

# Legislative Assembly

Thursday, 8 December 1983

The SPEAKER (Mr Harman) took the Chair at 10.45 a.m., and read prayers.

## BILLS (3): RETURNED

1. City of Perth Parking Facilities Amendment Bill.
2. Appropriation (Consolidated Revenue Fund) Bill.
3. Acts Amendment (Prevention of Excessive Prices) Bill (No. 2).

Bills returned from the Council without amendment.

## FINANCIAL INSTITUTIONS DUTY BILL

### *Returned*

Bill returned from the Council without amendment, but with a request that the Assembly consider the desirability of exemption being granted to charitable institutions, as defined in clause 76 (4).

### *Ministerial Statement*

**MR BRIAN BURKE** (Balga—Treasurer) [10.50 a.m.]: I seek leave to make a statement with regard to the Financial Institutions Duty Bill.

Leave granted.

**Mr BRIAN BURKE:** I simply want to reassure the House, in line with the undertakings given by the Government during the debate on the Financial Institutions Duty Bill, that the Government will be constantly monitoring the performance of the legislation, and we will naturally be most concerned that its effect upon those in the community referred to in the debate in the Legislative Council on this measure is as light as possible. We appreciate all the difficulties which have been referred to by different members, both here and in the Council, as to the way in which the duty might affect charitable institutions. We will ensure that in the monitoring process this is particularly attended to.

I would reiterate, for the satisfaction of members, that the maximum duty payable by any charitable institution will be \$20, and that the system of exemptions provided for in one or two other States is a system which the charities have found onerous to comply with, and one which the banking and other financial institutions have

exhorted the Government not to accept in this State. So we are conscious of the area of concern expressed, and we will be monitoring the duty to ensure that where it does arise, problems will be attended to by amending legislation as soon as that evidence becomes clear to us.

**MR O'CONNOR** (Mt. Lawley—Leader of the Opposition) [10.53 a.m.]: I am a little disappointed that the Government is not accepting the request of the Legislative Council in connection with this matter. We fought very strongly during the debate in this House to have the particular clause deleted to exclude charitable and church organisations from the imposition of FID. While the Treasurer makes the point that it will cost each of the organisations only \$20, it is not merely the cost, but also the managerial nightmare and paperwork that is involved. That will cause much inconvenience to the organisations concerned, whether they are church or charitable organisations, and hence there will be a great deal of additional book work which can only increase their costs and take away from them money which they would otherwise have received.

I had hoped the Treasurer would support the request of the Legislative Council in this regard. It is something for which we fought strongly in this House previously, and in due course the Treasurer will find it necessary to make some alteration to help a group of people which helps the community in this State to a great extent.

*Sitting suspended from 10.54 to 11.00 a.m.*

## MARKETING OF LAMB AMENDMENT BILL

### *Returned*

Bill returned from the Council without amendment.

## REFERENDUMS BILL

### *Council's Message*

Message from the Council received and read notifying that it had agreed to the further amendment made by the Assembly to the Council's amendment No. 8.

## ACTS AMENDMENT (ASBESTOS RELATED DISEASES) BILL

### *Receipt and First Reading*

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

### Second Reading

**MR GRILL** (Esperance-Dundas—Minister for Transport) [11.01 a.m.]: I move—

That the Bill be now read a second time.

The mining and use of blue asbestos has been the source of very great tragedy in this State and it is now recognised as the cause of a number of crippling and fatal lung diseases.

These diseases are still emerging among former asbestos miners nearly 20 years after the mine was closed. Other cases, smaller in number, have occurred among Westrail and SEC employees who handled asbestos in the course of their work.

Most, but not all, sufferers from asbestos-related diseases are entitled to workers' compensation. Through their representative organisations, they have argued, for some time, that they should also be able to pursue common law claims in negligence. They have been prevented from doing so by the particular nature of their disease, as this interacts with the effect of the Limitation Act.

