

Legislative Council

Thursday, 22 June 1995

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

MINISTERIAL STATEMENT - MINISTER FOR RACING AND GAMING

Liquor Licensing Act Review, Minister's Report Tabling

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [2.35 pm] - by leave: Earlier today I tabled the "Report of the Minister for Racing and Gaming on the Review of the Liquor Licensing Act 1988". The Liquor Licensing Act 1988 came into operation on 1 February 1989. Section 178(1) of the Act requires the Minister to carry out, or cause to be carried out, a review of the operation of the Act as soon as practicable five years after the Act came into operation. That date was 1 February 1994. Under section 178(2) of the Act, I am required to lay before each House of Parliament a report based on the review. A number of processes were used to ensure that the review of the Act was comprehensive and that the views of the liquor industry and the community at large were canvassed. A committee, chaired by Mr Keith Mattingley, a former Managing Director of West Australian Newspapers Ltd, was established to review the Act. Other members of the committee were Mrs Pat Morris, councillor and former Mayor of the City of Gosnells, and Mr Ted Karasek, former Manager, Western Australia, for Ansett Airlines. On 30 September 1994 the report of the Mattingley committee was tabled in Parliament. That report provided a comprehensive range of recommendations, many of which have been incorporated in my report to Parliament.

Submissions on the recommendations contained in the report have been received from government agencies, the liquor industry and the general public. The comments from these responses have been taken into consideration in the formulation of my report. I have had regular meetings with representatives of the liquor industry to hear their views and concerns. Officers from the Office of Racing and Gaming have had discussions with a range of government agencies involved in the Government's policies concerning the sale and consumption of liquor. The Alcohol Advisory Council of Western Australia, individuals and groups from the community expressed concern at the proposals in the Mattingley report to extend trading hours. There was also strong support for more rigorous enforcement of the regulatory requirements of the Liquor Licensing Act. Community groups commented on the difficulties experienced in lodging complaints. It was felt there was a need for more input from the community when considering licence applications. Comments from the four major industry groups - the Western Australian Hotels and Hospitality Association, the Liquor Stores Association of WA, the Cabaret Owners Association of WA and the Liquor Industry Council - demonstrated competing interests and conflicting views within the liquor industry, particularly in relation to trading hours. Mr President, you will appreciate there is a wide divergence of opinion regarding the availability and use of alcohol within the community. The Government, in finalising the actions it proposed to take with respect to the Liquor Licensing Act, considered the submissions in the context of Government policy on the use of alcohol in the community. Members should find the report of interest.

MOTION - URGENCY

Industrial Relations System, Proposed Changes

THE PRESIDENT (Hon Clive Griffiths): I have received the following correspondence addressed to me dated 22 June 1995 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1995 for the purpose of discussing

the growing community and industry anxiety over the Government's proposed second wave of changes to WA's industrial relations system.

Alannah MacTiernan MLC

In order for this matter to be discussed, an indication of support will be required from at least four members by standing in their places.

[At least four members rose in their places.]

HON A.J.G. MacTIERNAN (East Metropolitan) [2.39 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1995.

The purpose of bringing this matter before the House today is to draw the attention of members to the widespread concern within the community and within business circles that Western Australia is about to enter into an unprecedented period of industrial chaos. It will be common knowledge to members that we are already witnessing massive industrial unrest, and regularly we see in the newspapers entire pages under the heading of "Trouble in the workplace". We see the crash or crash-through style that is the preferred style of this Government and, in particular, of the Minister for Labour Relations. Currently we have nurses, school teachers, TAFE teachers, Main Roads workers, rail workers, Water Authority workers and hospital maintenance workers all taking industrial action.

Hon Peter Foss: Not the Water Authority workers at the moment.

Hon A.J.G. MacTIERNAN: Certainly within the past two weeks we have seen the Water Authority workers taking industrial action. They may have temporarily lifted the bans, but it is not unreasonable to say that certainly within very recent times we have had those workers also engaged in industrial action. Of course, most notoriously, we have had the waterside dispute, courtesy of the talents of the Minister for Transport - a dispute that obviously had great potential to threaten many of our export industries and cause grave consternation among the business community.

Not content with that level of disruption, the Government has now let the Minister for Labour Relations go ahead and implement the so-called second wave of changes to our industrial relations system. For a Government that prides itself on its managerial capacity this is an extraordinary folly. We now see both the union movement and major industry bodies agreeing that key parts of this agenda, or this second wave, will be massively destabilising if they are ever implemented and that they are provocative proposals. They are not aimed in any way at enhancing the quality or flexibility of industrial relations in this State; they are not in any way designed to enhance the productivity of workplaces in this State and the general profitability of business. Rather, this is an agenda designed simply to satisfy the rabid and irrational anti-unionism that has driven the Minister for Labour Relations throughout his political career.

I would like to spend some time looking in a bit more detail at some of these preposterous proposals. The first one that has seen universal condemnation is the proposal that unions whose federal counterparts apply for federal coverage for employees covered under a state award will lose state coverage for those employees. That coverage will be given to, or handed over to, another organisation. Fundamentally, we see a situation where unions will be asked to cannibalise each other or, alternatively, to leave workers without award protection. If the Government wanted chaos in the workplace, it could not have planned it better. It is not only those in the Chamber of Commerce and Industry and the Trades and Labor Council of WA who are opposed to this madness. I have spoken to the peak building industry bodies - bodies that have had long and painful experiences of the effects of demarcation disputes. Those demarcation disputes have basically been resolved over the past four years by an amalgamation and rationalisation of interests between the previously warring parties - the rival unions. Of course, this in turn was the product of policy development on the part of the Australian Council of Trade Unions and the Federal Government. Those groups are horrified at the prospect that this whole interunion rivalry, which they have lived through and which has now been solved very sensibly, is now being opened up again.

It is clear that what is being proposed here will have the effect of deliberately setting unions at each other's throats. It simply does not make sense; industry in this State does not need a Government creating conflict. What is the justification for this move? There is simply no justification. It is not even one of those matters we hear the Minister pontificate on in relation to freedom of choice. This is simply an issue of pure vindictiveness. It is trying to frighten unions into not seeking the protection of federal awards and avoiding the Minister's workplace agreements.

We all know that the Minister has staked his whole credibility in his industrial relations portfolio on the success that he can achieve in getting workers within Western Australia to convert voluntarily - or not so voluntarily in most cases - to the workplace agreement system. It has been a dismal failure to date. Even the bodgie figures that he provides us with show that no more than 1 or 2 per cent of Western Australian workers have managed to be badgered into this system to date. There is no justification whatsoever for a provision such as this, which will see unions stripped of their coverage simply because they seek their lawful right - and it is their lawful right - to be covered by a federal award. If a union believes that it can provide better coverage through the federal system, it has a right to seek to be a part of that system. This proposal, which seeks to strip it of that coverage immediately it makes an application, is unacceptable.

The other important part of this is that the unions will be required to hand over their membership to another union. That is just completely unacceptable. It is particularly important that members on the other side understand that this is not just the view of the Trades and Labor Council or of the Labor Party: This is the considered view of quite a number of peak industry bodies that do not want to see the demarcation disputes we have fought so hard to overcome being unleashed upon the community again.

The second provision, which has been universally condemned, is the prohibition on paying union officials during industrial action and, in particular, during industrial action where there is a loss of wages on the part of the employees taking that industrial action. It is complete nonsense and entirely unworkable. Underlying this are some really fascinating assumptions. The first assumption is that if there is an industrial dispute, it is the workers' or the union's fault - every dispute is caused by an unreasonable worker or their union. Any familiarity with the dynamics of society and, indeed, industrial relations, would lead one to conclude that it takes two to tango and that there are inevitably two parties to an industrial dispute. If there is good reason to have penalties imposed upon those involved in organising a situation where there is a loss of wages, why are we not seeing the pay of the companies' industrial relations managers or of the CCI officials being docked when company shareholders lose profits because of an industrial dispute? We have two parties to the dispute and on one hand we have the worker losing wages and on the other hand we have shareholders and company owners losing profits. Why is it that we are focusing exclusively on the loss of wages by the workers? Why is it that we are seeking to penalise workers or those who organise for them? This provision reveals a morally contemptible and, quite frankly, economically primitive understanding of the causes of industrial disputes.

Let us look in a bit more detail at this. How will this work? Consider a union, for example, that has 10 000 members and 10 of them stop work - and these are situations we see all the time. Are union officials to lose all their pay during that period or will they lose only 0.1 per cent, because that represents the proportion of the total membership on strike? Does it apply to officials of the union or only those involved in the dispute? What happens when the union officials recommend a return to work, as often happens, but that recommendation is rejected by the workers? This ignores the fact that members of the union, not union officials, make the decision to strike - or not to strike. I am reminded of the pontifications by the Minister for the Environment last night when he was saying that the Labor Party does not trust the workers; that the workers could make up their own mind. Here we have a situation where workers make a decision to go on strike, yet the union officials are presumed to be manipulating the workers as puppeteers - a contemptuous view of unions and union members. If the Minister had ever visited worksites and listened to stop work meetings, he would know that union

members have a mind of their own and make their decisions on their calculation of what is in their best interests. Union officials are doing their job when their members are taking industrial action. During the time of industrial action union officials are working hardest and around the clock. Industrial action is a legitimate weapon of working people. There should be no penalty placed on their advocates, who are elected representatives doing their bidding through the use of an industrial weapon, no more so than it would be illegitimate for a lawyer to be paid for taking a company's case to trial.

The third question at which I will briefly look relates to the right to inspect records. As a consequence of this provision some employer groups would see unions precluded from entering the workplace or a site where they do not have any acknowledged members and from inspecting records to ensure the award provisions are being complied with. The result will be that those workplaces which do not have union members effectively will not be required to pay the award. We all know, or should know, that the only other agency that makes any pretence at enforcing awards is the Department of Productivity and Labour Relations. We have demonstrated in this place before today that that organisation is not doing that job. We suspect that it has been directed not to do it. To our knowledge, for the first nine months of this year no prosecutions were launched by that body; the amounts of money it did recover had dropped very dramatically; and the anecdotal experience of people who tried to engage DOPLAR's services is that it is next to useless.

The important consequence will be that it creates an unfair commercial situation. It tilts the playing field so that those employers who are paying award wages will be economically disadvantaged compared with those who are not paying the award. Effectively there will be no mechanism for ensuring that those employers who are not employing union members will pay the award. We are creating a system where we are encouraging and giving economic solace to those who choose to ignore the award provisions.

I appreciate the fact that other speakers want to follow me, so I conclude by saying that industrial relations should be about creating harmonious work relations within Western Australia; about increasing productivity; and about increasing the rewards that Western Australians on both sides of the fence expect.

HON P.R. LIGHTFOOT (North Metropolitan) [2.54 pm]: It will come as no surprise to this House that I do not support the comments of Hon Alannah MacTiernan. I find significant disagreement with what she had to say. I do not believe the argument is based on unfair work practices, unfair commercial distribution of the national wealth, or unfair or declining conditions in the workplace. In fact, workers' conditions in Australia are among the highest, if not the highest, in the world. The argument is about declining organised union members. This number will continue to decline. There is an inexorable retreat from organised labour. The figures speak for themselves.

If the member accepts those figures, I ask why is it the case? Since the first Labor Government in the world was elected in Queensland about the turn of the century, we have enacted laws - every Parliament that has ever sat every year has enacted laws - to help strengthen conditions relating to the safety, health, salaries and wages of the workers. We have had a declining retiring age, better national health schemes, minimum wages and all sorts of occupational health and safety regulations that were needed - and there is no question that they were needed. When I was 12 years old I worked in an abattoir. I do not think it did me any harm, although members opposite may disagree.

Hon Sam Piantadosi: We certainly do.

Hon P.R. LIGHTFOOT: That is not to say that I endorse the hiring of child labour. Laws are now in place to prevent those sorts of things.

Hon Sam Piantadosi: What about slave labour?

Hon P.R. LIGHTFOOT: If unions vanished today, there would be no detrimental effect to the workers because of the laws in place. There are minimum wages. We are trying to give workers the choice of incentive: The harder they work, the more they get paid.

There is no incentive for organised labour. The only incentive is for unions to flex their muscles and say that the workers should pay up or else. That is where the chaos comes from. It does come from the reformation of the salaried workers and the betterment of their conditions. Chaos will come as a result of the unions flexing their atrophied muscles.

Hon A.J.G. MacTiernan: Is the Chamber of Commerce and Industry wrong?

