around June 18, 1998, a pamphlet "Making a complaint about the Police" was published for distribution to the general public. The purpose of the publication was to inform the public of the complaint process and avenues of redress to the Ombudsman.
(c) B&S Printing – printing.

(1) *Re-print – Pocket Information Cards*
(2) (a) Original and Final cost is $1,964
(b) A summarised account of the demographics and infrastructure of the WAPS. The card also details the traffic/road safety and crime statistics for the preceding period and contact numbers by which to appropriately contact police.
(c) B&S Printing – printing.

(1) *Re-print – Regional & District Maps*
(2) (a) Original and Final cost is $234
(b) A map of Western Australia illustrating the four Police Regions and the police districts in the regional areas and a map illustrating the six metropolitan police districts and their boundaries.
(c) B&S Printing – printing.

(1) *Re-print – Purpose and Direction pamphlet*
(2) (a) Original and Final cost is $1,039
(b) A summary of the Purpose and Direction booklet. The pamphlet contains the mission and strategic intentions of the Western Australia Police Service.
(c) B&S Printing – printing.

(1) *Purpose and Direction Posters*
(2) (a) Original cost is $4,130 and Final cost is $3,950
(b) A2 size wall posters that detail (a) the mission statement, and (b) the strategic intentions of the Western Australia Police Service.
(c) B.D. Design – design and printing.

(1) *Presentation folders*
(2) (a) Original and Final cost is $2,457
(b) Document presentation folders used to compile information packages (Delta Program).
(c) Drawcard Design Group – design and printing.

(1) *Re-print – Purpose and Direction booklets*
(2) (a) Original and Final cost is $2,998
(b) A clear statement of the purpose, direction and style of the Western Australia Police Service. The blue print for providing better policing services to the people of Western Australia.
(c) B&S Printing – printing.

(1) *Achievements and the Way Ahead Booklet*
(2) (a) Original cost is $18,028 and Final cost is $22,700
(b) The document highlights some of the significant achievements that have occurred within the Western Australia Police Service since the commencement of the Delta Program. Additionally, it documents the future direction and the way ahead for the Western Australia Police Service.
(c) Acorn Design – conceptual design and printing.

(1) *Strategic Action Statement – Policing Priorities and Targets 1999-2000*
(2) (a) Design and Negative Preparation - $5,990.00
Printing (7,500 copies) - $9,542.00
$15,532.00
(b) The Strategic Action Statement outlines the Western Australia Police Service's policing priorities and targets for 1999-2000. It is an annual business plan that provides external stakeholders with a clear indication of the agency's priorities and how the agency will be expending public monies. In addition, the Strategic Action Statement also provides all areas of the agency with a statement of what we are striving to achieve in 1999-2000 and the context and the framework for developing local plans.
(c) Insight Communication and Design – design concepts, negative preparation and print management.
Frank Daniels P/L – printing of the Strategic Action Statement

(1) *Role of Aboriginal Police Liaison Officers and Role of Aboriginal Affairs Directorate brochures*
(2) (a) $950.00
(b) Enhancement of Indigenous people and Police relations.
(c) Unicorn Print and Design.

(1) *Police and Indigenous Gathering on Family Violence brochure and poster*
(2) (a) Totem Graphics - $1,850.00
Omega Business Forms and Systems - $2,536.00
(b) Enhancement of Indigenous people and Police relations
(c) Totem Graphics – Design and Prepress
Omega Business Forms and Systems – Printing

(1) *Presentation folders for Police and Indigenous Gathering on Family Violence*
(2) (a) $1,500.00
(b) Enhancement of Indigenous people and Police relations
(c) Omega Business Forms and Systems

(1) *Family and Domestic Violence inserts*
(2) (a) $1,695.00
(b) Enhancement of Indigenous people and Police relations
(c) Omega Business Forms and Systems

(1) *Police and Indigenous gathering on Family Violence Program*
(2) (a) $810.00
(b) Enhancement of Indigenous people and Police relations
(c) Omega Business Forms and Systems

(1) *Police and Aboriginal Relation Feature – Milli Milli Wunka Magazine 16th Edition*
(2) (a) $4,830.00
(b) Enhancement of Indigenous people and Police relations
(c) Milli Milli Wunka

(1) *Aboriginal Service Providers Yearly Planner*
(2) (a) $1,500.00
(b) Enhancement of Indigenous people and Police relations
(c) Milli Milli Wunka

(1) *Police and Aboriginal Relation Feature – Milli Milli Wunka Magazine 17th Edition*
(2) (a) $3,220.00
(b) Enhancement of Indigenous people and Police relations
(c) Milli Milli Wunka

(1) *Art changes for Agro labels*
(2) (a) $698.00
(b) Promotion and Education awareness of Road Safety issues
(c) Label Makers Pty Ltd

(1) *Cycle Care Inspection Sheets*
(2) (a) $269.00
(b) Promotion and Education awareness of Road Safety issues
(c) B&S Printing

(1) *Overtake, Fatigue, Skids, Night Driving, Roundabouts and What's Your Rush brochures*
(2) (a) $3,398.00
(b) Promotion and Education awareness of Road Safety issues
(c) B&S Printing

(1) *Bicycles and Cyclist The Law brochures*
(2) (a) $1,113.00
(b) Promotion and Education awareness of Road Safety issues
(c) Expo Document Copy Centre

(1) *How to Tow a Caravan pamphlet*
(2) (a) $2,877.00
(b) Promotion and Education awareness of Road Safety issues
(c) Expo Document Copy Centre

(1) *Fasten Your Seat Belt and Look Bike stickers*
(2) (a) $6,989.77
(b) Promotion and Education awareness of Road Safety issues
(c) Label Makers Pty Ltd

(1) *Safer WA Booklets*
(2) (a) $15,448.00
(b) Awareness of Crime Prevention issues
(c) Strategem

(1) *Safer WA Brochures*
(b) (a) $2,400
(b) Awareness of Crime Prevention issues
(c) Strategem

(1) *Crime Prevention Brochures*
(2) (a) $45,787.00
(b) Awareness of Crime Prevention issues
(c) B&S Printing

(1) *School Based Police Brochure*
(2) (a) $1,109.00
(b) Awareness of Crime Prevention issues
(c) JAM Design Studios

(1) *Blue Mate Brochure*
(2) (a) $2,435.00
(b) Awareness of Crime Prevention issues
(c) Teal Corporate Design

(1) *Domestic Violence Booklets*
(2) (a) $3,140.00
(b) Awareness of Domestic Violence issues
(c) Omega Printers

(1) *Application forms*
(2) (a) $1,078
(b) Application for Employment in the WA Police Service
(c) Unicorn Print (Now known as Velocity Print)
Prepare and print

(1) *Colour Information Brochures*
(2) (a) $1,135
(b) Distribution to create interest in a career in the WA Police Service
(c) Unicorn Print (Now known as Velocity Print)
Prepare and print

(1) *Exam Sample Questions*
(2) (a) $1,688
(b) For provision to interested person to test their ability in relation to the Police Service Entrance Evaluation
(c) Unicorn Print (Now known as Velocity Print)
Prepare and print

(1) *Constable – A Profile*
(2) (a) $898
(b) Provided to interested person to enable them to have an understanding of the roles and duties of a Police Constable
(c) Unicorn Print (Now known as Velocity Print)
Prepare and print

(1) *Recruit Information Sheets*
(2) (a) $820
(b) Provided to interested person – outlining the criteria and application process to join the WA Police Service
(c) Unicorn Print (Now known as Velocity Print)
Prepare and print

(1) *Information Folders*
(2) (a) $1,934
(b) Presentation folders for distribution of literature in a professional manner
(c) B&S Printing
Scan images and Produce folders

(1) *Promotional Posters*
(2) (a) $1,143
(b) Promotional Posters for display at appropriate locations to create an interest in a career in the WA Police Service
(c) Poster Passion
Compile & Print Posters

Emergency Services

The Fire and Emergency Services Authority of WA (FESA) was formally established on 1 January 1999. FESA has endeavoured to provide as much detail as possible on brochures, pamphlets and bulletins that is readily available.