The Limitation Act provides that an action in negligence must be instituted within six years of the cause of action accruing. It is now well-established that, in the case of disease, the cause of action accrues when the disease is contracted and not when its symptoms emerge.

The disease of asbestosis is contracted at the time that asbestos dust is inhaled and lodges in the lungs. Typically, however, the symptoms of asbestosis do not become apparent for at least 12 years thereafter. It is because of this gap in time that diseases such as asbestosis are referred to as "latent diseases".

As will be apparent from the combination of factors to which I have referred, a sufferer from asbestosis is already Statute-barred from a claim for damages when his symptoms first appear. On the face of it, that effect is anomalous and unfair, and it has led to requests that the Limitation Act be amended.

In response to those requests, the previous Government put a reference on latent diseases to the Law Reform Commission.

An urgent report was requested, and this was presented in October 1982. At that time, the commission went beyond its limited terms of reference and suggested that all limitation periods—not restricted to latent diseases—should be subject to an overriding discretion in the court, to permit extensions of time. The last Government rejected that approach. It announced, instead, that it would look at the possibility of instituting special compensation arrangements for those who were

not at all, or not adequately, compensated under workers' compensation.

The Attorney General indicated then, and he has repeated since, that a good deal is to be said for considering that approach. In the event, it has not been adopted by the Government for a number of reasons.

In the first place, it is doubtful whether a new compensation scheme could be formulated which did not create more anomalies than any it overcame. Such anomalies would inevitably emerge, not only as between asbestos-disease sufferers themselves, but between them and other members of the community whose disabilities at present are also not compensated at all, or inadequately compensated.

Such persons include the victims of fault-free accidents on the road or elsewhere out of the employer-employee relationship. They include also, for example, the victims of criminal injury, whose assistance by way of the Criminal Injuries Compensation Act is very often nominal.

A second argument against an *ad hoc* addition to the current compensation arrangements is that the representatives of affected persons seem unanimous in their opposition to it.

A third consideration is that a new *ad hoc* compensation system would not address the principle involved in the impact of the Limitation Act on these particular diseases.

The Government has, therefore, determined that the Limitation Act should be amended in respect of asbestos-related diseases.

As the Law Reform Commission indicated in its report, any amendment to the Limitation Act must involve serious questions of retrospective effect. In a literal sense, almost any facility to claim in the future on the basis of an asbestos-related disease will be retrospective since, at least in respect of asbestosis, almost all such cases will already have been contracted and their limitation period expired.

Retrospectivity is always to be approached with caution. Certainly, that is the case here, where insurers will be fixed with liability which previously did not exist and for which premium levels were not adjusted.

With one important exception, the pattern of the Bill, in recognising the problem of retrospectivity, follows the commission's recommendations.

The dividing line between retrospective and prospective actions will be 1 January 1984.

A prospective claim for an asbestos-related disease will apply in the case where knowledge of the

disease arises only after 1 January 1984. Ordinary limitation periods will then apply, but they will run not from the date when the disease was contracted, but from the date when it became known to the affected person.

The calculation of damages in any prospective claim will proceed on ordinary principles.

Retrospective claims are those for an asbestos-related disease where knowledge of the disease arose before 1 January 1984, and where the limitation period, if not for the effect of this Bill, expired before 1 January 1984.

In such a case, time for purposes of the Limitation Act is extended for three years from the date on which this Bill is enacted.

It should be noted that this provision, together with a fixed "dividing line" of 1 January 1984, will ensure that no-one should be disadvantaged if, for unanticipated reasons, the enactment of this Bill is delayed beyond the current session.

I should add also at this point that the Bill contains certain transitional provisions to cover the unusual and fairly unlikely situation where a person's time may not have expired by 1 January 1984, but would, in the ordinary course of events, expire within three years thereafter.