Hon P.R. LIGHTFOOT: That is such a broad statement that I do not know to what the member is referring. Australia has become lethargic, not because of any incentive to employers, but because unions have had too much muscle. That is reflected in the extreme perhaps with the waterside situation. Although there have been reforms on the waterfront, it shifts only a fraction of the tonnage shifted in modern ports like Brussels, Singapore and Hong Kong. The reform of the waterfront is vital to Australia. If members opposite were genuinely interested in the welfare of the workers and the concept of full employment, they would agree that the change must start on the waterfront; if that happens, it will filter through. Why is it that the countries with strong organised labour are declining and falling back? Australia is one of them. It has retreated from a position of first in the world about the turn of the century - paradoxically when the first Labor Government in the world was elected in Queensland - to twenty-seventh or as far back as fortieth in its standard of living. Why is it that Britain, with a strong organised labour force, is the poor man of Europe in many respects?

Hon A.J.G. MacTiernan: What about Germany?

Hon P.R. LIGHTFOOT: Why do countries which do not have a strong organised labour force have a high per capita growth and high per capita income for their workers? The answer lies in what I am saying. If members opposite decide that truth is the answer, I speak the truth.

We do not need strong unionised labour. Members opposite of course need to keep the revenues flowing into the TLC and the ACTU. It is more than just declining revenue. The New South Wales Labor Party has a \$10m or \$12m debt. That money has to come not from the unions but from the sweat of the workers. Unless one toes the TLC line in Western Australia and marches to the beat of the socialist drum, one does not get preselection. That is the great blackmail and incentive. One does not ask, "What can I do for the worker?" but whether one will toe the TLC line and dance to the tune of the socialist flute. That is why those people in here speak the way they do, because they want the endorsement. It is said there are two things that members opposite want in this life: The first is to get elected and the second re-elected. Unless they toe the line they do not get it. Why is it that OECD countries that do not have a strongly unionised labour force are way ahead of Australia.

Several members interjected.

The PRESIDENT: Order! Order! Members are totally ignoring the call from the Chair to come to order. I do not mind the odd interjection but when the interjecting becomes chaotic so that no-one can hear what the honourable member is saying, it is out of hand. I keep telling members that they do not have to like what an honourable member is saying or believe it but they do have to listen to it.

Hon P.R. LIGHTFOOT: Hon Alannah MacTiernan spoke about "an unprecedented period of industrial chaos". Those are fairly emotive words. That period of industrial chaos will come about only because members on the other side let it come about. They take the adversarial position that anything we put up that alters slightly any industrial relations or any industrial norm in this country is adverse to the union movement and, if it is adverse to the union movement, it is adverse to their position here. That is what this is all about. It is not about the worker. It is about them maintaining their positions in this place, because the TLC is the strength. That is from where they need the pat on the head. What about doing something for Western Australia for a change? What about putting Western Australia first for a change? What about thinking, as we do, that there must be some reward for effort. One cannot keep dipping into the bucket and expect it to remain

full to the brim all the time. Members opposite endorsed the time in the United Kingdom of the unionised labour of Arthur Scargill, when he virtually made himself president for life. Is that what they want to endorse or do they want reforms? If we listen to members opposite and do not have reforms, a lot of little Arthur Scargills will be popping up all over Australia in the mining industry.

Why is it that some of our best industries are not strongly unionised? Why is it that we are weak on secondary industry? It starts at power generation. Unless we have cheap power, we cannot have secondary industries and we do not get our kids back to work. We are about doing something for Western Australia. It is not about knocking the union movement per se or the workers: It is about providing a decent life for people based on equity, which is based on what people contribute, they take out. Under the system of those opposite they say that it does not matter whether someone contributes. It does not happen that way; the party is over. Unless members opposite accept some of the reforms we make the State will not progress.

Visitors and Guests - Botswana Parliamentary Delegation

The PRESIDENT: I acknowledge the delegation in the President's Gallery of parliamentarians from Botswana led by my good friend, Speaker Nwako. Welcome to the Legislative Council.

[Applause.]

Debate (on motion) Resumed

HON SAM PIANTADOSI (North Metropolitan) [3.05 pm]: I guess that our honoured guests have come at the right time to see some of the lunatic fringe we have to deal with in this country. I hope they do not have the same in their country. The lunatic who has just sat down -

Withdrawal of Remark

The PRESIDENT: Order! The member will withdraw that reference to Hon Ross Lightfoot.

Hon SAM PIANTADOSI: I find it somewhat difficult, but I withdraw.

The PRESIDENT: The member will not withdraw with any equivocation; he will withdraw it.

Hon SAM PIANTADOSI: I withdraw it.

Debate Resumed

Hon SAM PIANTADOSI: It is quite obvious from the remarks Hon Ross Lightfoot made about cheap power that the reality is the Government wants cheap, slave labour.

Several members interjected.

Hon SAM PIANTADOSI: If Hon Bill Stretch listens he might learn something. Some of his colleagues referred to the fiasco in Stateships. Hon Murray Criddle gave the example of Dubai in the Middle East and what was happening with productivity in the ports. In Dubai they use imported labour from places such as the Yemen, North Africa, Pakistan and Bangladesh. One would not find a citizen of the emirates working on the wharfs, but only imported labour. Some of the countries that members have cited operate on the basis of imported slave labour. They quoted some of the countries in South East Asia. Let us consider Singapore. I am disappointed in Hon Ross Lightfoot. He pointed out all those other countries but did not inform the House from where the people come who work on the wharfs in Singapore or Malaysia. Where does Hong Kong labour come from? Members opposite will not tell you that. They know where it comes from. That is the crux of the matter.

No wonder they do not want industrial relations. Their attitude is, "The first stage did not quite work and now we have to get at the organisations." It is well known in this place that I was a former secretary and president of the salaries and industrial union. I am very proud of that. I am proud of my record against the former Court Government.

Hon N.F. Moore: It won record majorities as I recall.

Hon SAM PIANTADOSI: I do not think so. The Minister should get up and make a contribution to this debate.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: The Minister was a part of that Government. He will well remember that a number of challenges were thrown out to him and his colleagues. They did not have the courage or conviction to take up one. At that time of the dispute I never received any payment and neither did any of my officials, one of whom was Norm Marlborough MLA. We contributed by providing food and other assistance to any struggling families. That is recorded. The Government's attitude is a smokescreen. In his speech, Hon Ross Lightfoot made it quite clear.

Even from an industrial point of view the bosses in the form of the Chamber of Commerce and Industry are disagreeing with the Government. They are also telling the Government that it is looking at industrial chaos. That opinion is not coming from Hon Alannah MacTiernan. If Hon Ross Lightfoot read the papers and memos he would find that his own people are telling him that he just wants trouble and chaos. If members opposite have not learnt from what was lost during the dispute over Stateships and the pain that was caused to a lot of producers, they will continue to go down the same track. I will not repeat the comment I made earlier. However, I cannot help but think that that is what people think about members opposite. They are a little around the bend. They are not all there because they have not learnt, and will not learn, from their mistakes. They have not provided any evidence to support their continued attack on workers.

Hon P.R. Lightfoot: Your numbers are still declining.

Hon SAM PIANTADOSI: Not every business is a member of the Chamber of Commerce and Industry, either. For Mr Lightfoot's information, many registered associations are not affiliated with the Trades and Labor Council.

Hon P.R. Lightfoot: That is the way it should be.

Hon SAM PIANTADOSI: They have made their choice. I am glad Hon Ross Lightfoot made that interjection. Organisations and associations make their own choices. It is obvious that it is the Government's intention to get to the TLC and through it to the Labor Party because that is its real target. On one hand, the Government proposes five year ballots but, on the other hand, refers to annual ratifications. What else will it impose on unions? Somehow, the Labor Party is now being included in the coverage by this legislation. Can we look forward to Mr Lightfoot, in his caucus, introducing legislation for disclosure of donations to the Labor Party?

Hon P.R. Lightfoot: We don't have a caucus.

Hon SAM PIANTADOSI: Will that be the next move? That is where the Government is heading. Members opposite talk about organised labour. Are the bosses organised? Why can the workers not be organised?

Hon P.R. Lightfoot: I am not saying they can't be.

Hon SAM PIANTADOSI: He is.

Hon P.R. Lightfoot: I am suggesting they be given a choice.

Hon A.J.G. MacTiernan: Why aren't you imposing penalties on CCI officials?

Hon SAM PIANTADOSI: Exactly.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: I like to think that we live in a democratic society and that this Parliament is democratic. If the playing field were level, one would expect the same conditions proposed to be applied to trade unions to also be applied to the bosses. Recent evidence indicates that Australia's problems are not caused by the factors suggested by Mr Lightfoot; that is, the lethargy of workers and the fact that they have lost their way. All world expert opinion has been directed at management and its ability to manage.

Hon P.R. Lightfoot: That is rubbish.

Hon SAM PIANTADOSI: There is evidence to suggest that. I am not saying that. The powers that be in this world, those referred to by Hon Ross Lightfoot, have said that. I have not said it and Hon Alannah MacTiernan has not said it. The people to whom Hon Ross Lightfoot referred who said that these problems were being caused by worker lethargy were laying the blame for that at the feet of management. They have said that the practices used by management in recent years have been wrong. Even the Chamber of Commerce and Industry has suggested that this second wave of industrial legislation is not the way to go.

Hon A.J.G. MacTiernan: Even Prince Charles said it.

Hon SAM PIANTADOSI: Members opposite do not accept the CCI's recommendations. None of the economists throughout the world who recommend economic and business structure changes in Australia has recommended attacks on organised labour or slave labour. Things can change; we can get on the right track. However, certain structures must be changed. None of the people to whom Hon Ross Lightfoot referred is recommending the changes that he and his fellow henchmen are suggesting through this second wave of legislation. Many countries of the world are fighting against slave labour, inequality and injustice.

HON PETER FOSS (East Metropolitan - Minister for the Environment) [3.16 pm]: The first thing I would like to clarify - it may have been confused by Hon Sam Piantadosi's speech - is that a large number of recommendations are contained in the Minister for Labour Relations's second wave of industrial legislation, but only two of them have raised concerns with the Chamber of Commerce and Industry of Western Australia. The Minister has made it clear that he has put these recommendations out for consultation and has not received back any formal submissions on any of them, let alone the two about which there is concern. He has also made it clear that he is happy to reconsider the matters if it can be shown to him that they are inappropriate.

Hon Sam Piantadosi: Why have consultation in the first place?

Hon PETER FOSS: We have to start with consultation. Funnily enough, when a proposition is first put up, people should be given an opportunity to comment on it! We are at that stage with this legislation. No-one can complain about there being no consultation before the consultation is carried out because it has to begin somewhere.

Many of the things that are contained in this second wave were promised in our election campaign. It is extraordinary how, when it suits members opposite to ignore the fact that something is being done because it was an election promise, they do, but when they believe we have not stuck to an election promise, they are the first people to accuse us of it. I give Hon Sam Piantadosi this assurance: We are carrying out our election promises to the people of Western Australia for which we were elected. I am sure he would support our fulfilling our election promises even if he does not agree with the Western Australian public that we should have been elected on the basis of them.

Hon Ross Lightfoot gave a very good global view of this issue and why it is so important for Australia. He said that we operate in an international society. One of the best ways of illustrating how these changes are important for this State is to consider the relative positions of Australia and New Zealand. Until very recently, New Zealand saw itself as being at a tremendous disadvantage to Australia in its capacity to compete on the international market. However, by a combination of reforms by its Labour and non-Labour Governments, New Zealand introduced the sorts of reforms that this Government is seeking to introduce. New Zealand even had a \$2b surplus recently in its Budget. That should be compared with the situation Australia is in. The biggest difference is the amazing reforms that New Zealand has made to its labour force. The important thing about that is that it brings so much more work and so much more satisfaction to the people. Strangely, this hugely resourced nation of ours, with a larger population, which was seen as having natural advantages well ahead of New Zealand has gone to the position where it now costs five or six times as much to get a container across the wharf

at Fremantle than it does in New Zealand. How can we compete with that difference in costs? In the end, we will starve ourselves to death. It reminds me of that wonderful story that is always used to describe the Labor movement: A scorpion was being carried across the river by a dog. It threatened and stung the dog and they both drowned. That is what will happen unless the Labor Party can change its attitude.

The Labor Party makes itself out to be the saviour of the workers.

Hon Mark Nevill: Why don't you lead a reform of the legal profession?

Several members interjected.

The PRESIDENT: Order! I do not know how many times I have to call honourable members to order. Members must come to order and allow the Minister to make his response in silence. The quicker they do that, the quicker they will have an opportunity to address the Chair.

Hon PETER FOSS: I am reminded of the early Christian church, which began with the poor and had a doctrine which was very much directed towards the poor. The Christian doctrine is well known for that. However, over a period the Christian church, as opposed to the people who followed the Christian doctrine, became one of the most wealthy, influential and powerful bodies in the world. In fact, it became one of the major oppressors of the poor. Until such time as unions start directing themselves towards making certain that there is employment and an economic position for workers, they will have the same oppressive attitude towards workers that the Christian church directed towards the people it originally set out to protect. The reason the Labor movement is losing people, as Hon Ross Lightfoot pointed out, is that it is concentrating so much on its own power and not on the welfare of the people for whom it was originally created. That can happen to any organisation, and it is unfortunate that the Labor Party has not recognised this fault.