Printed Materials	Supplier	Purpose	Amount
FESA Fire Safety Certificates	Acorn Design	Achievement Recognition	1,440
FRS Fire Safety Certificates	Acorn Design	Achievement Recognition	5,446
Freddy graduation certificates	Spensers Print Service	Achievement Recognition	885
		Achievement Recognition Total	7,771
Arson at a Glance	Planet Creative Media	Investigation and Statistics	1,956
Arson Executive Summary	Planet Creative Media	Investigation and Statistics	3,660
Arson Task Force Booklet	Planet Creative Media	Investigation and Statistics	8,371
Arson Task Force Brochure	Planet Creative Media	Investigation and Statistics	990
FESA Incident Statistics Books	Acorn Design	Investigation and Statistics	145
		Investigation and Statistics Total	15,121
Emergency Management Brochures	M & M Print	Prevention and Awareness	3,525
Brochures Traumatic Incidents	Kwik Kopy Printing Centre	Prevention and Awareness	269
Freddy Newsletter	Spensers Print Service	Prevention and Awareness	5,255
Design Training Records Chart	Stylus Design	Prevention and Awareness	173
Severe Storm Kits	Fineline Print & Copy Service	Prevention and Awareness	462
Dry Season Fire Safety Media Kit	Fineline Print & Copy Service	Prevention and Awareness	149
FESA Brochure/Safety in schools week	Acorn Design	Prevention and Awareness	3,874
Fire Executive Stickers	Planet Creative Media	Prevention and Awareness	682
Firelines Magazine	Stylus Design	Prevention and Awareness	2,371
Firelines Magazine	Sands Print Co	Prevention and Awareness	2,800
FRS Centinal News	Acorn Design	Prevention and Awareness	3,385
Fire and Rescue News	Acorn Design	Prevention and Awareness	4,862
FESA Newsletters	Expo Doc Copy Centre	Prevention and Awareness	1,397
Safety in School Week Leaflets	Snap Printing	Prevention and Awareness	735
Prevention Travel Brochures	Sands Print Co	Prevention and Awareness	1,965
VCC Scene Newsletter	Fineline Print & Copy Service	Prevention and Awareness	149
Bookmarks - Freddy and Smokey	Spensers Print Service	Prevention and Awareness	672
Bookmarks - Stop, Drop, Roll, Crawl Low	Spensers Print Service	Prevention and Awareness	929
Bush Fire Check List Brochure	Fineline Print & Copy Service	Prevention and Awareness	2,419
Bush Fire Safety Brochure x 2000	Fineline Print & Copy Service	Prevention and Awareness	1,675
Fire safety data sheets	Spensers Print Service	Prevention and Awareness	1,200
Freddy Sub-site	Pretzel Logic P/L	Prevention and Awareness	2,720
FRS Rescue Bumper Sticker	Spensers Print Service	Prevention and Awareness	4,068
Header for Winter Fire Safety Campaign	Bulldog Graphics	Prevention and Awareness	4,449
Home Evac Brochure x 2000 copies	Fineline Print & Copy Service	Prevention and Awareness	1,675
Fire Engine Stickers	Supa Stik Labels	Prevention and Awareness	866
Be Aware Fire Stickers	Optima Press	Prevention and Awareness	5,395
Promotional Fire Safety Brochures & Kit	Fineline Print & Copy Service	Prevention and Awareness	1,810
		Prevention and Awareness Total	59,930
Bushfire Management Learning Manual	Sands Print Co	Training	2,648
Bushfire Management Learning Manual	Stylus Design	Training	3,819
Drills and Skills Manual	Sands Print Co	Training	7,970
Fire Suppression Manuals etc.	Snap Printing	Training	3,688
Fire Prevention Manual	Sands Print Co	Training	7,480
Fire Prevention Manual	Stylus Design	Training	14,652
Firefighters Handbook	Sands Print Co	Training	3,550
Homeowners Survival Guide	Advance Press	Training	12,640
Machine Supervision Manual	Sands Print Co	Training	3,800

Machine Supervision Manual	Stylus Design	Training		996
Phase1/2/3 Prescribed Burning 1 Manual	Stylus Design	Training		12,924
Training Manuals - Foam Appl	Snap Printing	Training		2,110
Volunteer Training Booklet	Kwik Kopy Printing Centre	Training		532
Wildfire Suppression	Fineline Print & Copy Service	Training		509
Rural Bush Manuals	Acorn Design	Training		6,520
		Training Total		83,839
			Grand Total	166,660

NEW BREED SECURITY

1742. Mr BROWN to the Minister for Services:

(1) Prior to New Breed Security going into liquidation, did the Government have any contracts with that company or one of its subsidiary companies to provide security services?

(2) What contracts did the Government have with New Breed Security and/or one of its subsidiaries?

(3) What contracts does the Government still have with New Breed Security and/or any of its subsidiaries?

(4) Is the Government aware that in going into liquidation New Breed Security owed wages to security guards employed by it?

(5) What steps does the Government intend to take to ensure that that money is paid?

(6) Is the Government aware New Breed Security did not pay any superannuation on behalf of some of its security officers?

(7) If not, why not?

(8) What checks did the Government carry out clarify the integrity and/or financial viability of New Breed Security?

(9) When were those checks carried out?

(10) What steps does the Government intend to take to ensure that security guards employed by New Breed Security do not lose out on wages or other entitlements due to them at the time that the company went into liquidation?

Mr JOHNSON replied:

(1) Yes

(2) Contract and Management Services (CAMS) was Principal to one contract (69998) for the provision of security services for Fremantle Prison. That contract was with New Breed Security Guards and Patrols Pty Ltd. Parliamentary Services also had a contract with New Breed. CAMS is not aware of any arrangements other Government agencies may have had with New Breed.

(3) CAMS does not currently have any contracts with New Breed or its related companies. It is understood that Parliamentary Services no longer has a contract with New Breed.

(4) No.

(5) CAMS understands that a court appointed Liquidator is managing the affairs of New Breed. CAMS will comply with its obligations under the contract and all the liquidator's requirements.

(6) No.