Damages in any successful retrospective claim will be limited to pecuniary loss only. This is in keeping with one of the Law Reform Commission's recommendations with which representative groups have indicated their agreement. The Bill, however, restricts retrospective damages further by providing that, in any event, they should not exceed \$120 000.

Apart from their general justification based on the imposition of liability retrospectively, the limitations on recovery have an important practical basis.

Proponents of an amendment to the Limitation Act have often said that any company at fault should not be permitted to escape scot-free through legal technicalities. Reference in this respect has usually been to CSR Ltd. The fact is that CSR will be unaffected by any change to the Limitation Act.

The operating companies at Wittenoom were Australian Blue Asbestos Pty. Ltd., subsequently renamed Midalco Pty. Ltd. While these were wholly owned subsidiaries of CSR at all relevant times, only the assets of the operating company would be available to satisfy an award of damages in respect of the mining at Wittenoom. A recent search of the Corporate Affairs Office indicates that the net assets of Midalco Pty. Ltd., in the last set of accounts filed, amounted to \$337.

Overseas experience with large unanticipated awards indicates that companies have simply gone into liquidation, as have a number of their insurers. Successful litigants were then left lamenting. In the case of asbestos mining, the insurer was the SGIO. It must be understood that, should there be any substantial number of successful claimants even at the limited rate, the SGIO would be unable to satisfy claims out of its own resources. These would have to be found in the last resort from State revenue.

Given this special combination of circumstances, the Government believes that the provisions of this Bill, in respect of retrospective claims, come as close as possible to a fair balance of the competing considerations.

Having emphasised the financial consequences of successful actions, it is necessary to consider the contrary case.

It has been disturbing to observe the apparent assumption that an amendment to the Limitation Act will ensure the recovery of damages by all persons affected by asbestos-related diseases. That is not a safe assumption. Each case will go on its own facts and merits and will have to satisfy the usual negligence criteria. Two cases that I am aware of on the asbestos-related disease of mesothelioma have failed already, despite being treated as not Statute-barred.

It is not for me to predict what other cases on other facts, and even other diseases, might produce. The least that must be said, however, is that this is an area for some restraint in terms of expectations.

Added to any legal hurdles is another practical insurance problem. This arises from the fact that common law insurance cover for the Wittenoom mining operation was only unrestricted as from 1 January 1959. Before that, insurance cover was limited to \$2 000 in any single case.

Although not strictly relevant to the present Bill, these matters have led to some consideration of the Wittenoom Trust. This is a fund set up by CSR Ltd in 1978 to help asbestos disease sufferers and their families. CSR has previously committed itself to contribute \$2 million to the trust over 10 years.

Mr O'Connor: What is the total amount expected to be required in this area? I know it is difficult to estimate it, but do you have a figure in mind?

Mr GRILL: Some of the upward estimates are absolutely mind-boggling; they run into tens of millions of dollars. The lower limit could be nil because no-one might be successful. It is quite difficult to conclude who will be successful and who

will be unsuccessful. As I mentioned earlier, the two cases that have been heard have resulted in the claimants being unsuccessful. If that is an indication of what will happen to other claimants, the liability could be nil. But no-one can prophesy. If the upper limit is reached tens of millions of dollars will have to be expended by the State. The SGIO could not pay that money; it would go broke before it did so. So the liability would come back to the taxpayers.

As a result of recent discussions, CSR has now agreed in principle to increase its contribution by \$1 million over a further five years, and to appoint an additional trustee of the fund to be nominated by persons affected by asbestos-related disease.

Therefore, these changes to the trust will, among others, allow it to provide more substantial cash assistance in future than has previously been permitted.

I conclude with two further general comments.

This Bill, in addition to amending the Limitation Act, amends other relevant Acts. In particular, the Fatal Accidents Act is amended to permit recovery by dependants of a deceased sufferer from asbestos-related disease, on the same general lines as would have applied to the affected person himself had he lived longer. The Law Reform (Miscellaneous Provisions) Act 1941-1982 is also amended.