It is not quite correct to say that union officials will not be paid during strikes, because one of the measures proposed is that it will be open to the workers to vote that they shall be paid. Members opposite said that is taking away the rights of workers, when it is actually putting it in the hands of the workers themselves to determine. It is quite simple: If the workers determine that they are to be paid, they will be paid. The decision will be made by the workers themselves rather than by the unions. If members opposite wanted to put an alternative, they could propose - I think they would find it rather difficult to make out the logic entirely - that the Chamber of Commerce and Industry of Western Australia people should not be paid during a lockout. If that is what members opposite are suggesting, that would seem to me to be the equivalent, because there is no doubt that the financial loss suffered by employers during a strike is far greater than the loss suffered by employees, and workers often try to negotiate as part of the settlement of a strike that they come out of it without any financial loss.

It is typical of the Opposition to say that there is worry and concern in the community. If there is worry and concern in the community, it is due to the false way in which the Opposition and the unions are portraying this matter to workers. Hon Norman Moore has had enormous experience of the way in which unions do not bring to their members the proper information, and that does cause the workers distress. Unions always say that it is much easier to have a coalition Government in power because when a Labor Government is in power, that is their own work structure and power base, and the unions will always have to try to keep the workers happy even though that Government is doing nasty things to them. The number of people who were removed from the transport area during the time of the former Government, without a peep from the unions, is a good indication of that.

Hon Mark Nevill: That is because it was done properly.

Hon PETER FOSS: No it is not. It is because the Government was on the same side as the unions and it was in the unions' interests to keep the workers quiet and in the dark like mushrooms.

Hon A.J.G. MacTiernan: Are you saying the workers do not have a mind of their own?

Hon PETER FOSS: Yes they have a mind of their own, but unfortunately they are being fed a lot of disinformation by the unions. The point is that they are fed disinformation whatever the Government. If it is a Labor Government, the disinformation is to tell them that everything is okay when it is not; and if it is a Liberal-National Government, the disinformation is to tell them that everything is going wrong when it is not. That is the problem we face. If there is concern, it is because a firebug has been spreading alarm and dissension. One of the easiest ways to worry people is to give them disinformation. It is very easy to alarm people because they are always willing to believe the worst.

There is no doubt that these measures will be a great contribution to Western Australia and will take us a bit closer to having an international competitiveness comparable with that of New Zealand. I sincerely hope that when members opposite see the legislation, they will be able to support it.

HON J.A. SCOTT (South Metropolitan) [3.25 pm]: It is interesting that the Government says that nothing is wrong with industrial relations today; all is going to plan and all is well. One only has to pick up the nearest newspaper to see that is not the case. Industrial relations is quite chaotic at the moment. That chaos is the result of the arrogance of this Government, which will need to be tempered somewhat before this Government can succeed. When we look at the departments with which the Government has interfered in bringing about its agenda, the health system is in chaos and morale is at rock bottom, and there is chaos on the waterfront, due largely to the Government's actions in trying to bring about its reforms in a clumsy and totally insensitive way.

What gets me most is when the Government tries to turn things around, as is happening on the waterfront, by saying that it is all the fault of the waterfront workers and their productivity is down compared with that of Singapore and New Zealand. The latter is certainly true, but members opposite should talk to some of the people on the waterfront about that, as I did. I spoke to one of the crane drivers first, and I said, "Why are you not able to produce as much work as they do in Singapore?" He said, "There is a simple reason. See those cranes over there? That end one came from Singapore as a reject in the early 1960s, and the next lot came from Singapore in the late 1960s and the 1970s, so we have got their thrown away equipment. The reason we cannot go as fast as them is that our equipment does not work as quickly as theirs."

Hon E.J. Charlton: Why don't the companies buy some new equipment? They are private companies.

Hon J.A. SCOTT: Good question. Part of the reason that the companies are not doing that at the moment is that the Minister's agenda to throw his friend, who has no expertise and no equipment at all to back up his lack of expertise, into the equation is bringing total chaos to the waterfront -

Hon E.J. Charlton: How did New Zealand change the situation?

Hon J.A. SCOTT: New Zealand has more modern equipment.

The next myth is that these people are overpaid. I said to those crane drivers, "What is the story with this \$70 000 a year that you get?" They said, "We do get well paid, although it is not \$70 000 a year, but we do not want as much money as that. We want some time off. We are forced to work from 7.00 am until 10.00 pm. We want someone else to be trained for these positions. No-one has been trained to take over from us." The problem is that no people have been trained to go into those positions. Government members may laugh, but the reality of the situation is that they would certainly be happy to earn less money and to share their jobs with someone else. That is their position.

Hon E.J. Charlton: I will tell Mr Coombs that when I see him! He would be very pleased about that.

Hon J.A. SCOTT: When we get down to tintsacks we find that the problem is not the workers but the lack of investment. The founder of Total Quality Management said when he came to Australia that the problem with Australian business is not the work force but the lack of management. Governments in Australia are prepared to blame workers for the effects of lack of management and expenditure on new equipment -

without which Australian companies cannot compete overseas - and then say that the workers should work for less money. The Government is a disgrace in trying to perpetuate that sort of myth. The Government should be trying to get these people to invest rather than pocket the money.

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

AGRICULTURAL PRACTICES (DISPUTES) BILL

Receipt and First Reading

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

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.32 pm]: I move -

That the Bill be now read a second time.

This Bill provides for the development of legislation intended to address problems arising principally at the interface between rural and urban dwellers. However, sometimes rural dwellers can be affected by the actions of their rural neighbours, and this possibility is covered in the Bill. Problems associated with conflict between occupiers of adjoining and nearby properties are not uncommon in the general community. Where rural land is concerned, the potential to be in disharmony with neighbours is undoubtedly great, as farming operations are traditionally based upon practices that are not well understood by the majority of urban dwellers. In particular, where urbanisation brings farmers and city people into close association, experience has shown that agricultural practices considered normal to a farmer can be highly disliked by others. This is of particular importance where urban dwellers consider that their lifestyle expectations are not being fulfilled. In Western Australia there are numerous recent examples of conflict between members of communities in new urban subdivisions and farmers carrying out traditional operations such as mushroom growing, poultry farming, and wine production. This proposal is designed to offer the hope of conflict resolution by providing a forum for structured debate, pending a review of land use planning issues.

In the United States of America the perception of rural-urban conflict has led to the introduction, in most of the 50 States, of legislation that attempts in one way or another to provide for continuation of normal farming operations. The United States laws are generally called "right to farm" laws. They apply only where particular farm operations have been in existence before the enactment of new laws that would otherwise prevent them; where the farming operation is unchanged; and where farm management is not adversely affected. In the main, the United States laws are generally considered to be long on rhetoric and short on impact; they force mitigation rather than solution; and they are often vague and open to challenge.

To investigate and recommend appropriate action for Western Australia, the Legislative Assembly of this Parliament established a select committee in October 1989. The major function of this committee was to examine a private member's Bill, introduced in that year, as a means of addressing the right to farm issues in this State. In its report, tabled in November 1991, the committee recommended that rural-urban conflict be viewed in two contexts: A need to provide a means of attempting resolution of the conflict itself, and a means of resolving the primary cause of the conflict, considered to be related to land use planning issues. The first of these contexts is addressed in this Bill.

In principle, the Bill proposes a system of mediation that becomes a prerequisite to litigation under common law for specific nuisance actions. The Bill establishes an agricultural practices board of Western Australia, the operation and functions of which can be directed by the Minister if deemed necessary. The board is charged with providing a means of bringing parties in conflict to the discussion table for the purpose of mediating a dispute over nuisance related to odour, noise, dust, smoke, fumes, fugitive light or spray drift, emanating from an agricultural operation on rural land. The scope of

the board to mediate disputes may be extended from time to time by prescription of additional nuisance matters related to an agricultural practice. To ensure that the factors affecting the resolution of rural-urban conflict are recognised, the board will have representation from farm lobby organisations, from persons with experience in environmental matters, and from the public preferably at a local government level. Reference to "the public" was included by amendment in the Legislative Assembly, following debate in the Committee stage of the Bill. This reference replaces "planning agencies" and is intended to give the Minister power to draw upon a wider range of expertise and experience to represent community views than was previously the case.

From an operational point of view, the board will have a part time registrar who will have responsibility for day to day operations. These will include the receipt and processing of complaints and the appointment of an appropriately qualified and experienced mediator for each case, in the first instance. Where the board determines that a complaint is trivial or of an impractical nature beyond the ability of the board to deal with it, the complaint can be terminated. Examples of this response could arise where the complaint had an overriding element of vexatiousness or where it was considered to be so trivial that the average person would not in any way be offended by its continuation. Complaints which are struck out by virtue of their triviality are not removed from the due process of law. The Bill provides that whenever the board terminates a complaint action, it is required to certify the reasons for so doing and it must advise the Minister forthwith. The certificate so issued is admissible and rebuttable evidence in any future action at law. The Bill does not take from any person the element of natural justice inherent in the common law process. It merely defers this while a complaint is before the board.

During debate in the Committee stage in the Legislative Assembly the Bill was amended to insert provision for prescription of a maximum time during which a matter may lie before the board if a court is satisfied that the board has unduly delayed progress. This insertion is intended to minimise the risk of a party being unfairly prevented access to the court, and thus denying justice on unreasonable grounds. Provision was also included by amendment in the Legislative Assembly to authorise a party to a matter before the board, to seek a court injunction to enable that party to be granted relief from nuisance actions while the matter is before the board. Again, the intent is to minimise the risk of denial of justice and access to otherwise available court processes. In a similar manner, the Bill was amended to clarify one of its objects, related to ensuring that a "normal farm practice" is not impeded by avoidable, rather than any, litigation. The insertion of the word "avoidable" draws attention to the availability of the dispute resolution process and recognises that, in the final outcome, litigation may ensue.

In appointing a mediator, the board can, if it wishes, draw upon the resources of a public sector employee within the meaning of the Public Sector Management Act 1994. However, when appointed, the mediator is not subject to part 3 of that Act, relevant to what is generally known as the Public Service. The mediator may seek information, request persons to attend a meeting, require documents to be produced and generally require proceedings to be conducted in an orderly manner. The object of mediation is to give the parties to the conflict the opportunity to see the other side of the argument and, hopefully, compromise if necessary to permit resolution by consent. The basis of consent is intended to be an acceptance of the right of a person to carry out a normal farm practice, which the mediator may determine on the basis of established, proper and accepted customs and standards. In addition, a normal farm practice can be established under a code of practice made by the Department of Environmental Protection or under any written law.

Specifically, the adoption of new technology is permissible within the context of determination of a normal farm practice. To give some teeth to the determination, a mediator is empowered to make what is in effect an order by consent. Persons who subsequently refuse to abide by a determination as to what they have previously agreed cause their practice to be termed not normal. Where a party is aggrieved because of the actions of a mediator, either within the due process or as a result of a deferral for some reason, the aggrieved person may apply to a judge in chambers as to available rights.

This provision has been instituted to again preserve the concept of natural justice, whereby a person is not denied access to the full legal process in the nature of an appeal against the actions of a mediator or the board.

Subsequent to mediation proceedings, the mediator is required to report to the chairperson of the board, who can take no further action if mediation has been successful, or initiate board action, or convene a formal hearing in the nature of a tribunal. A hearing would normally be convened only where the board was unable to obtain an equitable settlement of the dispute as a result of a mediator's report. Like the mediator, the board can obtain expert advice to assist it to undertake its responsibilities. It would be expected to consult appropriate agencies of the State to this end. Again, an order may be issued, in this case by the board, to require certain things to be done or not done to achieve resolution of the dispute. An order made by a mediator or a tribunal may determine that an agricultural practice is a normal farm practice, notwithstanding that the specific practice does not comply with existing environmental laws. Such avoidance of environmental law is possible only for a maximum period of two years from the making of the determination. It does not provide any protection for persons other than the particular person who is the subject of the order.

The provisions of this Bill differ markedly from the United States law. Generally, the US laws do not limit the time during which a farm practice can be considered normal, even though it does not comply with current environmental law. Under the provisions of the Bill, where the board is constituted as a tribunal, parties to a dispute are not entitled to be represented by a legal practitioner unless all parties agree. The aim of this provision is, as far as possible, to retain a consensus rather than an adversarial forum and to minimise costs to the parties. As in most tribunal situations, persons may be required to attend a hearing and bring documents or other evidence. Penalties apply to persons who do not comply. Parties appearing before a mediator, the board, or a tribunal, are to bear their own costs, but the board can award costs where it determines that it has incurred expense in facilitating the process. These costs may be recovered in the local court.