(7) The Superannuation Guarantee Charge Act (1992) and the Superannuation Guarantee Administration Act (1992) administered by the Commonwealth are the mechanisms for managing this situation.

(8) In relation to the Fremantle Prison Contract, the tender for the contract required tenderers to provide evidence of their financial capacity. New Breed provided such evidence.

(9) These checks were conducted as part of the tender evaluation prior to the award of the contract in November/December 1998.

(10) CAMS will fulfil its obligations under the contract and any liquidator's instructions to pay all monies owing to the liquidator. However, CAMS understands that all outstanding monies have been paid to New Breed.

BUSHPLAN

1745. Mr BROWN to the Minister for Planning:

(1) Is the Minister aware of Bushplan?

(2) Is it true that some of the Bushplan sites have been cleared or partially cleared?

(3) Does the Government intend to take any immediate action to prevent the clearing of all Bushplan sites?

(4) If not, why not?

(5) If so, when?

(6) What interim measures will the Government take to protect all Bushplan sites?

(7) What is the nature of the interim protection measures that will be taken?

(8) When will those measures be taken?

(9) How many Bushplan sites have been affected by unauthorised clearing?

(10) When did the clearing take place (approximate months)?

(11) What action did the Government take to try and prevent the clearing?

(12) Has the Government now taken action to prevent any further clearing of Bushplan sites?

(13) If so, what action?

(14) If not, why not?

(15) Will the Minister give an absolute guarantee that no further clearing will take place on Bushplan sites?

(16) If not, why not?

Mr KIERATH replied:

Please refer to the answer given in response to question on notice 1746 of 14 March 2000.

BUSHPLAN

1746. Mr BROWN to the Minister for Planning:

(1) Is the Minister aware of Bushplan?

(2) Is it true that some of the Bushplan sites have been cleared or partially cleared?

(3) Does the Government intend to take any immediate action to prevent the clearing of all Bushplan sites?

(4) If not, why not?

(5) If so, when?

(6) What interim measures will the Government take to protect all Bushplan sites?

(7) What is the nature of the interim protection measures that will be taken?

(8) When will those measures be taken?

(9) How many Bushplan sites have been affected by unauthorised clearing?

(10) When did the clearing take place (approximate months)?

(11) What action did the Government take to try and prevent the clearing?

(12) Has the Government now taken action to prevent any further clearing of Bushplan sites?

(13) If so, what action?

(14) If not, why not?

(15) Will the Minister give an absolute guarantee that no further clearing will take place on Bushplan sites?

(16) If not, why not?

Mr KIERATH replied:

(1) Yes, I launched it.

(2) A few isolated cases of some clearing of individual lots within Bushplan sites have been reported.

(3) A Notice of Intent to clear is required to be submitted to the Commissioner for Soil and Land Conservation under the Soil and Land Conservation Act 1945. When this has not occurred the Commissioner can take action.

(4) Not applicable.

(5) It will depend on the circumstances of each case and if clearing has occurred under the meaning of the Act. Reported cases are investigated.

(6)-(7) Options under planning legislation are also being investigated through the finalisation process of Perth's Bushplan.

(8) After the finalisation of Bushplan subject to the agreement of Cabinet and due process to implement the required measures.

(9) Individual lots within 10 Bushplan sites have been reported.

(10) Reported clearing occurred primarily in June and July 1999.

(11) Once notified of clearing activity, officers of the government agencies involved with Bushplan contact relevant personnel at the office of the Commissioner for Soil and Land Conservation who visit the reported site to investigate and pursue any necessary course of action.

(12)-(13) No known cases of clearing has occurred since the above reported cases.

(14) Not applicable.

(15)-(16) No guarantee can be given that unauthorised clearing will not occur, however, Government officers will remain vigilant and conduct site visits as required. The requirement to obtain approval to clear is the responsibility of the landowner.

LOCAL GOVERNMENT, TOWN PLANNING SCHEME AMENDMENTS

1764. Dr CONSTABLE to the Minister for Planning:

Why has the Minister withdrawn the power delegated to Local Government in December 1998 to directly advertise town planning scheme amendments?

Mr KIERATH replied:

In December 1998 I introduced Regulations to allow local governments to advertise amendments to their own town planning schemes without first seeking the consent of the Western Australian Planning Commission. In doing so I ensured that the Regulations specified that a local government should not advertise any amendments that were contrary to legislation, a regional planning scheme or a Statement of Planning Policy. Despite this, in August 1999 the Shire of Chapman Valley chose to advertise an amendment which they had been informed was contrary to the Regulations. The information provided was based on the advice of the Crown Solicitor. Subsequently the City of Geraldton has advertised a similar amendment to their town planning scheme. As there was no planning purpose to advertise the amendment I felt obliged to withdraw the delegation before similar actions by other local governments placed an increasing load on the planning processes of the State and thereby delayed the processing of legitimate planning proposals.

MACRO TASK FORCE, TAXI DRIVERS' DNA SAMPLES

1768. Dr CONSTABLE to the Minister for Police:

When will the DNA samples given by taxi drivers to the Macro Taskforce be destroyed, given that taxi drivers have been ruled out as suspects in the ongoing murder investigation?

Mr PRINCE replied:

The Macro Taskforce is conducting an ongoing murder investigation into the disappearance of 1 person and death of 2 other persons. Many people have been interviewed in the course of the investigation. Until there is sufficient evidence to bring a charge in a court of law, against a person alleged responsible for the crimes, the investigation remains ongoing. The nature of the investigation has demanded that taxi drivers be subject to a primary focus. Whilst some drivers have been eliminated, many others have not and remain of interest until the investigation is solved. Until the investigation is resolved, destruction of DNA is being dealt with on a case-by-case basis.

NEDLANDS POLICE STATION, BURGLARY INVESTIGATIONS TEAM

1769. Dr CONSTABLE to the Minister for Police:

Does a burglary investigations team exist at the Nedlands Police Station and, if so –

(a) how many police officers comprise the burglary investigation team;

(b) which suburbs fall within the burglary investigation team's surveillance;

(c) how much funding is dedicated to the burglary investigation team's operations; and

(d) are there other local police stations that house burglary investigation teams?

Mr PRINCE replied:

Yes.

(a) 160

(b) The Burglary Team located at the Nedlands Police Station is a district resource and conducts some surveillance in all suburbs within the Perth District, in consultation with personnel from police stations and other sections. It is located at the Nedlands Police Station because of available accommodation there and its central location within the Perth Police District. The overriding charter of the Burglary Team is to investigate the incidence of burglary across the Perth District, identify those responsible and bring them before the appropriate court of jurisdiction.

(c) $61 000.00.

(d) Within the Metropolitan Police Region, District Burglary Teams are located at -

Cannington District	- Armadale and Cannington Police Stations
Fremantle District	- Fremantle Police Station
Joondalup District	- Joondalup and Warwick Police Stations
Midland District	- Midland, Kalamunda and Lockridge Police Stations

These Burglary Teams are district resources and used within the districts as required.

CITY BEACH BOWLING CLUB, LAND ZONING

1779. Dr CONSTABLE to the Minister for Planning:

What is the current zoning of the land currently occupied by the City Beach Bowling Club on the corner of Kalinda Drive and The Boulevard, City Beach?