Secondly, it will be noted that this amending Bill does not go to the very wide scope of the Law Reform Commission's recommendations, nor even to the whole field of latent disease, which was the subject of the original reference to the commission.

As early drafts of this Bill were prepared, various unexplored difficulties emerged. In informal discussions, the commission itself agreed that, given the urgency which applied to its initial report, it might well be best to restrict the present Bill to asbestos-related disease only, allowing further time for an adequate review of other issues.

That is the course which the Government is following and this Bill deals only with asbestos-related diseases. It is proposed to ask the Law Reform Commission to give further consideration to questions related to latent diseases generally.

I commend the Bill to the House.

**MR HASSELL** (Cottesloe—Deputy Leader of the Opposition) [11.17 a.m.]: The Bill seeks to deal with a problem which presents the most enormous legal complications. In reality the Minister in this place is speaking on behalf of the Attorney

General, who is responsible for the matter, but this Minister has outlined some of those complications in his second reading speech.

The very title of the Bill indicates the difficulties. The Bill involves the Limitation Act, the Crown Suits Act, the Fatal Accidents Act, the Law Reform (Miscellaneous Provisions) Act, and the Local Government Act. As the Minister said in his second reading speech, the legal position will not be clear entirely even on the completion of the adoption of this legislation. On behalf of the Attorney General this Minister also warned that expectations as to entitlement should not rise too high because this Bill has been introduced.

What it all amounts to is this: The community has faced an extremely tragic and difficult social problem arising from a disease caused by the pursuit of an industry. At the time the damage was done the community did not, through any of its accumulated knowledge, know of the impact of the damage or the creation of injury. It was only in recent years, after the problem began to emerge in its full extent, and the advance of science allowed research to indicate the origins, that the cause and extent of the problem was revealed. After a long course of consideration—probably a length of time causing much heartburn to those affected by the disease—the Government has brought forward measures in the form of this Bill, measures which seek to provide some compensation to some people who have been affected.

It seeks to provide that compensation on the basis of confining the operations of the law to parameters previously understood. It uses the insurance, the liability, and the limitation principles which are all well established within our legal framework. Given that fact, the real issue to be resolved nevertheless remains. The resultant human tragedy and suffering is the problem that Parliament is seeking to resolve today.

The Opposition supports the Bill while at the same time recognising its limitations and the problems which remain for affected people. We must also realistically recognise that the Bill presents a gigantic problem for those who may have to meet the potential liability under the law and the extent of that problem is to be measured in dollars.

If we were dealing with a situation in which the Government was not accepting responsibility we would see a certain end to the State Government Insurance Office in this State. However, the Government is accepting liability. It does not know how great that liability will be and there is very good reason to believe that it will be of very

significant proportions as claims are received and assessed. Nevertheless, they must be faced up to.

The Government has sought to protect its overall position which means to protect the overall position of taxpayers by imposing a limitation on the amount that may be claimed in individual cases. The sum involved is \$120 000. That is reasonable in the circumstances. I have no doubt that we will see amendments to this legislation and this legislative scheme in the future as its practical application identifies more problems. Those amendments will no doubt be received sympathetically by the House and will be carefully considered as they come forward and as they are required.

The Opposition supports the Bill.

**MR O'CONNOR** (Mt. Lawley—Leader of the Opposition) [11.23 a.m.]: I rise briefly to indicate my sympathy for the people affected by asbestos related diseases and also to indicate my support for the Bill. I understand, as the Deputy Leader of the Opposition pointed out, that the SGIO would find it impossible to cope with the costs in connection with this matter. Virtually an open cheque is being written for cases involving people affected by asbestos related diseases. When one realises that these people sometimes do not show any signs of such diseases until 20 or 30 years after the initial absorption of asbestos into their bodies, one realises it is obviously impossible to ascertain how many people will be involved, but, as the Minister pointed out, it is possible that it could cost millions of dollars.