The legislation is innovative and unique. At the same time, it is based on well tried and tested principles of law, established in Statutes such as the Workers' Compensation and Rehabilitation Act 1981 and the Small Claims Tribunal Act 1974. It differs from its counterparts in the United States of America in that it clearly establishes the role of the mediator, the board and the tribunal. It also clearly establishes the need for its very existence. It does this by specific reference in the Statute to the important contribution that agricultural production makes to the economy of the State, to the preservation of the landscape and environmental resources of the State, and to the disruptive effect that even threatened attacks on traditional and innovative new farm practices can have. This legislation has been well researched and is believed to be the best means of resolution of rural-urban conflict that can be offered now, remembering that the subject has been under consideration since 1989 in Western Australia and since 1971 in New York State's pioneering agricultural district law.

The legislation will provide a relatively cheap means of encouraging those in conflict to voice their complaints and seek resolution. It will not alleviate the need for reform in land use planning, to bring together the proponents of environmental, industrial, agricultural and urban planning into one forum as advocated by the Legislative Council select committee. Action to this end is being facilitated elsewhere under joint arrangements with the Minister for Planning, and progress is anticipated in the relatively near future.

To assist members, a flowchart has been prepared showing the main procedures that may be followed by a person seeking to utilise the facilities to be established under the provisions of this Bill. With the approval of the House, I table the flowchart. I commend the Bill to the House.

[See paper No 427.]

Debate adjourned, on motion by Hon Bob Thomas.

**MOTION - STRATA TITLES AMENDMENT BILL BE DISCHARGED
AND REFERRED TO LEGISLATION COMMITTEE**

HON GEORGE CASH (North Metropolitan - Leader of the House) [3.44 pm] - without notice: I move -

That Order of the Day No 11 for the second reading of the Strata Titles Amendment Bill 1995 be discharged and the Bill be referred to the Legislation Committee for consideration and report as to whether, and to what extent, the provisions of the Bill accord with the findings and recommendations of the committee contained in its report on the Strata Titles Amendment Bill 1994 together with such further recommendations it thinks fit to make.

This is a procedural motion. An earlier Bill was brought to the House which would have made significant amendments to the Strata Titles Act. It was considered by the Legislation Committee, and amendments were recommended. The Bill now before the House has taken into account those recommendations. I ask the House to agree that the Bill be referred back to the Legislation Committee for its consideration and report.

HON N.D. GRIFFITHS (East Metropolitan) [3.45 pm]: I second the motion. I agree with the Minister's proposal. The proposed course will give rise to a more efficient and informed consideration of the Bill when it returns to this House.

Question put and passed.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

MINERAL SANDS (BEENUP) AGREEMENT BILL

Second Reading

Resumed from 20 June.

HON MARK NEVILL (Mining and Pastoral) [4.35 pm]: The Opposition supports this Bill. In examining this Bill and the second reading speech, I cannot see any reason to bring this measure to Parliament. The proposed development of the mineral sands deposit at Beenup could go ahead with the contract between the Government and the operator. There is nothing in this agreement Bill that I believe requires Parliament's approval or ratification. Any environmental problems that arise can be handled under the normal laws of the land - the environmental review and management program. Any planning issues can be dealt with by the planning process.

What we have here is a Bill to ratify an agreement between the State of Western Australia and a subsidiary of BHP, which is to own this mineral sands deposit. This House can either accept or reject this Bill; it cannot amend the schedule. It is probably undesirable if we have a future Legislative Council controlled by a minority party and a mischievous opposition, which we had for 10 years prior to our losing government -

Hon Graham Edwards: An obstructionist Opposition.

Hon George Cash: We are happy for you to remain a responsible Opposition for many years.

Hon MARK NEVILL: The point I am making is that we may have a perfectly sensible development in the south west that could be thrown out by a quixotic Council controlled by the Opposition, and that will probably be the case. I do not believe there is any real purpose in this Bill. I issue a challenge to the Minister to justify or to give some reasons why this agreement Bill is necessary.

We have had much legislation this year that I regard as being of very low priority. We had the rather ridiculous Marketing of Potatoes (Amendment) Bill, and the present Occupational Safety and Health Legislation Amendment Bill contributes very little to occupational health and safety - it extensively amends the Mines Safety and Inspection Act, with which we have just dealt. Quite a few of the financial Bills that the Minister

for Finance has brought in are to give small benefits to different interest groups. In fact, a fair portion of the legislation brought into this House is not urgent when one considers legislation such as the Police Act, which has been on the books since before the turn of the century. Every time we deal with an agreement Bill it usually amends the Electricity Act - and this one is probably no exception, although I have not looked at that clause in any detail.

We should legislate when we have an insurmountable problem. We had that insurmountable problem at Worsley with the environmental noise generated by the conveyor. There are other issues in relation to resource development that may be resolved only by legislation. That is where one uses legislation. I have said it before: This agreement Bill mentality is part of a culture of the resources development area of the Government. I am not denigrating the Department of Resources Development; in fact, I think it does an excellent job - as it has in this case. All I am questioning is why we need a Bill in Parliament that serves no real purpose.

The Ministers of the Crown in this place should start questioning the need for agreement Acts for many of these projects. I have said previously that we do not use agreement Acts for gold projects, except for some strange reason in the case of Boddington, which involves what was an ancillary activity of the Wagerup bauxite project. They are very popular in Queensland and Western Australia, but they are used exceedingly sparingly in other States. Some fundamental thought should be given to why we need these agreement Acts. The clauses in this Bill are full of motherhood statements and things that will happen anyway. I will outline a view on them in Committee, although in Committee we usually deal with only the schedule.

The Beenup mineral sands deposit is a spectacular resource - there is no other way to describe it. It has about a billion tonnes of reserves. The second reading speech says 83 million, but the indicated reserves are a very rough estimate. At the moment, according to the briefing I had from people from Broken Hill Proprietary Co Ltd, there is about 30 million tonnes of reserves of mineral sands. At the proposed mining rate of 600 000 tonnes a year, those reserves will last for 50 years. The province has great potential for more discoveries and there is a need to prove up the indicated reserves, which, as I said, are about a billion tonnes, a phenomenal amount of mineral sands.

The mine fortunately contains a deposit of ilmenite, zircon and rutile. It is predominantly ilmenite and contains no monazite. Monazite contains radioactive thorium, which seems to frighten the daylight out of some people. The mineral deposit there has very low levels of radiation, probably background levels, and it is ilmenite rich. That ilmenite is fairly low grade, containing about 51 per cent titanium, whereas some of the other deposits contain up to 60 per cent titanium. That makes them suitable for upgrading. This project cannot follow that path because of the grade of the ilmenite.

The deposit is 17 kilometres north east of Augusta and was discovered by BHP in 1988. The south west mineral area is a tremendous minerals producing area. From virtually being a small mineral sands and coal mining province 30 years ago, it is now one of Western Australia's major producing areas, with two massive bauxite mines, Worsley and Wagerup. It has intensive deposits of mineral sands, including this one, which is world class; the Collie coal fields; the Boddington gold fields, which is one of the largest in the State; and numerous other mines, such as the Sons of Gwalia lithium mine and the tin operation at Greenbushes. People tend to think all the minerals are in the Pilbara, the north west and the goldfields, but they are fairly well distributed throughout the State.

I am informed that the deposit will be dredged by a bucketwheel dredge and that the wet separation plant will be floating on the water. This dredge will operate at an average depth of about 44 metres. It is not the first dredging operation in the State, as many of the other mineral sands operations are mined in that way. What is interesting about this dredging is that the dredge is being built at Kwinana by United Construction Pty Ltd and will be assembled on site as soon as it is finished.

The development of the mine will see new roads built in the area which will be open to the public and will give tourists further access to a very attractive area of the State. The

BHP subsidiary that owns and operates this project is contributing \$17.5m to the roads and will also contribute to the maintenance of those roads during the life of the project. The road does not follow the Capel-Augusta road. A map in the schedule to the Bill sets out the route, which travels north along Scott River Road from the deposit, east along Brockman Highway and due north along Sues Road to the Ludlow deviation east of Busselton. That road will keep this traffic off the main highway and it will also be open to tourists. I am informed by officers from the Department of Resources Development that 40 trucks per day, every day of the week - pocket road trains, from 25 metres long - will travel up and down that road; that is, a full truck every half hour and an empty truck going back. Every 15 minutes a truck will pass a stationary vehicle. It will be a very busy road.

The power for the project has been an issue. It was originally going to come from the Busselton-Margaret River site, but it has been decided it will come from Manjimup. It will traverse an 85 km route due west from Manjimup. It will be paid for by the proponents of the project but it will be owned by Western Power. That line will allow for more power to be delivered to Margaret River, and will reinforce the power link to those areas and probably allow for further developments there, if they are warranted. The project will employ some 200 people during construction and 150 on completion. The total cost is estimated to be \$200m. A large proportion of the ilmenite is contracted to a Norwegian company, Tinfos A/S Group, which will smelt the ilmenite using its process which is designed for lower grade ilmenite.

In the second reading speech the Minister outlined the benefits to the south west economy, which will be an extra \$10m to \$12m a year through contract and service industry opportunities. The Augusta-Margaret River Shire will receive \$90 000 a year to cover the impact of the work force on the shire's facilities. The State Government will collect \$7m from royalties, payroll tax and fuel tax. It is disappointing to see payroll tax being collected. I thought this might be an opportunity for the Government to honour its promise to phase out payroll tax. It underlines the fact that the mining industry unfortunately pays the bulk of the payroll tax. That \$7m includes \$3m in royalties, so I assume that payroll and fuel tax total about \$4m. As I have said, BHP, although a newcomer to sand mining in Western Australia, has had a number of mines on the east coast, in Newcastle and that sort of area, for many decades.

A clause in the Bill provides for future processing, but all it really asks is that the company investigate and report. There is no compulsion for it to do so. Considering the size of this deposit, which is massive, perhaps if we were to have an agreement or contract, this would be a project where we could look at a trigger; for example, if the company wanted to exceed one million tonnes a year it would undertake some downstream processing. If it were not economic, obviously the Government could waive the provision, but if it were a clearly viable option it could be enforced.

A clause of the Bill deals with the issue of road versus rail. The rail option was supposed to have cost \$24m more than the road option. To work, the rail option would need to have transported about one million tonnes a year, which is about 400 000 tonnes more than is being mined at present. Clause 15(1) refers to rail transport. It seems to be a classic clause in this Bill, which leads me to think that the Bill is unnecessary. I will just precis the clause. If the State constructs a railway to Beenup the company has the right to use the railway on such reasonable terms and conditions as agreed with the Commissioner of Railways. So what? There follows a proviso: Provided that the company shall not be required to contribute to the capital cost of the railway. If it contributes to the capital cost one would expect it to get freight transported at a discount. That clause seems to me to be fairly meaningless. Clause 15(2) reads that should the company decide to expand its operations as a consequence of the operation of the railway, if it considers that the operation is commercially viable -

Hon George Cash: It just requires the Commissioner of Railways and the company to negotiate.

Hon MARK NEVILL: My point is that one would expect that to happen anyway. If it is

economic to build a railway I am sure with the competitiveness in the mineral markets that a proposal would be made for a railway or for the Government to extend the railway.

Hon George Cash: The clause just specifically refers to the need for the company to contribute towards the cost. It makes it clear, although it is not set out in percentage terms, that negotiations are to be conducted with the company, which will be expected to make a contribution.

Hon MARK NEVILL: It will be expected to, but the clause does not really say that.

Hon George Cash: It reads, "... (including sharing the cost of construction of the railway) for the transport to Bunbury of all or some part of the Company's production of heavy minerals ..."

Hon MARK NEVILL: I take the point. I see that as optional.

Hon George Cash: I take your point.

Hon MARK NEVILL: We have numerous agreements under which companies contribute to costs outside the agreement Acts. These things happen anyway. I outline that because we must rely on the normal laws of the land. We are getting too far away from them with this sort of exercise. Clause 18 reads that except where a basis for rating is otherwise agreed between the company and the local authority, it shall be on the unimproved value of the mining lease, and also that no such lease shall be the subject of a discriminatory rate. I assume that is referring to the rating of the mining lease. It does not seem to be referring to the rating of the plant and equipment which is probably on a miscellaneous lease, a general purpose lease or even a mining lease. That is usually done on a gross rental value basis. Why is that not in the agreement? The Local Government Act constrains what local government can do in rating mining tenements or mining plant. I am sure that, if it is discriminatory, the company could take civil action under that legislation. I am sure that when we passed that legislation, it included safeguards relating to a local authority that was not being sensible.