Mr KIERATH replied:

The land is reserved for Parks and Recreation in the Metropolitan Region Scheme and the Town of Cambridge Town Planning Scheme No 1.

POLICE PRESENCE, INSTITUTION OF ENGINEERS WA

1784. Dr CONSTABLE to the Minister for Police:

(1) Did the Western Australian Police Service offer to provide a security presence at the West Perth premises of the Institution of Engineers Western Australia on 14 February so that an address to the Institute's members by Pangea representatives could proceed, rather than suffer cancellation due to security concerns?

(2) If no to (1), why was the offer not made?

Mr PRINCE replied:

(1) Yes.

(2) Not applicable.

Additional Information: The State Security Unit was advised by Acting Senior Sergeant Staples of Leederville Police Station, that the address was likely to attract anti-nuclear protests. The address was to occur at 4:30pm on Monday 14 February 2000. The request for police assistance was received at 9:30am on 11 February 2000. The police response to a possible protest was being coordinated when Mr Richard Usher of the Institute of Engineers contacted State Security Unit to advise that the address was being cancelled. Mr Usher further advised he was advertising the cancellation through media and web site releases. In view of this, there was no need for further Police action, other than a liaison function should some protesters still turn up, unaware of the cancellation.

KENSINGTON-SOUTH PERTH POLICE COMPLEX, COST

1788. Mr PENDAL to the Minister for Police:

I refer to the allocation in the last State Budget for preliminary plans for the proposed new Kensington-South Perth police complex and ask –

(a) was the full allocation expended and if so on what;

(b) what is the expected cost of the new police station;

(c) is it intended to make a start on the complex in the new financial year; and

(d) if "yes" to (c) above, when is it expected to be completed?

Mr PRINCE replied:

(a) Funding has been utilised on preliminary site investigation and acquisition. It is anticipated that the full allocation will be expended by June 30, 2000.

(b) $3,000,000

(c) Yes.

(d) The anticipated completion date will be dependent upon the level of funding in the 2000/2001 and 2001/2002 State Budget.

EDDINGTON, MR G.J., LETTER

1793. Mr BROWN to the Minister for Police:

(1) Did the Minister receive a letter from Mr G J Eddington dated 10 February 2000?

(2) Did Mr Eddington pose certain questions in his letter?

(3) Will or has the Minister provided a full and comprehensive report to each and every question?

(4) If not, why not?

Mr PRINCE replied:

(1) No. The last correspondence was dated 20 January 2000.

(2)-(4) Not applicable.

REGIONAL BUSINESSES, DEPARTMENTAL PURCHASING POLICIES

1798. Mr BROWN to the Minister for Services:

(1) Does the Department of Contract and Management and Services provide access for small regional business to make suggestions about changes in individual department purchasing policies?

(2) If not, why not?

(3) If so, what procedures does the Department have in place to ensure such suggestions are properly considered?

(4) Does the Department make enquires to ascertain the degree to which supplies, services or work is able to be provided at competitive prices by regional businesses?

(5) Does the Department of Contract and Management and Services liaise with other Government departments, particularly the Health Department, about the nature of its tenders to ensure that such tenders do not preclude small business in regional Western Australia?

(6) If not, why not?

Mr JOHNSON replied:

(1)-(3) Contract and Management Services (CAMS) encourages small regional business to provide feedback to CAMS that may assist CAMS in improving its services to client agencies and suppliers, and improving the way in which it delivers these services. Any feedback CAMS receives is brought to the attention of the relevant CAMS manager for consideration and action as appropriate.

(4) Yes. CAMS staff in regional areas keep themselves informed through a variety of formal and informal networks about the capacity of local suppliers to meet the procurement needs of Government. Also, through the formal tendering process regional businesses often compete with tenderers from outside the local area, thus encouraging local suppliers to be competitive in their pricing.

(5)-(6) On request CAMS provides advice and assistance to other Government agencies on a range of contracting and management services. This advice and assistance is also available directly to client agencies in regional areas through CAMS' network of country offices. Where an agency uses CAMS to conduct their procurement activities, including the Health Department, CAMS ensures that such activities do not preclude small business in regional Western Australia. An estimated 88% of work managed through CAMS country offices in 1998/99 went to local suppliers. CAMS is not responsible for other government agencies' purchasing policies.

VETERINARY SURGEONS BOARD OF WA, ANNUAL REPORT

1818. Mr KOBELKE to the Minister for Primary Industry:

With respect to the 1998-99 Annual Report of the Veterinary Surgeons' Board of Western Australia -

(a) what was the due date for the tabling of this Report;

(b) on what date or dates and for what reasons were extensions given for the completion and tabling of this Report;

(c) when is the Report to be tabled; and

(d) what reason or reasons were there for the delay in tabling this Annual Report?

Mr HOUSE replied:

(a)-(b),(d) The private Auditor, NFV Curtis Pty Ltd, advised the Registrar that he had completed the audit of the Board on 31 July 1999. The final report was submitted to my office on 31 August 1999 for presentation to Parliament but was not progressed with the Ministry of Premier & Cabinet, who arrange for tabling of documents. It was an oversight on the part of my office.

(c) 15 March 2000.

POLICE, TRUANCY REPORTS

1839. Mr BROWN to the Minister for Police:

(1) Is it the responsibility of the Police Service to apprehend compulsory school age children who refuse to attend school?

(2) In the 1999 calendar year, how many school age children were apprehended for truancy in the City of Bayswater, Town of Bassendean and Shire of Swan?

(3) Does the Police Service, or any other agency the Police Service works with, have a telephone number which members of the community can ring to report truants?

(4) If so, what is that number?

(5) What procedures does the Police Service follow when such reports are received?

Mr PRINCE replied:

(1) The Police Service has a responsibility to deal with truants. However, children of compulsory age who refuse to attend school are dealt with by the Education Department.

(2) There were a total of 1079 recorded juvenile justice cautions for truancy, for the period 1 July 1998 to 30 June 1999. The Police Service does not hold a breakdown of statistics on a 'localities' basis (Towns, Shires etc), as such figures would be unreliable. For instance, a caution could have been issued to a child found truanting in the City of Bayswater but that child may reside in the Town of Bassendean.

(3)-(4) The Police Service is not aware of a dedicated telephone number to which community members can report incidents of truancy. However, persons may contact their local police on telephone number 131 444 if they wish to report truants.

(5) Generally speaking, when a report of truancy is made by a school, the child is returned to the school once located by police. When a report is made by a member of the public, the child is conveyed home by police, in the first instance, to a responsible parent or guardian. If a parent or guardian is unable to be located, the child is returned to school.

GERALDTON POLICE STATION, STAFF

1851. Mrs ROBERTS to the Minister for Police:

(1) What are the current staffing levels at the Geraldton Police Station?

(2) Have any changes taken place in the past twelve months with respect to staffing levels?

(3) Are any changes proposed to staffing levels?

(4) If so, what changes are proposed?

(5) If not, why not?

Mr PRINCE replied:

(1) 88 sworn members.

(2)-(3) No.

(4) Not applicable.