**Mr Grill:** In that respect there are approximately 300 potential plaintiffs now. They are the ones we know of.

**Mr O'CONNOR:** The Minister is talking about \$30 million there.

**Mr Grill:** Yes.

**Mr O'CONNOR:** The problem is that more are being identified all the time and it is possible the figure could reach \$50 million. That would not be an unreasonable figure, bearing in mind that this disease is not only contracted from mines; it is also contracted from buildings and other places. Asbestos was widely used in the last 20 years and the possibility that many more people will be involved in the future is quite high.

**Mr Grill:** The Government would not like to put an upward figure on it.

**Mr O'CONNOR:** I understand that, and I realise that it cannot do so; it would not be possible to do so. A figure of \$50 million for the next five years would be reasonable in those circumstances. I do not want to waste time during the Committee

stages, but I ask the Minister if he can give an indication of whether any money was set aside for this area in this year's Budget. I was unable to find any amount which was set aside for any such cases. If an amount has been provided for this, would he please tell me what it is? I know under normal circumstances such a figure would be difficult to assess, but I imagine the Government would have set aside some money, knowing that this Bill was coming forward. I seek that information from the Minister.

**MR COYNE** (Murchison-Eyre) [11.25 a.m.]: I support the Bill and I shall make a few comments about asbestos related diseases. I imagine most of the impact of this Bill will relate to cases of asbestos related diseases the origins of which can be detected. The Wittenoom experience has shown that many cases have arisen already and will continue to arise for many years to come. I imagine that before any compensation can be paid to such victims, evidence will be required as to the origins of the disease and sometimes that is impossible to ascertain.

I have had experience recently of the case of a person in the goldfields who had never been near Wittenoom or worked in an asbestos mine. He worked as a prospector in Cue, had just sold his equity in a mining lease there, and decided to retire to England with his wife who had originally come from Scotland and who was a matron at the local hospital. She departed for England before him.

Before departing this man sought a clearance from the board in respect of his ordinary miner's examination. The board informed him that he should keep his eye on a certain problem. He thought it was possibly pneumoconiosis, but just prior to departing for England he developed a pain under his rib cage which caused him considerable anxiety. He had to keep his hand on it to relieve the pain. He returned to the SGIO and was informed that it would not affect him and he would still be covered. He went to England and soon afterwards the pain got worse and it reached the stage of appearing on both sides. He went to a Glasgow hospital to obtain treatment and advice and he was advised to have a biopsy of the lung. The biopsy was not satisfactory because the section of lung taken was not large enough to identify exactly his problem. The surgeons sought permission for surgery so they could obtain a larger section. They did so and he woke up next morning to find half his side had been opened. The result of the biopsy was that he had mesothelioma and the bad news was that he had only three months to live. He came back to Australia post haste to try to submit a claim for his disease.

This man originally migrated from England and had worked in many situations over the past 25 years in which he could have picked up the disease. In his earlier life he was a steam fitter and he used asbestos lagging on pipes. Later he worked on a State Battery and underground in his own mine. I wonder whether this situation could be considered to be similar to that of someone employed in an asbestos mine.

Although I applaud the Bill and see its necessity, I imagine that it will not actually cover a claim such as the one to which I referred.

I support the Bill, but in so doing, I indicate that I appreciate that there will be some further amendments to the Bill in the future.

**MR GRILL** (Esperance-Dundas—Minister for Transport) [11.31 a.m.]: I thank the members of the Opposition for their support of the Bill. I indicate in respect of the direct question put by the Leader of the Opposition that no moneys have been set aside in the current Budget in regard to this matter. However, I reassure him that no liability has been established at the present time. It would be contemplated, if there were successful cases, that provision be included in the next Budget and this would be adequate.