Clause 20 is the no resumption clause. These are all standard clauses in agreement Acts; there is nothing new about them in this Bill. The clause states that the State shall not during the currency of this agreement without the consent of the company, resume any of the works, installations, plant, equipment or any other property for the time being belonging to the company. I cannot imagine that happening. If the plant must be shifted, it is usually done by agreement and the Public Works Act provisions and compensation provisions are attached to that. Arbitration provisions also apply if there is a problem. More often than not, the shoe is on the other foot with the mining company asking the Government to shift a road or whatever public work is in the way so that it can extend the open pit. I do not think these sorts of provisions add much to the agreement. They should be dealt with under the normal laws of the land. If they are not adequate, we should amend them. That is why I said earlier that Acts like the Electricity Act are continually being amended by agreement Acts. The old Electricity Act did not contemplate commercial operators in the market. That should be the focus of our legislative efforts.

I think I have probably said enough. We were briefed by John Glover from BHP and Rhonda Norrish, BHP's chief environmental officer. It was interesting. Ms Norrish told us that all of the baseline studies had been done. It is important to note in *Hansard* that, before any of these mining projects get under way, as part of their environmental review and management program, baseline studies are done across the spectrum. The companies must do water quality studies, vegetation studies and all sorts of flora and fauna studies so that they know exactly what the area was like before mining commenced so that they have something to compare it with when mining finishes and the site is rehabilitated. They take water levels and determine water quality and take other important issues into account. We were also provided with a small booklet entitled "Beenup Project Environmental Guidelines" which is required to be read and signed by every member of the staff. It is an interesting booklet setting out the nature of the environment in which these people will be working and their obligations to look after and manage that

environment in respect of vegetation, pasture, drains, creeks, rivers, rehabilitation, dieback, dust, noise, waste material, flora and fauna, the adjoining Scott River national park, fires, neighbours, etc. It is a very intelligent approach, particularly in the education of the work force. I understand that most of the work force will be local people. I imagine they will be pretty keen to keep the environment in the best condition possible.

With those few remarks, we support the Bill. We support the project wholeheartedly and my comments on the Bill should in no way reflect on the project or the good work that the Department of Resources Development does. However, I wish this obsession with agreement Acts would cease and that we see fewer of them in the future.

HON BOB THOMAS (South West) [5.06 pm]: I reiterate the support that Hon Mark Nevill has given to this Bill and also to the project. In doing so, I realise the time and I acknowledge that there are two other speakers, Hon Graham Edwards and Hon Barry House, who also want to participate in this debate. I will keep my remarks as brief as possible. That will occur not through necessity, but more by accident, because I did not realise that this Bill would be debated this week, the second reading having been moved only on Tuesday of this week. As a result, all of my notes are in my electorate office.

Hon George Cash: You can thank Hon Alannah MacTiernan for that.

Hon BOB THOMAS: I understand that parliamentary business has called my colleague away, and also the need to bring forward this Bill.

The project is a good one for the State and good for the south west of Western Australia. South West Region is one of the fastest growing regions in Australia. When I was first elected in 1989, 88 000 electors were eligible to vote at that election. In 1993 between 102 000 and 105 000 electors were eligible to vote and it is estimated that there will be 125 000 electors in that electorate in 1997. That is very rapid population growth. In fact, I think the absolute growth of numbers in the South West Region electorate is greater than for the whole of South Australia. Because of that population growth, we need industries to provide employment and training opportunities for the people coming into that area. Some of the strongest growth in that region is around the Margaret River area. This industry is located in that area and will be good for the population moving down there. It will complement tourism, viticulture and other recreation-based industries developing down there. It is estimated that the project will create 200 jobs in the construction stage and probably 150 full time jobs. With the economic multiplier of approximately two being applied, we can expect a net growth of 400 or 450 jobs in that region after the construction is completed.

It is also a good industry environmentally because this mining operation is confined to already cleared farming land. There will be no environmental problems on Crown land. Following sand mining around Capel, farmland, in some cases, has been returned to a far better quality than it was before it was mined and the land is far more productive than it was before mining. That has a lot to do with rehabilitation, which allows better contouring and new pastures to be put in. The productive capacity of the farmland will be improved once this project is completed, notwithstanding that we are probably looking at a 100 year project at this mine alone.

The project has been a long time in incubation. I recall that in 1985 when I worked as an officer at the Commonwealth Employment Service in Manjimup -

Hon Graham Edwards: And a good one at that.

Hon BOB THOMAS: I thank the member. One of my duties was to travel to the outlying towns to interview job seekers for a range of reasons. One of my first trips was to Nannup to interview a chap in his late twenties who had a young family. He had left Perth because he believed that the country was a better place for his children to grow up in. He told me he believed there were good employment prospects there because the Scott River area had well known prospectively for mineral sands and he believed he would get employment there quite soon. Only a few days later, I received a telephone call from his wife asking me if I would give him a reference. Apparently, some time after I had spoken to him, he had raped some woman and was to go to gaol for a number

of years. I suppose this chap would be out by now and his expectations for a job down that way might come to fruition.

Hon Derrick Tomlinson: He may have gained some new qualifications!

Hon BOB THOMAS: Yes. I found him quite a charming and interesting chap and I was shocked to hear that he had done what he did.

The concept of this area providing significant employment has been around for a long time. I understand that because of the geography of the area, there are massive resources of minerals sands and this is just the tip of the iceberg, and we could see many other mineral sands mining projects develop in that area in the future. Therefore, this project is good because some of the infrastructure will be put in place.

The power issue has been resolved, and the 132 kilovolt powerline may act as a catalyst for other projects in that area. It will also have social implications because of the limited capacity to supply power to the Margaret River-Augusta area at present. The road issue has also been resolved, and the road from Scott River Road up to Brockman Highway - Sues Road - is being developed so that road transport can take the most efficient route up to Bunbury. A road of this nature will have a twofold benefit for tourism. Firstly, anyone who has driven down the west coast during peak holiday times, particularly on a Friday night or a Sunday afternoon, will know the traffic pressure on the road system down there, and some of that traffic will now be taken off those roads and put onto this new road. Secondly, the road itself will act as a tourist road because many people think it is inconvenient to travel from Nannup down to Augusta, and many people want to go into that area to have a look.

I recall that when I was first elected to Parliament, many people were quite optimistic that this project would be up and running in the early 1990s. The three mineral sands in the Beenup area are ilmenite, rutile and zircon. The product derived from rutile is titanium dioxide pigment, which is used in paints and plastics. However, as a result of the downturn in the manufacturing countries in the northern hemisphere, the demand for this product was reduced in the early 1990s and the project was put on hold. However, those circumstances have changed and the demand is now obviously there, and Mineral Deposits Pty Ltd now sees a commercial opportunity and is ready to commence operations.

Some quite contentious issues were addressed during the time that this project was developed, and no issues were more contentious than the transport corridor and the provision of power. A number of people believed that rail rather than road should be the preferred transport mode. I recall dozens of conversations about this matter and branches of the Labor Party in the south west moving motions that the Government should direct this product onto rail. I even recall a sit-in at the Bunbury office of the then Minister for South West, Hon David Smith, in 1991 by a group of people who felt that this product should be directed onto rail and that the rail should be down Sues Road, because they were concerned about the number of heavy trucks on the road.

My view was that the economics of the project would justify rail only if the mine could treble its production. The maximum production of this mine will be one million tonnes a year, and in order for rail to be economic the mine would need to produce two million or three million tonnes a year. I believed also that the topography of Sues Road - although I have not driven along it, I have had the road described to me by a number of people - was not suitable for rail because there are too many bumps and hills, and that was also the problem with putting the power line down Sues Road. I believed a more suitable option was to have an initial road transport mode and make the Great Western Road a service corridor with provision for road and power.

Power supply was another contentious issue. Some people felt, as I did, that the power should have been supplied from Picton south to Great Western Road, which was a longer route. Other people believed that the best route was to have a substation just near the Diamond chip mill and take the powerline west from there to Beenup. That route is about 85 kilometres but it is much shorter than the route from Picton south, which would

have been 130 or 140 km. Dozens of people contacted me saying they believed we should have gone with the west coast option rather than the Manjimup option.

Basically, their environmental concerns were that the Manjimup option required the powerline to go through some heritage listed old growth forests to the west of Channybearup Road through the Beedelup national park area. Having lived in Manjimup, having a great affection for Manjimup, and having a lot of friends who would have benefited from the implications of building the substation and having the work based out of Manjimup, I could see both sides of the argument. In the end I felt that the best option would have been a services corridor down Great Western Road. I recognise the change of Government in 1993, and it would be churlish of me to say that the Government should not be doing it its way. I accept that the Government has a mandate to do what it is doing, but I wanted to bring to the attention of the House the concerns of a large number of people who feel that the Manjimup option is incorrect.

A number of people who contacted me about the rail issue felt that given Australian National's introduction into Western Australia, and the upgrading of the east-west line, we had plenty of scope to cascade the rail which was being lifted between Kalgoorlie and Northam to build a rail option in the south west for this project. Another problem with rail is that the two mineral sands projects which would have to use that line would require different sets of rolling stock. The Beenup mineral sands project has a powder product and the Jangardup project, which will come on stream at about the same time, has a slurry, so each project would have needed a different set of rolling stock. At the other end of the rail line at the Port of Bunbury two different sorts of equipment would have been needed to handle the unloading of this material. The additional cost of the extra handling equipment and different rolling stock would have made rail uneconomical.

Having made that limited contribution to the debate, I reiterate Hon Mark Nevill's support for the Bill and the project. I commend the Bill to the House.

HON GRAHAM EDWARDS (North Metropolitan) [5.23 pm]: I have a pecuniary interest in this area, in that I have a home on Molloy Island, which is a few kilometres from Augusta and the river mouth where this project will take place. I have been approached by a number of people who reside permanently on Molloy Island to make a couple of points which relate mainly to the environmental provisions. I am concerned that I cannot see any reference to fishery management in the Bill or the second reading speech. I have found reference to and recognition of the strong tourist attractions of this beautiful region, and one of the region's strong points in attracting tourists is the good fishing in the Blackwood and Scott Rivers. However, there appears to be no mention of this anywhere and I would like to draw the attention of the Minister to my concerns.

The schedule imposes some stringent environmental requirements on the company. For instance, clause 4 of the schedule states that the company shall on or before 31 December 1995 provide the Minister with an environmental management program on the company's activities under the agreement for the rehabilitation and protection and management of the environment. Clause 7 is headed "Protection and management of the environment" and subclause (2) states -

The Company shall during the currency of this Agreement submit to the Minister -

- (a) not later than 31 July 1997 and 31 July in each year thereafter (except those years in which a comprehensive report is required to be submitted pursuant to a paragraph (b) of this subclause) a brief report concerning investigations, research and monitoring carried out pursuant to subclause (1) and the implementation by the Company of the elements of the approved proposals relating to rehabilitation and the protection and management of the environment in the year ending 31 May immediately preceding the due date for the brief report; and
- (b) not later than 31 July 1999 and 31 July in each third year thereafter, a comprehensive report on the result of such investigations and research and

the implementation by the Company of the elements of the approved proposal relating to rehabilitation and the protection and management of the environment . . .

The Minister stated in the second reading speech -

The company intends to mine the ore by means of a bucketwheel dredge floating in a pond having an average depth of 44 metres. The water/sand/clay mix will be delivered to a floating concentrator plant connected to the dredge. Heavy mineral concentrate will be pumped ashore to a stockpile prior to being transported by truck to a dry mill on the mining leases, where it will be dried in a rotary dryer before being separated into its constituent minerals.

Although I am concerned about this process, it may be that my concerns are unnecessary because of the environmental considerations set out in the Bill. I am concerned about the delivery of the water-sand-clay mix by way of a dredge. What is the potential for that sand-clay mix containing the heavy mineral concentrate to leach into the Scott River, to flow down the Scott River basin, and then on to the Blackwood River? The Scott River basin adjacent to Molloy Island and south of the project is a fish nursery. At most times of the year one can see schools of small fish such as whiting, snapper, bream and a host of other fish, which mature, go downstream and into the ocean and form the basis of the commercial fishery and are a great attraction for people to travel to that area for recreational fishing. Has the Minister for Fisheries been consulted, and if he has not been consulted, could some approach be made to him to ensure a fishery management program is put in place? Given that the fisheries component is an important part of the tourist attraction and that the Government expects to make some \$7m annually from the project I hope that some of the money may be diverted to a proper fisheries management program, as well as to some program to monitor and manage the Scott and Blackwood River systems. I am aware that some work has been done on the management of the Blackwood. We tend to take that system for granted. Without doubt it is one of the nicest river systems in this State; it is a beautiful region and it is enhanced very much by the river.