(5) Due to the pending occupation of the new police complex on 17 March 2000, a review and restructure is currently under way to evaluate the staffing levels of the Geraldton Police Station.

POLICE SERVICE, MULTICULTURAL LIAISON OFFICERS

1853. Ms WARNOCK to the Minister for Police:

(1) How many multicultural liaison officers are employed with the Police Service?

(2) What are their responsibilities?

(3) Where are they employed?

(4) Does the Government intend to employ more of the multicultural liaison officers?

(5) Is the Asian Squad still in existence?

(6) If so, what are its responsibilities?

(7) Does the Government intent to continue funding the squad?

Mr PRINCE replied:

(1) Following a successful pilot project in 1998, the Commissioner of Police appointed one (1) Multicultural Liaison Officer in February 1999.

(2) The specific duties of the Multicultural Liaison Officer are to:

Work in collaboration with local advisory committees and project managers to achieve desired objectives;
establish effective communications and working partnerships between the local police services and ethnic communities;
develop, evaluate and implement relevant community programs;
establish and maintain relevant networks and working partnerships within local communities and with local police officers;
develop community projects that will promote partnerships between communities and local police;
assist community groups to identify areas of concern and develop appropriate strategies to reduce these concerns;
develop community education, information and awareness raising programs;
analyse relevant policies and their impact on ethnic communities;
contribute to the design and presentation of cross-cultural diversity training to local police officers;
contribute to the establishment of resource information on multicultural affairs to the local police;
assist to promote recruitment among the ethnic communities; and
undertake other duties as directed.

(3) The Police Service Multicultural Liaison Officer presently operates out of the Mirrabooka Police District.

(4) The Police Service continually reviews its operations, including those with regard to multicultural issues. Consideration will be given to appointing further Multicultural Liaison Officers as the need arises.

(5)-(7) In line with the recommendations of the Investigative Practices Review (IPR) and subsequent restructure of the Crime Support Portfolio, the Asian Squad is no longer operating as an independent Unit. Detective personnel attached to the Unit have been devolved to the Districts who now have ownership of all crime occurring within their jurisdiction. The three Intelligence officers previously attached to the Asian Squad have relocated to the Bureau of Criminal Intelligence - National Projects Team and provide support to all areas within the Western Australia Police Service and operate in conjunction with other external law enforcement partners.

QUESTIONS WITHOUT NOTICE

CAPITAL PUNISHMENT, REFERENDUM

569. Dr GALLOP to the Leader of the House:

My question relates to the Government's policy on capital punishment and, in the absence of the Premier and the Deputy Premier, I ask the Deputy Liberal Leader:

(1) Is the Premier reflecting Government policy or his own personal view when he says a referendum may be held on capital punishment if there is enough community support?

(2) Have plans for such a referendum been discussed in Cabinet; and if so, what was the outcome?

(3) What action, if any, is the Government taking to assess the level of community support for capital punishment?

Mr BARNETT replied:

(1)-(3) I thank the Leader of the Opposition for the question. The issue of capital punishment becomes a public issue fairly regularly-

Dr Gallop: Yes; when there is a by-election or the Government is in crisis.

Mr BARNETT: In this case the issue arose because of a petition tabled in Parliament, and it was *The West Australian* that asked the Premier a question. He responded consistently to previous comments by expressing his view on capital punishment. There is no intention, plan or work being done toward a referendum on capital punishment.

Dr Gallop: In other words, he is not serious or sincere.

Mr BARNETT: I think that if a person is asked to express his or her opinion or comment on an issue, which happens to be a conscience issue, that person is entitled to express his or her view, whether that person be Premier or any other member of this House.

Dr Gallop: Has any action been taken by the Government to assess community support?

Mr BARNETT: No; no action has been taken on the issue. We are not proceeding with a referendum on capital punishment.

DAWESVILLE DEVIATION

570. Mr MARSHALL to the minister representing the Minister for Transport:

The Dawesville deviation south of Mandurah will become an important carriageway to not only save lives, but also ease the pressure of traffic travelling to the south west. What stage has the project reached and will the deviation be completed by Christmas 2000?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

> The 4.5 kilometre Dawesville deviation will significantly enhance the efficiency and safety of the Perth to Busselton coastal corridor. The new alignment will allow improved road geometry and safety intersection treatments that cannot be provided on the existing alignment due to the narrow road reserve and the proximity of residential development. In conjunction with the road works, two pedestrian and cyclist underpasses will be provided under the deviation to improve access to recreational areas and future schools in this rapidly growing area. The initial work on the site will commence in July 2000 with an anticipated completion date of June 2001.

ONE NATION, PREFERENCE DEALS

571. Dr GALLOP to the Deputy Leader of the Liberal Party:

My question relates to Liberal Party policy on multiculturalism.

(1) In the absence of any leadership from the Liberal Party on this issue, is the minister prepared to urge his party and its candidates today to not do any preference deals with One Nation at the next election?

(2) Will the minister be setting an example for his colleagues by putting One Nation last on his how-to-vote cards?

Mr BARNETT replied:

I am happy to comment on the issue. I think this is a rather odd strategy for the Opposition to be employing. As the minister said yesterday, the allocation of preferences at election time is a matter for the party organisation. When we get closer to the election and if One Nation is fielding candidates and it has policies, we, like any other political party, will respond to those. The last time One Nation came out with a series of statements which were widely interpreted as having a racial connotation to them, the other political parties responded accordingly. Another election is coming up. We will watch to see whether One Nation fields candidates and what policies it brings forward and judge it at the time, just as the Opposition will in electorates that matter to it.

Dr Gallop interjected.

The SPEAKER: Order! Order, Leader of the Opposition. I have given you a lot of leniency but it appears to be too much.

SECURE WATER SUPPLIES TO FARMS AND SMALL TOWNS

572. Mr AINSWORTH to the Minister for Water Resources:

The provision of secure water supplies for farms and small towns has always been a major problem in my electorate. Can the minister provide details of government initiatives aimed at overcoming this problem?

Dr HAMES replied:

I thank the member for some notice of this question. Sadly, I had to miss out on attending Cabinet last week. Instead I had the pleasure of going to Hyden to assist some of the local farmers to lay one of their pipelines. This is part of a program by government to extend potable water to farmers, particularly in dry areas in the member's electorate. Through the Water Corporation, we are putting up $5m each year that will assist these farmers. This one is the biggest in Western Australia. It is a $4m contract, one-third of which is being provided by the local farmers. Some 80 farmers are involved and they are laying 129 kilometres of pipeline. Some of it was laid before the harvesting season. They stopped laying the pipeline through the break, but recently recommenced and have 17 kilometres to go.

I was in the trenches in the Hyden-Kondinin region laying pipes with gloves on, in mud and grease and the local farmers were very hard to keep up with. They are working extremely hard to make sure they lay that pipeline. I say to the member for Peel that the farmers were fairly keen to get other members of Parliament into the trenches. However, in his case he could not be guaranteed they would let him out again. This is a tremendous program by the Government. Some $5m a year helps to provide much needed water resources to farming communities.