The question as to what provision might need to be made in that Budget is an open one and one to which the Government needs to give a fair degree of consideration.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

*Third Reading*

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

#### **ADJOURNMENT OF THE HOUSE: SPECIAL**

**MR BRYCE** (Ascot—Deputy Premier) [11.34 a.m.]: I move—

That the House at its rising adjourn until Tuesday, 20 December at 2.15 p.m.

Question put and passed.

#### **QUESTIONS ON NOTICE**

*Closing Time*

**THE SPEAKER** (Mr Harman): Before the House adjourns, I indicate to members that replies to questions on notice today which are received by the Clerk prior to 2.15 p.m. will be included in the record of today's proceedings. Questions for Tuesday, 20 December will be received until 4.30 p.m. on Thursday, 15 December.

*House adjourned at 11.35 a.m.*

## QUESTIONS ON NOTICE

### TAXATION

#### *Withholding: Water Authorities*

2461. Mr MENSAROS, to the Minister for Water Resources:

- (1) What, if any, arrangements have been made to administer, particularly at various branch levels, the Commonwealth withholding tax at the:
  - (a) Metropolitan Water Authority;
  - (b) country water undertakings, engineering division, Public Works Department?
- (2) How much withholding tax in total has been deducted in payments and paid into the Commonwealth Taxation Department for the month of October 1983 by the—
  - (a) Metropolitan Water Authority;
  - (b) country water undertakings, engineering division, Public Works Department?

Mr TONKIN replied:

- (1) (a) All branches of the Metropolitan Water Authority identify those contracts which fall within the new prescribed payments system legislation. The finance branch monitors all expenditure and maintains a register of payments made to contractors subject to withholding tax. The tax deductions and associated reporting are passed to the Commonwealth Taxation Department through the Treasury each month.
- (b) A procedure has been developed enabling deductions of the withholding tax (where applicable) to be made in accordance with the Commonwealth requirements.
- (2) (a) Nil. All contractors subject to withholding tax in October 1983 held deduction exemption certificates.
- (b) \$4 309.95 deducted and forwarded to the State Treasury for payment to the Commonwealth Taxation Department.

## PUBLIC WORKS

### *Department: Library*

2462. Mr MENSAROS, to the Minister for Water Resources:

- (1) Is the Public Works Department library proposed to be divided between the surviving parts of the Public Works Department and the planned new State-wide water authority?
- (2) If so, can he broadly describe how the division will be done regarding—
  - (a) personnel;
  - (b) venue;
  - (c) equipment;
  - (d) books?

Mr TONKIN replied:

- (1) Yes.
- (2) (a) to (d) The joint executives of the Public Works Department and the Metropolitan Water Authority, who meet regularly as a committee, have set up a working group to consider all details of the proposed division of the library. The water library will be established in the extended Metropolitan water centre.

## WATER RESOURCES

### *Inquiries: Response*

2463. Mr MENSAROS, to the Minister for Water Resources:

What is the estimated average time it takes for—

- (a) Public Works Department country water undertakings;
- (b) Metropolitan Water Authority;
- (c) his office,

to respond in merit and in writing to inquiries received from the public?

Mr TONKIN replied:

- (a) to (c) It is not possible to give an estimated average time of responses to correspondence received from the public.

The member would be aware of the wide range of inquiries directed to the water resources portfolio and it is not unusual for these inquiries to involve detailed investigations.

I have instructed my own staff and the various departments and authorities

under my control to give prompt attention to all correspondence.

## WATER RESOURCES: MWA

### Staff: Number

2464. Mr MENSAROS, to the Minister for Water Resources:

- (1) What was the number of wages employees of the Metropolitan Water Authority (not counting apprentices) at 31 October 1983?
- (2) How many wages employees did—
  - (a) retire;
  - (b) cease to be employed for other than retirement reasons during the month of October 1983?
- (3) What was the average age of the wages employees asked for under (1) above at 31 October 1983?

Mr TONKIN replied:

- (1) 2 145.
- (2) (a) 3;
- (b) 5.
- (3) 43 years.