Hon Mark Nevill: It could have a little less salt.

Hon GRAHAM EDWARDS: There is less salt further up the river. We should not underestimate the importance of the river system to the natural environment, and its attraction for people to travel to the region. As the State continues to develop and grow that region must continue to play an important part in tourist development and recreational fishing. We have a good opportunity here to implement some fish management proposals down there and to introduce better management of the Scott and Blackwood Rivers. I hope this project will be the trigger that will cause these things to happen.

Like my colleagues, I support the Bill. I support the proposal for the development of the project because it will provide a very good source of revenue for the State and employment for people who live in the area now, and those who will live in the area as a result of the project. I would like to give some comfort to those people who have gone to the area to retire, and those who travel regularly to the area to fish and to enjoy the area generally. I am sure that it would benefit everyone if those concerns can be put to rest. I am aware that over the past couple of weeks there has been some controversy in the community regarding the project. The Minister will be aware of meetings at Augusta and the controversy that has resulted from the proposal to house in Augusta some of the people who will work on the project. I cannot see any problem but people do not like change. We have the opportunity here to dispel some of those concerns. I ask the Minister to comment on the issues I have raised and perhaps address the matter with the Minister for Fisheries. I support the Bill.

HON BARRY HOUSE (South West) [5.33 pm]: I indicate my strong support for the Beenup mineral sands project. I am pleased that this agreement Bill is now before Parliament. It has been some time coming. This project is an issue that has been at the forefront of my political life since I was elected in 1987, because the deposit was located

soon after that time. Many of the issues surrounding the project have been discussed in the community during those six or seven years.

This Bill is a timely reminder that about 30 per cent of the State's mining activity occurs in the south west. As Hon Mark Nevill indicated, we often associate mining purely with the Pilbara and the goldfields; but that is not the case entirely. We have a very healthy mining sector in the south west, and the most pleasing part is that the mining activity is conducted in conjunction with other land uses, mostly in a very harmonious way. It is a diversified economy, and mining has a very important role in the economy of the south west.

The Beenup project has not been without its controversies and difficulties. We all recall the debates in the early years about noise, dust; and water, because the water table where the mine will be located is very high. That is a very valid concern. Concern has been expressed about dieback in the national park, environmental matters of various sorts, and simply the project's close proximity to Augusta. Even though it is across the other side of the Blackwood River, it is close to the townsite, and that will permanently alter the structure of Augusta. Other issues involved are power and transport, and the contribution of the company to the local infrastructure has been a debatable point at times. Another issue is whether the company should be encouraged to process on site and to value add its project. We would all like to see that process some time in the future. Transport to the Bunbury port has probably been the most significant debatable point. All sorts of options have been floated including the sea option. At one stage there was a proposal to put a pontoon off the coast at Augusta and to transport the material by sea. That was a bit fanciful, but it had its local advocates. The proposal was finally dismissed as being unreliable.

Hon Mark Nevill: As an engineering exercise it was a possibility; economically it was unviable.

Hon BARRY HOUSE: That is what finally killed the idea. The rail option was another proposal. It is unfortunate that economics has also ruled out that approach, although I hope that some time in future that may be taken on board. The rail option has always had widespread community support but, unfortunately, the economics did not stack up. That proposal was investigated thoroughly twice; once under the previous Administration and again under the Court Government. Unfortunately the proposal did not stack up, and road was selected as the most viable option. Nevertheless I am pleased to see a clause in the agreement Act allowing for the possibility of moving to rail in future, provided it is economically viable. I am encouraged by our present Minister for Transport's restructuring of Westrail which will deliver economies to Westrail. I hope that in the not too distant future those economies will be sufficient to enable high volume tonnages such as those involved here to be taken on rail rather than on our roads. That is probably the only way it will be, and I hope that comes to pass.

The road option has been chosen, and the road currently is under construction. There has always been some controversy and some disappointment expressed regarding the final route. The particular section of concern is between Chapman Hill and Ludlow going towards Bunbury in the hinterland behind Busselton. Concern has been expressed in Bunbury about the impact of heavy vehicles on the port roads. That concern about the area between Chapman Hill and Ludlow centres mainly around the fact that the route goes through a very productive area of farmland. Possibly the worst affected are the dairy industry award winning dairy farmers, Neville and Elaine Haddon. Their property will be split in half by the transport route to take the mineral sands to Bunbury. They have fought against the route strenuously over the years. They have finally lost the fight, which is very disappointing for them. Without doubt, the route will affect the viability of their farming operation. My main disappointment in the whole process is that they have shown they are very efficient dairy farmers and their economic operation will be affected by the road.

Resumptions along that route and construction have already started. Given those reservations, the upgraded Sues Road option and the complete option will provide a very

valuable link into the south coast for not only industry but also tourists. It will not be welcomed by all. It is fair to say that a sector in my community comprises people who can be termed preservationists who saw the south coast area as the last frontier, and they wanted to keep development away from the area for as long as possible, and to keep industry away altogether.

Another major issue is the power route. I was on a deputation that went to the Minister for Resources Development soon after we won government in 1993. It involved a group of farmers in the south west who were concerned about the power route which would take the power from Picton behind Capel, behind Busselton, through to Augusta. The Government made an election commitment that it would change that route. I am pleased to say that after the deputation went to the Minister he responded very quickly on that issue. Within about six months of winning government that issue had been resolved. The less costly, more logical route via Manjimup was selected. It was always a bit of a mystery why the Picton route was selected in the first place because it is more expensive and would have been more disruptive.

Hon W.N. Stretch: Totally political.

Hon BARRY HOUSE: There are advantages in having the power route coming through Manjimup. The grid in the south west is a loop and will be more reliable to that section of the rapidly growing south west area. The Beenup project has many benefits. For example, it has financial benefits in respect of the State's export income and royalties and the creation of employment in the region. We have already seen some instances of the pressures on local employment. Debate is ongoing about how the work force will be housed in Augusta. That is a healthy sign. It is an important local issue but I am sure the town of Augusta is the beneficiary.

Hon Graham Edwards: Not everyone thinks so.

Hon BARRY HOUSE: I acknowledge that; however, in the main we are in agreement that the region will be the winner. It has already had a very positive impact on the community.

It is worth giving a great deal of credit to Broken Hill Proprietary Co Ltd. It has displayed itself to be a very good corporate citizen. From the early days, through the project manager Erica Smyth and others, the company was involved in a community consultative group and discussed a whole range of issues including transport, the environment and the impact the development would have on Augusta. The company has demonstrated that it wants to work with the community. It has reached an amicable agreement with the Augusta-Margaret River Shire Council to provide \$90 000 a year to local infrastructure and it will also assist with maintenance of the local roads. That will certainly be welcomed by the shire and the vast majority of the residents from that area.

If I have any hopes for the future, they will include that rail will become competitive in the future so that eventually it will become economical to transport by rail the large tonnages from this operation and the minerals coming from Jangardup; that is, the Cable Sands (W.A.) Pty Ltd mineral sands deposit just to the east of Beenup. There are all sorts of possibilities for that region for the future, including the large amounts of timber being planted for pulping. Another hope is that power costs in Western Australia can be reduced to the point where value adding can be embraced as a realistic option. I would like to see the product further processed on-site if possible and certainly locally, rather than being shipped to Norway for processing. All in all, I am pleased to see an exciting project of this scale coming to fruition in the south west, and I wish it well in the future.

HON J.A. SCOTT (South Metropolitan) [5.45 pm]: People have approached me with a great deal of concern about some of the ramifications of this project, particularly the power route that has been chosen through this area. Having had the opportunity to view the before and after effects of other mineral sands operations in the area, I am sure that some of their concerns are well founded. I refer members who travel in that area to the road between Nannup and Pemberton, which was widened very considerably to cater for the vehicles which use that road to transport the mineral sands, rather than its being

transported by rail. The road that previously went through that area was one of the most scenic routes on which I have ever travelled. When I saw the tragedy that had befallen one of the most popular areas for tourists in the State which goes past the Karri Valley Lodge, I was staggered that it would be allowed in this day and age. I thought Governments would have had more sense than to destroy something that had an opportunity to provide an income forever in this State, rather than an income for just a couple of years.

I do not want to say that we should never have any mineral exploration or operations come to fruition in this State. However, I believe other good options could be taken to provide the most protection for the environment in which those operations take place. I do not think the route chosen in this case does that by any means. In fact, an alternative route would have missed much of the native reserve land. This route passes through areas where there are endangered flora and fauna and through which the Environmental Protection Authority and the Heritage Council of WA said that it should not pass. On top of that, many people opposed to that project were made even more angry because where a very wide swath of clearing occurred, very good timber was knocked down, windrowed and burnt. That is a total waste of the resource from that area and a tragedy.

Too often when people talk about the most profitable solution to transporting these minerals along roads, they look at the project as a one-off situation. In this project maybe the figures have been produced to indicate that that route for that operation may cost less, but when it comes to a wide variety of reasons such as the preservation of that natural habitat which attracts the greatest number of tourists outside of Perth in the State, the cost is not small. The losses mentioned by Barry House to dairy farmers as a result of problems affecting their ability to make an income add up to much more in the long term than do the benefits gained from some of these ill-conceived projects. I am not saying the whole project is ill-conceived, but the way in which it is being carried out is ill-conceived. I understand the previously chosen power route was less of a threat to the environment and more acceptable to the local people at both the Margaret River and the Manjimup ends. That route was changed as a result of pressure applied by the National Party -

Hon Barry House interjected.

Hon J.A. SCOTT: It goes through a bush habitat rather than through an already cleared habitat.

Hon W.N. Stretch: Bearing in mind the huge amount of money involved, it is a commonsense option.

Hon J.A. SCOTT: It is a commonsense option to people who can see only as far as the view that bush is a valueless object. In fact it contains a great deal of value in a wide variety of ways.

Hon W.N. Stretch: How many hectares of bush can be destroyed? Compare that with the rest of the reserves. It is an absurd argument.

Hon J.A. SCOTT: Hon Bill Stretch should understand that cutting a large swath through the bush for such a long distance can cause massive disruption to all sorts of communities within that area. Not only that area will be destroyed, but also areas on either side. Devastation will be caused by breaking up areas of habitat which will create problems for the fauna.

Hon Barry House: An equal amount of bush would have to be taken out along the Great North Road as is being taken out along the existing road.

Hon J.A. SCOTT: I understood that was not the same quality of bush as on the other route.

Hon W.N. Stretch: The green belt on the other route contained a far more rare commodity.

Hon Barry House: Excellent jarrah.

Hon J.A. SCOTT: When we consider these projects we must consider the effects they have in the long run rather than only in the short term. I am concerned about the total mass of operations planned and already occurring in the south west in conjunction with the timber mining in that area, to add another type of mining.

Hon Mark Nevill: That is a renewable resource.

Hon J.A. SCOTT: It is only renewable when we get back what was there before. In this instance that is not what we get. When we get back blue gum rather than the previous wide variety of flora we do not have a renewable resource but a plantation of something different from before.

Hon Mark Nevill: That is why I am not keen on plantations.

Hon J.A. SCOTT: I am concerned with the overall impact of not only this by itself, but also the widening of the roads, the power lines and the water supplies. As the members before me pointed out, this dredging operation could be a threat to the quality of water in the area. Although I would very much like to see more employment in the area and an ability for a greater income, I am concerned that in the long run, as a result of the way this has been put together, we will not get the best possible value for money had a more sensitive approach been taken to the development of that body of mineral sands. I oppose the Bill.

HON GEORGE CASH (North Metropolitan - Minister for Mines) [5.54 pm]: Again, I am in a position of regretting that Hon Jim Scott is the only person in the Chamber who could not find it within himself to support the Bill.

Hon Mark Nevill: Even without monazite?

Hon GEORGE CASH: Jangardup is a successful operation where land is being dredge mined which does not have much agricultural potential and is being returned for agricultural purposes in a better state than when the mining started. I do not think we will ever be able to win with Hon Jim Scott; he will always find something negative to say no matter what. I hope the people who get jobs in the south west as a result of the general support for this project - bar Hon Jim Scott - will one day realise that he is against just about anything that moves.

Hon Mark Nevill referred to plantations and Hon Jim Scott said we cannot have plantations because they encourage only one species, rather than a variety of species. During the weekend I was in the Kimberley, in Derby, and many fires were burning out the vegetation. What should I do there - put out the fire because it is damaging the environment? It is a natural reaction. The good news is that it will revegetate in due course as much stronger vegetation than it is today. I gave up on Hon Jim Scott a long time ago and I will not add much to what he said.

Hon J.A. Scott: That is because you have no imagination.