WESTRAIL FREIGHT OPERATION AND TRACK NETWORK, PRIVATISATION

573. Ms MacTIERNAN to the Leader of the House:

My question relates to government policy on the privatisation of the Westrail freight operation and track network. I refer to the Leader of the House's criticisms of the Government's plans to privatise Westrail and ask -

(1) Is his criticism motivated by the growing community opposition to the sale of public assets such as Westrail?

(2) Does the Leader of the House have serious concerns about the privatisation model adopted by the Government with Westrail?

Mr BARNETT replied:

I thank the member for some notice of this question.

(1)-(2) After Christmas I commented on Westrail's privatisation in specific terms that I thought it should be reviewed. There has been some discussion within Cabinet and within the coalition party rooms about that. I have had the opportunity of expressing my views on the politics and also some of the factors or components of the proposed privatisation. The legislation is proceeding and I accept that position.

Ms MacTiernan: Can you explain some of the concerns you have with the model?

Mr BARNETT: Is the member for Armadale suggesting I give her an economics lesson? Perhaps I will do that privately.

DRUG ABUSE STRATEGY, LABOR PARTY POLICY

574. Mr BAKER to the Minister for Police:

I refer to the fourth change in as many years by the Labor Party concerning its drug abuse strategy policy. Is the minister aware of any recent criticisms by community workers helping illicit drug users concerning the Labor Party's policy in this area?

Mr PRINCE replied:

I thank the member for the question and the opportunity to address this subject, albeit briefly. Since I was appointed minister responsible for the strategy, I have taken the time to visit a number of the community agencies, particularly the drug service teams but also the local drug action groups, and talked to them as well as to the people in the WA Drug Abuse Office and elsewhere. Most recently I attended the Western Australian Network and Alcohol and Other Drug Agencies sector forum. Unfortunately, I was not able to stay for the whole of the exercise but that forum was set up to discuss a general meeting, the Council of Australian Governments' initiatives, and an update on WANADA strategic planning which I thought was very impressive. Some of the work that was then being done was illuminating.

The only other member of Parliament who attended was a member of the Australian Democrats from the other Chamber. There was nobody there from the Opposition. I have not found anybody to discuss with me Labor Party policies on drug abuse. There has been interest in government policy because that has been well established and has evolved from the task force in 1995-96 through to the Together on Drugs pamphlets, strategies and policies that have been issued and the significant amount of work that has been done. All we seem to get from the Labor Party is that its members do not know whether they are into or not into the decriminalisation of cannabis and if so, how much and for whom or when or where! They backflip left, right and centre.

The Government is consistent and has always been. Not only is the Government consistent; it also has a coherent policy on the most casual of drug use, on trying to prevent people from getting into drug use and on those who are the most seriously affected by it. I am sure that some time or other, the members of the Labor Party will try to have a sensible debate on this without their getting caught in their ideology. Perhaps it will be in three or four years when they have another conference, as they do not seem to have them any more often than that.

DAMPIER TO BUNBURY NATURAL GAS PIPELINE

575. Mr RIPPER to the Minister for Energy:

I refer to his statement to the House to the effect that no agreement exists which links future gas transmission tariffs to the sale of the Dampier to Bunbury natural gas pipeline.

(1) Does the reported statement of Epic Energy's managing director in *The Australian Financial Review* with regard to these tariffs that the Government "should support the sales process which they had set up for the Dampier to Bunbury pipeline" contradict the minister's assurance?

(2) Could the matter not be cleared up if the minister tabled in this House all documents and correspondence relating to the sale of the pipeline?

(3) Will the minister urgently seek the agreement of Epic Energy and AlintaGas to the tabling of these documents and if not, why not?

Mr BARNETT replied:

I thank the member for some notice of this question.

(1)-(3) As I explained yesterday, when the bids were received for the Bunbury to Dampier natural gas pipeline, people presented their bids on a number of criteria. That included the price, commitments to expanding capacity and a tariff schedule; in other words, what they would see as the price of transporting gas. The tariff schedule put in by Epic included a proposal that the price of gas would fall from $1.20 to $1.10 to $1. That was a schedule that was generally put forward by government to all bidders as an expectation. That was the broad understanding. It

bought the pipeline, and, as I said yesterday, I placed in order regulations prior to Christmas that actually put in place the dollar.

Equally it was understood by all parties - Epic and all other bidders - that once the state-based gas regulator was established and a National Access Code enacted in this State, all future transport charges, access rights and the like would be administered and set by the independent gas regulator. That is what is happening. There is no mystery about it. That is what is happening. With regard to the points the Deputy Leader of the Opposition raised about confidentiality, as I again said yesterday, I am perfectly happy for that schedule of tariffs to be made public. The Government supports that. The problem that we have is that the confidentiality provisions relate to AlintaGas as a corporate entity and Epic and the other unsuccessful bidders for the pipeline.

Mr Ripper: Are you going to ask them if they will table those documents?

Mr BARNETT: I have made it clear to Epic, Alinta and the regulator that I have no objection to that information being provided, so long as people do not breach the confidentiality requirements. Some of the other information attached to the schedule may not be related but may be confidential. I understand that the regulator will most likely release that information publicly once he has a broad understanding agreement between all the parties, and I am supportive of that. It is not my information to release. It is information that is confidential between Alinta and Epic, and the other bidders, and that was provided on that basis through the formal tender process. The key issue is simply that schedule.

I know there is great interest in this debate. I find that rather odd, because the position, as I have explained, is the public position, and it is acknowledged by the Government in our submission to the regulator. Unlike what others may suggest, the Government has not asked or argued for a price above a dollar or below a dollar. We have said that a price of a dollar seems a just result and is a fair price, but it is now up to the regulator to set the actual price from here on.

GAS CHARGES, INVESTOR CONFIDENCE

576. Mr RIPPER to the Minister for Energy:

I ask a supplementary question. Do we not have a fundamental disagreement here which has the potential to undermine investor confidence in this State?

Mr BARNETT replied:

We do not. We have a situation where Epic is, no doubt, feeling some stress in that the expansion of business has not matched its forecasts.

Mr Ripper: Oh!

Mr BARNETT: It probably paid too much, but that was a commercial transaction. In time, I think its business will prove to be very successful. Right now, it is in a tight situation and has a high debt burden, but that is its commercial issue, not the Government's. With regard to investor confidence, for a long time I and many other people probably on both sides of this House have argued that rather than have Governments make decisions about charges, particularly gas and transport charges, it is better to have that determined independently; and that is what is happening under the National Access Code and the regulator. I believe that will give investors confidence, because we will not see the sort of manipulation of utilities that certainly happened under the Labor Government during the 1980s.

HEALTH DIRECT, EXTENSION OF ACCESS

577. Mr BLOFFWITCH to the Minister for Health:

The provision of quality health care can be a problem for people living in my electorate.

Dr Gallop: That is true!

Mr BLOFFWITCH: Not since I got them the extra $1.5m. I ask: What is the Government doing to improve access to better health care in the rural and remote areas of our State?