## WATER RESOURCES

### MWA: Training Programme

2465. Mr MENSAROS, to the Minister for Water Resources:

Would he please list the latest courses which can be attended by Metropolitan Water Authority employees under the general training programme and the number of people attending each course during October 1983?

Mr TONKIN replied:

Courses are now provided on an "as required" basis reflecting the actual training needs identified for specific employees, as distinct from scheduling a menu of training courses and inviting nominations for attendance.

The following list shows the courses which can be made available and the courses actually held, and the numbers attending, during October 1983.

GENERAL TRAINING PROGRAMME  
GENERAL  
staff induction  
staff familiarisation  
customer relations

Courses held  
in October  
1983  
Attendances

industrial relations  
public relations  
letter writing  
report writing  
effective speaking  
effective reading

10

### MANAGEMENT

introduction to management  
junior executive development  
human relations & leadership  
creative thinking—problem solving  
motivating the workforce  
management skills development  
AIM/WAIT executive development  
advanced management program

4

### SUPERVISION

basic supervision  
instruction/communication  
interpersonal relations  
accident prevention  
method improvement

### COMPUTING

computer concepts  
systems analysis  
systems analysis concepts  
systems design concepts  
project management  
systems design  
computer concepts for managers  
audit and security  
fortran 77 language  
Facom intro to PFD  
Facom advanced  
(CPM) computer program pert 7

10

12

### SAFETY

office safety  
accident prevention  
accident investigation  
safety practitioner  
safety practitioner continuation  
St. John first aid certificate  
forklift truck operators  
driver assessment  
intensive driving  
shooflirers

10

1

2

2

## WATER RESOURCES

### MWA: Nine-day Fortnight

2466. Mr MENSAROS, to the Minister for Water Resources:

As a result of the shorter working time decision about a year ago—

- (a) are all branches of the Metropolitan Water Authority's wages employees now working a nine-day fortnight;
- (b) are they all working at the same time;
- (c) are all the wages now paid fortnightly and into an account of the employee with a bank, building society, etc?

Mr TONKIN replied:

- (a) The day labour work force in general is working a nine day fortnight with the exception of shift workers (98 employees) working a 19 day month. Also, negotiations are in progress regarding nine night watchmen.
- (b) Yes, in respect of the construction and mechanical and electrical branches. No, in respect of the water supply mainten-



ance and sewerage and drainage maintenance branches.

(c) Yes.

2467. *This question was postponed.*

## WATER RESOURCES

### *MWA: Industrial Relations Policy*

2468. Mr MENSAROS, to the Minister for Water Resources:

- (1) Are there preparations proceeding to change the industrial relations policy of the Metropolitan Water Authority despite his reply to my recent questions that the policy remains the same?
- (2) If so, can he please describe these preparations?

Mr TONKIN replied:

- (1) No changes are being contemplated.
- (2) Not applicable.

2469. *This question was postponed.*

## WATER RESOURCES

### *Installations: Tours*

2470. Mr MENSAROS, to the Minister for Water Resources:

Are installations at the Metropolitan Water Authority, such as service reservoirs, waste water treatment plants, siroflocc, etc., available for conducted tours on request by members of Parliament for schools in their electorates?

Mr TONKIN replied:

The Metropolitan Water Authority has written to principals of metropolitan and country schools informing them that guided tours of the authority's installations can be arranged by appointment. Such arrangements are available to all members. A brochure is being prepared on this subject and will be sent to all schools at the start of the next school year.

## MARITIME BOUNDARIES

### *Negotiations*

2471. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) Does he have details when negotiations have last been held between Indonesia and the Commonwealth of Australia regarding the delineation of maritime boundaries between these two countries?

- (2) Have Western Australia's representatives participated in those meetings where Western Australia's offshore petroleum licensing areas were involved?

Mr GRILL replied:

- (1) 27 to 29 October 1981.
- (2) Yes.