Hon GEORGE CASH: I will certainly not stonewall my own Bill at this stage of the game. I thank members for their support of what I regard is a very important project, not only for the south west but also for Western Australia. It even extends beyond Western Australia because this is all about export income. In the end it will affect, and be good for, the national economy. As members have already related, it is an agreement to enable the development of a new mineral sands project in the south west. The project is located approximately 17 kilometres north east of Augusta. It involves a major ilmenite discovery, said to be in the order of 83 million tonnes, with sufficient product to sustain mining for about 100 years. It is intended that the company, Mineral Deposits Pty Ltd, will mine at about 600 000 tonnes per annum. The product will be separated on site and transported to Bunbury by road. At the back of the Bill is a map that indicates the roads to be used - Scott River Road, Brockman Highway, Sues Road and Bussell Highway - for transport from Beenup to Bunbury. Significant upgrading and construction of new roads will result from this project. The good news - in case Mr Scott missed it in the second reading speech - is that the agreement provides that MDPL will be required to contribute \$17.5m in 1990 dollars to the project. I thought he would be pleased because usually he is opposed to anybody getting a quid. Broken Hill Propriety Co Ltd is the major

shareholder and he may be at least pleased to note that it must not only make a contribution to the roads but also pay about another \$12m towards the 132 kV powerline which will traverse between Manjimup and Beenup.

Hon J.A. Scott: That is for its own use.

Hon GEORGE CASH: Yes, the facility is not just for the use of BHP and MDPL but in due course other industries, farmers, and producers - those who create wealth.

Hon J.A. Scott: The little roads through the United Kingdom have more people on them.

Hon GEORGE CASH: As much as I would like to talk about the United Kingdom, the member lost me a long time ago. At another time perhaps I might continue my remarks.

Debate adjourned, pursuant to Standing Order No 61(b).

House adjourned at 6.00 pm

QUESTION ON NOTICE

**FORESTS AND FORESTRY - SOUTH WEST FORESTS DEFENCE
FOUNDATION, LEGAL SYSTEM ABUSE**

1350. Hon N.D. GRIFFITHS to the Minister for the Environment:

- (1) Is the Minister correctly reported in the Metro addition of *The West Australian* on 20 April 1995 on page 34 in an article headed "Greens win 10 day logging ban" as accusing the South West Forests Defence Foundation of abusing the legal system?
- (2) If so, in what regard is the legal system being abused by the foundation?

Hon PETER FOSS replied:

(1)-(2)

The matter on which I was quoted in the article in *The West Australian* related to the penchant of the South West Forest Defence Foundation of bringing interlocutory ex parte applications before the court without giving notice to the Department of Conservation and Land Management or the Crown Solicitor's Office when it knew that the Crown Solicitor's Office was acting for CALM.

My disquiet was subsequently vindicated by a decision of Mr Justice Parker when on 24 April 1995, on the application of CALM, he set aside the injunction which he had earlier granted on the basis that when the original injunction was granted without CALM being present, there was a material non-disclosure by the South West Forest Defence Foundation. This would not have occurred had CALM been present to respond to the application.

I would like to quote from the decision of Mr Justice Parker -

I find myself driven to the conclusion, having regard to the relevant principle, that I must set aside the order, leaving it, if its members are so minded, to the plaintiff to bring a fresh application, one which will be more accurately and fully informed in its supporting material and one which would be dealt with, no doubt, on notice -

my emphasis added -

- so that there would be adequate opportunity if there were any inadequacy in the material, for that inadequacy to be made good by the defendants.

Through the Crown Solicitor's Office CALM has made it known to the plaintiff's legal representatives that it is readily available, thus obviating any justification for the plaintiff to make ex parte applications to the court.

QUESTIONS WITHOUT NOTICE

EDUCATION DEPARTMENT - GOOD START PROGRAM HOTLINE

462. Hon JOHN HALDEN to the Minister for Education:

Since the announcement of the Good Start program on Monday, how many calls have been received on the hotline set up to answer queries on this program?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Since the announcement of the Good Start program on Monday, 1 050 calls have been received on the hotline set up to answer queries on this program.

EDUCATION DEPARTMENT - GOOD START PROGRAM HOTLINE

463. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister aware that people are complaining that they cannot get through on the hotline?
- (2) Is he aware that many people are being told that because of the hundreds of complaints the hotline is receiving they will be phoned back later next week?
- (3) Will the Minister take action to make the hotline a true hotline and not one that appears cold?
- (4) In response to this overwhelming criticism of the proposed program, does the Minister propose to alter to its original position the entry age of students in Western Australia?

Hon N.F. MOORE replied:

- (1)-(2) No.
- (3) If necessary.
- (4) There has not been an overwhelming rejection of this concept, including the comments of the Leader of the Opposition yesterday when he said that we should have this progressive move in early childhood education, but that we should not change the entry age. He cannot have it both ways. Mr fence sitter should remember that people who keep sitting on the fence eventually are cut in half because they do not stand for anything. Mr Halden has never stood for anything on education issues. This is just another example of that.

EDUCATION DEPARTMENT - REMOTE TEACHING SERVICE
WORKPLACE AGREEMENTS*Officers, Visits*

464. Hon JOHN HALDEN to the Minister for Education:

- (1) Did two officers from the Education Department recently visit remote schools to discuss workplace agreements with staff?
- (2) Did those officers stay at the Uluru hotel and fly out to a number of remote schools each day?
- (3) What was the cost of the accommodation for the officers?
- (4) What was the cost of the charter plane?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) No.
- (3) \$2 617.70.
- (4) \$12 108

TIMBER INDUSTRY - KARRI SAWLOGS ON BUSHLANDINGS, VOLUME

465. Hon J.A. SCOTT to the Minister for the Environment:

What was the estimated volume of karri sawlogs on bushlandings as of 1 June 1995?

Hon PETER FOSS replied:

This information will require considerable research and I ask the member to place it on notice.

**EDUCATION DEPARTMENT - REMOTE TEACHING SERVICE
WORKPLACE AGREEMENTS**

466. Hon JOHN HALDEN to the Minister for Education:

- (1) Under the remote teachers package being offered to teachers in Western Australia by way of workplace agreements, if the majority of teachers at a remote school elect to be on a workplace agreement, will all teachers at that school be obliged to be on workplace agreements?
- (2) Will those teachers not electing to sign workplace agreements be transferred out of that school?

Hon N.F. MOORE replied:

- (1)-(2) It is my understanding that if the majority of teachers in a particular school choose to go onto a workplace agreement, the school will operate under the conditions of the workplace agreement. Those teachers who were not under the workplace agreement would find it difficult to operate in that environment and would be given the option to transfer to another school where that agreement was not in place. The member who has asked the question should understand that this package is being offered to teachers working under the most difficult circumstances in Western Australia. It is a very good package and is being overwhelmingly accepted by teachers. In Hon John Halden's own words in a question he asked me some time ago - or words to that effect - this is the best thing for remote area teaching since sliced bread. Instead of always doing what he does - that is, take the negative point of view, which eventually comes around to sitting on the fence - I hoped he would take a positive approach to this proposition because it is a positive move. The trouble Hon John Halden has is that he, like Hon Alannah MacTiernan, represents a constituency called the unions.

Hon John Halden: I do not sit on the fence.

Hon N.F. MOORE: The State School Teachers Union of WA does not support workplace agreements in any shape or form, even though this workplace agreement offers teachers in remote schools between \$10 000 and \$15 000 a year extra, free rent, and six months' leave after four years. The teachers' union has said to those teachers that if they take a workplace agreement - if they take the money and the new conditions - they will no longer be welcome in the union. That is the attitude of the teachers' union. What a terrible indictment on it that it should be so lacking in concern and consideration for its members that it would do that to them if they were to accept a package which is designed to enhance the educational prospects of children in those remote schools in Western Australia. The whole aim of the package is to provide flexible schooling in the most remote schools in Western Australia, and the only way to get it is through a workplace agreement. That is why the Government has done it and why I am supportive of that.

DOIG INQUIRY - HEALTH DEPARTMENT

467. Hon J.A. SCOTT to the Leader of the House representing the Premier:

- (1) Will the Premier implement conclusion 5.3 of the "Investigation by Donald G. Doig under Section 24 into certain matters affecting the Health Department" which states: "Section 8(2) of the Public Sector Management Act needs to be re-examined to ensure that the interpretation being applied by some Ministers is in accordance with the original intention of the Act"?
- (2) If yes, when?
- (3) If not, why not?

Hon GEORGE CASH replied:

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

- (1)-(2) Information is currently being prepared for circulation in the near future to Minister's officers.
- (3) Not applicable.

**EDUCATION DEPARTMENT - REMOTE TEACHING SERVICE
WORKPLACE AGREEMENTS**

468. Hon JOHN HALDEN to the Minister for Education:

The Minister in answer to my previous question confirmed that if the majority of teachers at a remote school elected to be on a workplace agreement, and workplace agreements were to be the industrial relations regime at that school, all teachers at that school would be obliged to be on workplace agreements. Will the Minister confirm that that breaches section 68 of the Workplace Agreements Act?

Hon N.F. MOORE replied:

If the member cares to read my answer, he will see that I said it was my understanding that that was the case. I went on to explain why I thought that was the appropriate way to go about running schools under these conditions. However, I will take the member's question and obtain a response.

SCHOOLS - CLEANING, CONTRACTING OUT

469. Hon JOHN HALDEN to the Minister for Education:

- (1) Have letters been prepared, or are they currently being prepared, informing cleaning staff at schools that the cleaning of schools will be contracted out?
- (2) Will cleaning staff be informed about this with their pay advice next Thursday?

Hon N.F. MOORE replied:

- (1)-(2) I have not had an opportunity to discuss this question with the Education Department since I received a copy of it. However, it is conceivable that a letter has been prepared, contemplating a decision on the contracting out of cleaning. I explained to the House just yesterday that the Budget figures were predicated on that happening. I explained to the House also that no decision has been made. That is the situation now.

Hon John Halden: You're just typing these letters in the department on the basis of no decision?

Hon N.F. MOORE: I am certainly not. I just said that I have not had a chance to talk to the Education Department since I received Hon John Halden's question. I said it is conceivable that someone has drafted a letter and I will find out whether letters are being prepared today. If they are, somebody is acting outside their capacity to make that decision. I will continue to say in this Parliament that a final decision has not been made about the contracting out of cleaning in schools. I said also that if and when a decision is made the people involved will be advised of the situation. Until that decision is made, the situation remains as it is.

AIR TRAVEL - DERBY AND KIMBERLEY REGION

Ansett Australia, Service Withdrawal; Regular Passenger Transport Links Need

470. Hon TOM STEPHENS to the Minister for Transport:

- (1) What steps will he and the Government take to respond to the needs of the Derby and Kimberley region community following the advice the Minister received from Ansett Australia indicating that its daily jet service to Derby will be withdrawn from 31 July?

- (2) Will the Minister make sure that there is some way of responding to the needs of that community despite the inability of Skywest Airlines Pty Ltd to provide an appropriate level of service because of the unavailability of the type of aircraft necessary to meet the current demands for that community?
- (3) Will he assure the House that any alternative provider of a service to the Derby community will have the opportunity of exploring regular passenger transport links between the Derby township and the other populated centres of the Kimberley and not be limited to a service that simply operates between Derby and Broome?

Hon E.J. CHARLTON replied:

(1)-(3)

One of the sad things about Hon Tom Stephens no longer being a Minister is that he could have carted everyone around in his plane, which is what he did when he was a Minister. He was the Minister who held the record as the biggest spender on travel in the history of Western Australia.

Hon N.F. Moore: Ask him about election day in the Kingair.

Hon Tom Stephens interjected.

The PRESIDENT: Order! I ask the Minister to come back to the original question and ignore the others which have subsequently been asked. I ask the Minister to ignore further interjections.

Hon E.J. CHARLTON: The decision made by Ansett is a commercial decision.

As far as the future is concerned a number of options can be considered. For example, a different type of plane could be used which perhaps could use the town airstrip rather than the Curtin airstrip. Obviously that will be a benefit to the people of Derby. It is likely that other operators will provide a service to the people of Derby to all places in the Kimberley by giving them access to both a jet and other services.

Hon Tom Stephens: Fitzroy, Halls Creek and Kununurra?

Hon E.J. CHARLTON: Yes, Halls Creek and Kununurra. Before the decision was made the comment which had been made to the Department of Tourism by a number of people is that tourism is one of the big opportunities in the Kimberley. It was suggested that services should be provided to encourage not only tourists to the area, but also local people to travel from one centre to another.

Hon Tom Stephens: What will the 58 kids who come home for the school holidays use to get into the town? There will be no services for them.

Hon E.J. CHARLTON: I suppose the member has already put out a press release saying that all these children will not have any means of transport to take them home for the school holidays. He should be finding out what are the options and providing assistance to ensure that these children do have a form of transport. His actions are in total contrast to a previous Prime Minister who said there would be no children in Australia living in poverty. Unlike him, this Opposition adopts a negative attitude to everything.