Mr DAY replied:

As the member for Geraldton to some extent has indicated, this Government has done a great deal to improve access to health services in rural parts of Western Australia in a variety of ways. I am pleased to advise the House that the latest development is that the Health Department's health call centre known as Health Direct will have its access extended to residents of the Kimberley and Pilbara regions as from this week. Health Direct is a 24-hour-a-day operation which is based on telephone advice being provided by registered nurses. It is particularly established to provide assistance to people after hours and also to people who are in isolated parts of Western Australia, whether that be outer parts of the metropolitan area or rural areas. It was established in May last year with $6m that was made available jointly by the State and Commonwealth Governments. It currently receives about 3 000 calls per week. It is therefore a very successful operation, and we expect that with the extension of the service to the Kimberley and Pilbara region an additional 5 000 calls per year will come in from those areas. I am pleased to also advise that access to Health Direct will be made available to all rural parts of Western Australia by the middle of this year.

FINANCE BROKERS, JOINT POLICE-FAIR TRADING TASK FORCE

578. Mr McGINTY to the Minister for Police:

Will the minister confirm that an approach was made to the Western Australia Police Service in January or February of this year with a view to establishing a joint Police-Ministry of Fair Trading task force to deal with finance broking issues? What was the minister's view of the proposal, and why has the task force not been established?

Mr PRINCE replied:

The member did give me some notice of this question. The question of whether there would be a task force was discussed by me with the Commissioner of Police earlier this year, I think in January. At that time, and since then, he and I - and I will confirm this at any time - were and are of the view that allegations of a form of alleged criminal behaviour should be investigated by the police, whether it is to do with finance brokers or anything else. It is a police matter: They are the people who are expert, they are the people who are trained, and they are the people who should do it. Therefore, the question of a task force was dismissed. If the police require expert help, which in this sort of investigation may be someone who is adept at forensic accountancy, someone who has legal training or someone who has experience and expertise in the IT area - all of whom are people the police have called in as experts - they can source them perhaps from within government or perhaps from outside government, or whatever the case may be, and if they need that expertise, they should be able to get it. At the moment, the staffing for the group that is handling the question of allegations of fraud by finance brokers consists of an acting detective inspector, who oversees everything else, a detective senior sergeant, seven detective sergeants, nine detectives, a crime analyst, two legal officers who are lawyers, and two accountants, one of whom happens to be a police officer. The total core group is 28 sworn officers and five unsworn officers. They have also brought in from time to time other expertise when they have had a need for it. It was the commissioner's view and it is my view that there should not be a joint task force and the matter should be handled by the police, and the police should be able to receive any information. Whether the source of that information is a person like the member for Fremantle or the inquiry to be chaired by His Honour Judge Gunning does not matter. That information should come to the police, and the police should be permitted and encouraged to get on with the job of investigating allegations of fraud.

FINANCE BROKERS, JOINT POLICE-FAIR TRADING TASK FORCE

579. Mr McGINTY to the Minister for Police:

I ask a supplementary question. Was the Minister for Fair Trading or the Ministry of Fair Trading involved in putting that proposition to the police, and was the minister or ministry in any way consulted in the minister's deliberations on this matter?

Mr PRINCE replied:

I certainly did not talk to the Minister for Fair Trading or anyone else. It was a matter that was discussed by me with the commissioner.

Dr Gallop: You did not trust the Minister for Fair Trading! You have reached the same conclusion that we have!

Mr PRINCE: Shut up and let me finish. The commissioner and I meet every week. This was simply an issue that came up in the course of our normal weekly meeting. The question was discussed, and the answer was no; we do not have joint task forces when we are dealing with allegations of criminal conduct, no matter what the nature of the crime.

Mr Brown: That is a fairly new approach.

Mr PRINCE: No it is not.

Mr Brown: Look at the millions of dollars the former Attorney spent on the prisons inquiry, which involved the police and the Ministry of Justice people. That cost $6m.

Mr PRINCE: The police are responsible for investigating allegations of criminal conduct. They do that, and they bring in experts in whatever area it may be necessary to bring in experts.

Mr McGinty: Was there any input from the Ministry of Fair Trading on this matter?

Mr PRINCE: Not to me.

Mr McGinty: Did it come to the police from the Ministry of Fair Trading?

Mr PRINCE: The commissioner and I discussed the issue at a meeting. I cannot tell the member where the idea came from. The commissioner and I talked about it, because it was a question that was raised at our meeting, and the determination was as I have said. There has never been any suggestion that it would be considered otherwise. It is a matter for the police, and other expertise as they determine they need.

SAND EROSION, FALCON BAY

580. Mr MARSHALL to the minister representing the Minister for Transport:

Sand erosion at Falcon Bay, South Mandurah, has caused a receding beach line with exposed rocks and reefs. Residents are blaming the Dawesville Channel for this problem. Can the minister tell the House whether this is so, and what remedies can be taken to replenish the sand at Falcon Bay?

Mr OMODEI replied:

I am representing the minister who represents the Minister for Transport. The Minister for Transport has provided the following response -

The erosion was occurring at the Falcon beach prior to the construction of the Dawesville Channel and continued after the channel was built. It is possible that this erosion increased immediately after the construction of the channel due to a temporary reduction in sediment supply. However, for several years the volume of sand bypassed at the Dawesville Channel has been greater than the estimated natural supply. Therefore, it is unlikely that the Dawesville Channel is presently contributing to erosion at the Falcon beach. The City of Mandurah is responsible for the management of the Falcon beach, and with 75 per cent funding assistance from the Department of Transport, the city has recently completed a study of suitable management options for the Mandurah coast, including the Falcon beach. The study recommended the placement of 10 000 cubic metres of sand on the Falcon beach as a temporary measure until the result of the increased sand bypassing has been determined. The Department of Transport is awaiting the city's decision on this recommendation and will endeavour to continue to assist the city with its management of the Falcon beach.

MULTICULTURALISM, GOVERNMENT POLICY

581. Mr KOBELKE to the Minister for Citizenship and Multicultural Interests:

My question relates to government policy on multiculturalism. I refer to the minister's claim yesterday that he had had many meetings with Allison Walker, the secretary of One Nation WA and the party's candidate for the seat of Moore at the last federal election, and ask -

(1) Will the minister confirm that one of those meetings in the minister's electorate office was held to discuss Ms Walker's campaign strategy after she had nominated for the Joondalup City Council elections?

(2) Will the minister also confirm that he has had discussions with the One Nation councillor over the issue of preferences at the next state election?

The SPEAKER: Order! One of the requirements of questions is that they must relate to the portfolio. A member draws a fairly long bow when talking about citizenship if he asks what happened in a minister's office. I will let the question be fielded, but I must ask members to think carefully about that because they run the risk that their questions will be ruled out of order.

Mr JOHNSON replied:

(1)-(2) Either the member opposite is hard of hearing or he does not listen when I give responses to his questions. I will reiterate once again that that constituent, whom I have not mentioned by name - the member has - has come to see me on many occasions over many years. I will not divulge to the member or to this House any of the confidential conversations that any of my constituents have in my office. I hope the member would have the same integrity.

ONE NATION, PREFERENCE SWAPS

582. Mr KOBELKE to the Minister for Citizenship and Multicultural Interests:

I have a supplementary question. Is it not true that following question time yesterday it was decided that the minister would no longer be responsible for the negotiation of preference swaps with the One Nation party, and that job has now been given to another person whose name I will not mention at the moment in this Chamber?