## FUEL AND ENERGY: ELECTRICITY

### *Charges: Government Departments and Instrumentalities*

2472. Mr MacKINNON, to the Minister representing the Minister for Fuel and Energy:

- (1) When was the new tariff covering the supply of electricity to Government departments and instrumentalities in isolated country areas introduced?
- (2) How much was recovered by the commission under this tariff in 1982-83?
- (3) How much is estimated to be received by the commission under this tariff in 1983-84?

Mr BRYCE replied:

- (1) 1 July 1982.
- (2) \$6.5 million.
- (3) \$7.5 million.

## FUEL AND ENERGY

### *Accounts: Energy Budget Payment Scheme*

2473. Mr MacKINNON, to the Minister representing the Minister for Fuel and Energy:

- (1) When was the State Energy Commission's energy budget payment scheme introduced?
- (2) How many "special purpose energy savings accounts" have been opened under this scheme?

Mr BRYCE replied:

- (1) 1 January 1983.
- (2) "Special purpose energy savings accounts" relate only to banks, credit unions, and building societies. The commission has no indication how many of these accounts have been opened for the purpose of paying energy accounts.

## FUEL AND ENERGY: ELECTRICITY

*Power Station: Bunbury*

2474. Mr MacKINNON, to the Minister representing the Minister for Fuel and Energy:

Referring to the report of 6 December that the Government had "appointed a Cabinet sub-committee to examine the terms for letters of intent for the construction of a \$500 million power station in the South West"—

- (a) who are the letters of intent between;
- (b) what is the location of the power station to which the letters of intent apply?
- (c) what is the anticipated timing for the construction of the power station?

Mr BRYCE replied:

- (a) Letters of intent would provide for the construction of the power station and the supply of the main items of generating plant and would be sent to Kukje/ICC Construction Company Ltd and Korea Heavy Industries and Construction Company Ltd. They would be sent by the State Energy Commission but would cover plant to be owned by the Commission and a private power group. The letters are conditional upon firm commitment to Korean investment in the smelter project.
- (b) The location of the power station will be the south-west region of the State, but the specific location has yet to be finally resolved.
- (c) The power station would be constructed with the first generating unit to come into operation in 1990.

## FUEL AND ENERGY: ELECTRICITY

*Lake MacLeod: Commitment*

2475. Mr MacKINNON, to the Minister representing the Minister for Fuel and Energy:

- (1) As part of the agreement reached between the Government and Dampier Salt (Operations) Pty. Ltd., at

Carnarvon, is any commitment involved from the State Energy Commission?

- (2) What is the detail of that commitment?
- (3) Will the State Energy Commission, or the State Government, fund that commitment?

Mr BRYCE replied:

- (1) to (3) I refer the member to the ministerial statement made by the Deputy Premier and Minister for Economic Development and Technology on this topic on Thursday, 1 December 1983.

## CONSERVATION AND THE ENVIRONMENT

*Herdsmen Lake: "Habitat Herdsman"*

2476. Mr THOMPSON, to the Minister for the Environment:

- (1) Has he received a letter dated 26 November from Noeline Hartley, the convenor for *Habitat Herdsman*?
- (2) Does he share the concern expressed in the letter and the document which was enclosed with that letter?
- (3) What action will he take with respect to the 12 specific items which *Habitat Herdsman* has listed and which action they see as central to preserving the environment of the lake?
- (4) Has he given consideration to establishing all or part of the Herdsman Lake area as "A"-Class reserve?
- (5) If "Yes" to (4), what is the result of that consideration?

Mr DAVIES replied:

- (1) and (2) Yes.
- (3) As the area is reserved for parks and recreation under the metropolitan region scheme, I will be forwarding a copy of the correspondence to the Minister for Planning.
- (4) No, because it would be necessary to consolidate land tenure before such a move was appropriate.
- (5) See (4)