Hon A.J.G. MacTiernan: You were such a positive little bunny when you were in opposition!

Hon E.J. CHARLTON: I am confident that there will be a number of opportunities. At this stage they have not been identified. Although this decision was mooted some time ago it was only recently confirmed. If any financial assistance is required, the Government will obviously consider that request in the same positive way that it considers other requests for financial assistance from remote areas of Western Australia.

**BUILDING MANAGEMENT AUTHORITY - MURRAY DISTRICT
HOSPITAL, ROOF WORK COST**

471. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Works:
I refer to the \$22 000 that the Building Management Authority spent to secure the roof at the Murray District Hospital.

- (1) Has the BMA sought compensation from the private contractor for that amount?
- (2) If not, does it intend to seek compensation?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) No. The Building Management Authority estimated that it would cost approximately \$22 000 to secure the roof at the hospital. This cost relates to the tying down of the roof - physical anchoring of the roof frame to the brickwork. This tying down was not part of the original contract specifications and does not relate to the contractor's work.

I am becoming fascinated with this place; perhaps I should visit it some time!

**DIRECTOR OF PUBLIC PROSECUTIONS - LEGAL ACTION AGAINST
GRAEME CAMPBELL, GOVERNMENT ASSISTANCE**

472. Hon MARK NEVILL to the Minister representing the Attorney General:
- (1) Is the State Government providing any financial support or other resources to the Director of Public Prosecutions in his Supreme Court action against the federal member for Kalgoorlie, Graeme Campbell MHR?

- (2) If so, what resources are being provided?

Hon PETER FOSS replied:

- (1) No.
- (2) Not applicable.

MAPPLETHORPE EXHIBITION - SPONSORS

473. Hon P.R. LIGHTFOOT to the Minister for the Arts:

- (1) Who sponsored the Mapplethorpe exhibition?

Hon Mark Nevill: Stop licking your lips.

Several members interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: To continue -

- (2) Does the Minister approve of the exhibition?
- (3) Who approved the exhibition in Western Australia?
- (4) Who was responsible for bringing the exhibition into Australia?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Xpress magazine and STA Travel sponsored the Mapplethorpe exhibition. Coca Cola Bottlers Perth, Killerby vineyards, Connections nightclub and Gary Chard sponsored the opening night function. I think The Swan Brewery Co Ltd and the promoters of Hahn beer should have been included.

- (2) It is not for me to approve or disapprove of the exhibition.
- (3) The board of the Art Gallery of Western Australia approved the exhibition at its meeting on 6 April 1995.
- (4) The Museum of Contemporary Art, Sydney brought the exhibition to Australia.

**SEA SEARCH AND RESCUE - TRANSFER FROM TRANSPORT
DEPARTMENT TO WATER POLICE; STAFF, FUTURE**

474. Hon J.A. COWDELL to the Minister for Transport:

I refer to the transfer of responsibility of sea search and rescue from the Department of Transport to the Western Australian Water Police.

- (1) How many Department of Transport staff will be either made redundant or redeployed within or outside the department?
- (2) Where are the staff currently located?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No Department of Transport staff will be made redundant as a result of the transfer of responsibility for sea search and rescue. Three of the six staff previously employed in this area will continue to run a marine operations centre to support the department's ongoing responsibilities in marine safety and marine emergency response, including marine oil pollution. This centre will operate during normal working hours, seven days a week. The three remaining staff have been reallocated to marine safety duties with the marine operations branch.
- (2) All six staff will continue to be located at Fremantle.

BUNNINGS - PEMBERTON SAWMILL

475. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Did Bunning's Pemberton sawmill close for approximately two weeks in July in -
 - (a) 1994,
 - (b) 1993; and
 - (c) 1992?
- (2) On what date was the Minister or the Department of Conservation and Land Management notified of the provisions of the 1995 woodchip export licences, MEPWOOD 1077, 1078 and 1079?

Hon PETER FOSS replied:

- (1) This is not within my portfolio responsibility.
- (2) The information sought would require considerable research and I ask the member to place the question on notice.

**TRANSPORT - SUBSIDY \$5m, NORTH WEST
*Horticultural Products, Trade with South East Asia***

476. Hon SAM PIANTADOSI to the Minister for Transport:

- (1) What substitute transport will be put into place to continue the trade link for Western Australian horticultural products with South East Asian countries?
- (2) When does the Minister envisage the new transport service coming into operation?

- (3) What is the estimated loss in dollar terms to the Western Australian economy until such service comes into operation?
- (4) Will local producers be compensated by the Government for loss of outstanding contracts through their inability to supply, due to the demise of Stateships?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) With the decision to close Stateships, the Government has decided to subsidise alternative transport arrangements for the north west of the State by up to \$5m per annum. Consistent with the official policy guidelines published at the time of the decision, a process has been put in place for the Kimberley community to define those alternative transport arrangements. The requirements of horticultural producers with markets in South East Asia should be reflected in the process. The response from the process will be given to the Government for consideration during August. In the interim, a subsidised shipping service will continue to be provided into the region.
- (3) The interim transport arrangements are based on the same level of support provided to Stateships when it was supplying the service.
- (4) Arrangements are in hand to fulfil Stateships' current contractual obligations with its clients, through alternative shipping arrangements. Under this circumstance, there will be no need for compensation to be paid.

SCHOOLS - PRIMARY, CONSTRUCTION PROGRAM

477. Hon JOHN HALDEN to the Minister for Education:

In the 1995-96 capital works program for the Education Department, a sum of \$19m has been allocated for the construction of new primary schools. For which proposed schools has this money been allocated?

Hon N.F. MOORE replied:

I cannot advise the member at this time because the decisions have not been made for next year. As has been the practice for many years, a decision on these matters is made as late as possible -

Hon John Halden: Do you know anything about your portfolio area? You know nothing about cleaners or about this.

Hon N.F. MOORE: I will explain to the Leader of the Opposition in this House: The process undertaken when deciding which primary schools will be built is based on making decisions as late as possible, and it is possible that decisions about schools to be built next year will not be made until September 1995. That has been the practice for many years and, if the member doubts that, I suggest he ask Kay Hallahan, Carmen Lawrence, Geoff Gallop or Bob Pearce. They will all give him exactly the same answer. Some schools being built this year are scheduled to open next year, but I do not have the Budget papers with me to indicate whether money is allocated to them in this year's Budget. Those schools are Singleton, Port Kennedy, Kalgoorlie and Glen Iris in Bunbury.

AIR TRAVEL - GOVERNMENT POLICY ON BUSINESS CLASS

478. Hon J.A. COWDELL to the Leader of the House representing the Premier:

- (1) On what basis are public service employees, Ministers and members travelling on parliamentary committee business entitled to travel business class for air travel within Australia or overseas?
- (2) Has there been a change in the Government's policy on this matter over the past three years?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Premier has provided the following reply.

- (1)-(2) Government policy relating to travel on official business was set out in a circular in March 1993 and provides that Ministers, chief executive officers of government agencies and senior executive service officers, where stipulated by contractual obligation, are entitled to business class travel. One staff member of a Minister's office, who is accompanying the Minister on official business, may also travel business class. An officer required to accompany a chief executive officer may travel the same class as the chief executive officer for that trip, where this will facilitate the performance of their duties at the destination. All other officers travel economy class. The class of travel for members travelling on parliamentary committee business is a matter for Parliament to determine.

WATER AUTHORITY - COMPETITIVE TENDERING, INTERNAL

479. Hon A.J.G. MacTIERNAN to the Minister for Water Resources:

- (1) In view of the Minister's statement on Tuesday that he is committed to competitive tendering within the Water Authority of Western Australia, will he permit the Water Authority to compete with the private sector to provide services targeted for privatisation?
- (2) If not, why not?

Hon PETER FOSS replied:

(1)-(2) I have a problem with understanding -

Hon Mark Nevill: We know that.

Hon PETER FOSS: - this question. If a tender is advertised for someone to do something, competitive tendering requires that there be a genuine contract capable of being entered into, where at least two people compete to give a price. The big problem with tendering from within is that it is not competitive tendering because, whatever the cost, the organisation must pay it. It does not matter whether the people submitting the tender win or lose that contract. One of the advantages of competitive tendering is obtaining a contractual price, and the contractor must complete the job for that price. It is not the organisation's concern whether that contractor makes a profit or loss. Internal competitive tendering is a load of nonsense because, whatever the price quoted, the organisation must pay whatever it costs. It becomes a legal fiction, and one might as well allow John Doe to submit a tender each time to pretend that competitive tendering is in force. I am very much committed to competitive tendering. If people currently employed in the Water Authority wish to compete, the Government will do everything it can to allow them to set up a business as independent contractors and to genuinely compete for the contract.

Several members interjected.

Hon PETER FOSS: The Government wants real competitive tendering. Another interesting point is that the Government will be moving towards the requirements of the Federal Government in having a taxation equivalent regime. Of course, that will make the relativities in that area a little clearer. Even that does not change the contractual situation to which I referred. Competitive tendering is a legal fiction if a body is tendering with itself.

WATER POLICE - STAFF; SEA SEARCH AND RESCUE

480. Hon J.A. COWDELL to the Leader of the House representing the Minister for Police:

- (1) How many staff constitute the Western Australian Water Police?

- (2) Where are the staff located?
- (3) Is sea search and rescue now defined as a core function of the Police Department?

Hon GEORGE CASH replied:

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

- (1) The approved strength of the Water Police branch is 22.
- (2) The Water Police complex, North Fremantle.
- (3) Under State Emergency Management Advisory Committee policy, the Western Australia Police Force is the lead combat authority in WA for sea search and rescue.

GRIFFIN VENTURE - SAFETY REPORT; AUDIT REPORT

481. Hon J.A. COWDELL to the Minister for Mines:

I refer the Minister to the "Report of Joint State/Federal Investigations Into Alleged Unsafe Acts Aboard BHPP FPSO Griffin Venture on 29 May 1994", produced jointly by the Western Australian Department of Minerals and Energy and the Australian Maritime Safety Authority.

- (1) Are the state or federal Directors of Public Prosecutions investigating matters raised in this report, with a view to prosecution?
- (2) Why did his department not begin investigating the incident until February 1995 - some eight months after the incident in which oil tanks might have exploded, thus endangering the lives of 37 men on board, as well as the environment?
- (3) What was the full extent of the Western Australian department's initial investigations in February 1995?
- (4) What were the department's initial conclusions?
- (5) What progress has been made in organising audits of all floating production storage offloading vessels - FPSOs - to ensure such incidents do not occur in the future?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1) The matter was referred to the Commonwealth's DPP on 8 June 1995.
- (2)-(3) The Western Australian Department of Minerals and Energy, which is responsible for administering commonwealth legislation covering the Griffin Venture, was not made aware of the circumstances surrounding this incident until a report was provided by BHP Petroleum on 10 February 1995. BHP Petroleum did not consider the matter to be a reportable incident at the time of the occurrence. Since receiving and reviewing the detailed report, a departmental inspector visited the Griffin Venture to check out some of the key safety issues raised in the report. BHP Petroleum's vice president production had also been interviewed by the department. Furthermore, a departmental officer visited BHPP's Dampier operations centre to discuss the report with BHPP's area manager.
- (4) The department concluded that it was necessary to conduct a more in-depth investigation involving the Australian Maritime Safety Authority. This was necessary because issues identified in the report and the preliminary investigation involved marine operations regulated under the commonwealth navigation legislation.

- (5) An audit of the only FPSO offshore Western Australia - the Griffin Venture - is scheduled to commence on 24 July 1995. I understand that the Northern Territory officials will be auditing the FPSO in their jurisdiction.

WATER AUTHORITY - SEWERAGE INFILL PROGRAM
Contractors Connecting to Water Mains for Their Operations

482. Hon SAM PLANTADOSI to the Minister for Water Resources :

- (1) Are contractors working on the infill sewerage program allowed to connect to a water service main to service their operations?
- (2) If yes, what are the guidelines contractors must abide by in connecting to such services?
- (3) What is the cost per kilolitre charged to the contractor for water used?
- (4) How many kilolitres have been used by the contractors to date?

Hon PETER FOSS replied:

The information sought will require considerable research and I ask that the member put the question on notice.

EDUCATION DEPARTMENT - REMOTE TEACHING SERVICE
WORKPLACE AGREEMENTS
Officers, Visits

483. Hon JOHN HALDEN to the Minister for Education :

Some notice has been given of this question and it relates to the question I asked earlier about visits to remote parts of the State. In relation to those visits by the Education Department officials to discuss workplace agreements with the schools, are these officials ever accompanied by the district superintendent?

Hon N.F. MOORE replied:

Yes.