The SPEAKER: I rule that question out of order.

Point of Order

Mr KOBELKE: Mr Speaker, this is an issue which for some days you have obviously seen as perhaps being outside the minister's area of responsibility. I suspect that may be the case in further weeks as this matter continues to unfold unless I put to you briefly that Citizenship and Multicultural Interests is an important portfolio. Some may judge it as being minor. However, it is important in the relationship with many very important sectors of our community. For people in those ethnic communities, One Nation, and the approach this Government takes to it, is a fundamental issue in the management of this minister's portfolio. That is the point of the question. If this minister is to maintain any credibility and be able to manage his portfolio, his stance on One Nation and preferences is a key issue relating to the management of his portfolio.

The SPEAKER: If members get their questions right, they will be allowed.

Questions without Notice Resumed

WAROONA DAM CATCHMENT MANAGEMENT REVIEW

583. Mr BRADSHAW to the Minister for Water Resources:

(1) Has the Waroona Dam catchment management review commenced?

(2) If not, when will the review start?

(3) When will it be finalised?

Dr HAMES replied:

(1)-(3) No, the review has not yet started, but it is an appropriate time to do so. We are reaching the stage that the management plan which is in place is due for review during this year. Therefore, the Water and Rivers Commission is organising a meeting - it will include the Water Corporation, the Department of Conservation and Land Management and the Shire of Waroona - to decide on the process and the time frame for that review. It is hoped that that meeting will be called early in April, following which we will be able to make a decision on the future management of that catchment.

MISSING YOUTH IN THE KIMBERLEY

584. Mrs ROBERTS to the Minister for Police:

I refer to the police search for the missing teenager from the Bayulu community near Fitzroy Crossing, and ask -

(1) Is the minister aware that police have not been able to charter a helicopter to search for the youth due to budgetary constraints?

(2) Will the minister ensure that all necessary additional resources are provided to the police in the Kimberley so that every effort can be made to find the missing youth?

(3) If not, why not?

Mr PRINCE replied:

(1)-(3) I am delighted that the member has asked this question because it gives me the opportunity to lay to rest some of the misinformation that seems to have been spread around on this subject. First, this matter was raised first by Hon Mark Nevill yesterday. Secondly, it was raised subsequently by Hon Tom Stephens, who I understand is the Leader of the Opposition in the Legislative Council. I have received from Commander Power a note on what Hon Tom Stephens said - I will seek to table that in a moment - together with details of the search that has been carried out - I will also table that rather than read it. It details action that has been taken on 10, 11, 12, 13, 14, 15 and 16 March. The first and only reference to the lack of availability of a helicopter is made on 15 March.

A helicopter conducted a search for about four hours at that time. The helicopter had not been available earlier in the day because it was being used independently by the Yakanarra community to conduct a search of the area. The young man who is missing is from that community. That is the only time the police wanted the helicopter that it was not available, and that was because the community was using it. There has been no lack of resources, no lack of will and no lack of commitment to try to find this young man. Indeed, on a number of occasions the police have taken up with them in the helicopter a number of Aboriginal people who are experts in tracking to try to find where this young man has gone.

Mr Kobelke: For what period?

Mr PRINCE: The detail I have here is from 10 March up to and including today.

Mr Kobelke: No, for two hours or two days?

Mr PRINCE: The member will read it. It refers to the 10th to today - every day. It is a flooded area. It is difficult to find any trace of this young man. I table the details for the benefit and information of the member who has asked the question and others who have been making unwarranted and unjustified comments about the lack of police commitment to this exercise.

[See papers Nos 743 and 744.]

MITCHELL FREEWAY, FURTHER EXTENSION

585. Mr BAKER to the minister representing the Minister for Transport:

I refer to the official opening of the Hodges Drive extension of the Mitchell Freeway in mid-December last year. Will the minister please advise when the further extension to Burns Beach Road and beyond will commence?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

> Main Roads' current 10-year plan makes provision for the extension of the Mitchell Freeway from Hodges Drive to Shenton Avenue, with funds allocated from 2004-05 to 2006-07. It should be noted that these are indicative timings only and are subject to change. There are no further provisions within the current 10-year plan to extend beyond Shenton Avenue to Burns Beach Road.

VASSE PRIMARY SCHOOL, QUEEN'S VISIT

586. Mr CARPENTER to the Minister for Education:

I refer to the forthcoming visit by the Queen of England to Vasse Primary School near Busselton and ask -

(1) Given that there are already 490 children at the badly overcrowded school which was built to cater for just 350, will the minister advise us where the Queen and her large entourage will fit at the school?

(2) Given the number of people and the level of excitement and emotion bound to be generated by the Queen's visit, will the minister tell us if any special arrangements will be put in place to add to the one and only toilet currently available for the 20 female staff at Vasse Primary School?

Mr BARNETT replied:

(1)-(2) I suppose by convention I have to say that I thank the member for Willagee for the question. However, the question was in poor taste and not appropriate. I am not involved in the details of the royal visit. As members may know, I happen to support the republican cause; however, Her Majesty is the Queen of Australia. I have absolutely no doubt that the reception at the school will be superb, and that Vasse Primary School, in representing Western Australian government and non-government schools, will make a superb presentation and display of the quality of our education. I wish that members opposite would be supportive of our schools in Western Australia. I am sure the member for Vasse is delighted that Her Majesty is visiting the Vasse Primary School. There are issues of population growth in the Busselton area, and they are being addressed, but please do not belittle the royal visit and the efforts of the teachers, children and community of Vasse Primary School.

FORFEITURE BILL, DRAFTING

587. Mr BAKER to the minister representing the Attorney General:

Can the minister provide the House with a brief progress report concerning the drafting of the new forfeiture Bill, which I understand provides for the non-conviction based forfeiture of the assets of certain criminals?

Mr PRINCE replied:

The Attorney General has provided me with some brief, I am pleased to say, notes in answer to the question to the effect that the drafting of the Bill is significantly progressed. A complete draft has not yet been prepared. Some important parts are close to that stage. As a result of the scope of the Bill, the fine detail requires careful attention to ensure it achieves its desired result. I know it is one of the matters the Attorney and others are working on on a weekly basis.

GOVERNMENT FEES AND CHARGES, SUBJECT TO GST

588. Mr RIPPER to the minister assisting the Treasurer:

I refer to the document titled "List of WA Government Fees and Charges Subject to a GST" tabled in the House on Tuesday, and to the Treasurer's statement that he was tabling the document "in the interests of full transparency and to remove any community uncertainty and confusion".

(1) Will the minister give an assurance that this document contains the complete list of all state and local government fees and charges that will attract a GST?

(2) If not, can the minister say when the public will be advised of the other state fees and charges which will be subject to the GST?

Mr KIERATH replied:

(1)-(2) I was not responsible for tabling the document so I cannot vouch for its veracity. I understand that as far as Treasury is able to ascertain at this time, it details all the government charges and fees subject to the GST.

Dr Gallop: Did you check it up?

Mr KIERATH: I will check and follow up on that and get back to the member either today or next Tuesday.