





WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1999

LEGISLATIVE COUNCIL

Wednesday, 16 June 1999

# Legislative Council

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**THE PRESIDENT** (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

## **EDUCATION DEPARTMENT AND CHILD CARE EXCLUSION POLICY**

### *Petition*

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 306 persons praying that the Government investigate the impact of the enforcement of the exclusion policies of the Education Department and child care on "non-immune children".

[See paper No 1131.]

## **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

### *Inquiry Into Government Proposals for Westrail Freight Operations and Associated Infrastructure - Motion*

Resumed from 27 May on the following motion -

That the House direct the Standing Committee on Public Administration to inquire into government proposals for the sale or lease of Westrail freight operations, track network, rolling stock and associated infrastructure.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.05 pm]: The Australian Labor Party has made it clear that it has significant concerns about the proposed sale of Westrail's freight operations from the perspective of both the suitability of such a sale and the Government's behaviour in announcing its intention to do so. This Government's railway policy clearly has not been on what can be called anything like the right track. In recent years the Government has pursued policy objectives which should have all Western Australians displaying a clear red signal that says, "Go back. Go no further." This is not a policy direction that should be pursued by the State Government, a Government with obligations to pursue the best interests of the entire public of Western Australia. None of the Government's current policy directions in this area has been based on an overall transport, environmental, employment or state development approach to these questions.

One of the most significant questions that should be considered by this Government is the way in which this proposal will affect the interests of the Western Australian community. Instead, the Government has been preoccupied with its own ideological views on privatisation in this as in so many other areas. Regrettably, if there is an accident in this field of policy development in future, the detrimental consequences for Westrail freight users, and indeed the entire Western Australian community, will be virtually impossible to correct.

The circumstantial evidence suggests to us in the Labor Opposition that a private investor has approached the Government with an offer to buy Westrail's freight service as an integrated railway, an offer which the majority of the Cabinet want taken up.

Hon M.J. Criddle: Who is the person who has approached us?

Hon TOM STEPHENS: The answer to that question must be given by the Government. Has or has not the Government been approached by a private investor who has triggered the whole strategy of releasing Westrail's freight operations for sale? If the Government is prepared to go on record and say that is not the case, we would want to subject that claim to further scrutiny. More importantly, such an answer would be at odds with the circumstantial evidence.

The Government appears to justify its approach to the Western Australian public by relying on the predictable competition rationale. Westrail has already had key rolling stock and infrastructure maintenance functions contracted out, with signalling and communications about to go the same way. Given that, it is hard to see how the Government will be able to sell any form of a vertically integrated railway to a private buyer. In our view, the proposed sale of Westrail's freight operations as an integrated railway poses serious problems for the operation of country passenger trains by what will be left of Westrail. Unfortunately, as people have come to expect of this Government, these problems do not appear to have been considered or addressed at all in the lead-up to this policy decision being made by the Government.

What should be the biggest problem, though, for the Government is that it has no electoral mandate for this proposed sale and the policy direction upon which it is embarking. The Government's 1996 Westrail election policy included encouraging Westrail to increasingly pursue commercial objectives; to pursue further reductions in freight rates by encouraging competition and further allowing third party access; to develop a third party operator accreditation system on the rail system; to ensure environmental and safety standards are maintained; to continue to modernise Westrail; to retain and upgrade particular services; and to support the Federal Government's Australian Rail Track Corporation in principle, although the concept needed to be fully funded and the interests of the State safeguarded before WA became a participant. They were the essential elements that formed the basis of the Government's policy on Westrail that was put to the people at the 1996 state election. Clearly and indisputably, there was no suggestion at all that the privatisation of Westrail was part of the agenda of the Liberal Party-National Party in the lead-up to the last state election. Allowing third party access does not equate to selling off the whole operation. That is our view and the overwhelming view of the Western Australian community. It is our view that by following this direction, many parts of Western Australia will be detrimentally affected, but none more so than Westrail's employees. When the Australian National Railway was privatised in 1997, of the 1 670 employees in South Australian Rail, passenger and travel, only 700 were redeployed. If Westrail's freight business were privatised, Western Australia must confront the distinct possibility of at least 50 per cent of the jobs being lost in that

operation. Such job losses unfortunately will not be confined to railway employees. An inevitable spin-off is experienced by the wider community.

Following on the ANR privatisation, the regional impact on towns such as Port Augusta was so severe that most of the \$20m Federal Government's adjustment package had to be provided to South Australia. However, no study of the effectiveness of that package in restoring the local economy has yet been carried out. Clearly, one could expect significant rural job losses in Western Australia from any privatisation of Westrail freight. Agriculture and mining industries as well as rural townships, as we all know, rely heavily on rail transport, which would not have developed without the rail infrastructure. Without the necessary government commitment which provided this infrastructure, such towns and industries must negotiate with the private monopoly operator whose primary objective will be to make a profit, not to underpin the vital transport needs of towns, industries and regions.

Hon M.J. Criddle: There is an access regime that allows other people to come in and be competitive.

Hon TOM STEPHENS: That might be the view of the Minister for Transport. It is not the view of the Labor Opposition that that is the best policy direction for this issue. There will also be environmental costs if the drive to make profit causes rail services to be downgraded or abandoned. Significant freight and passenger vehicles will be transferred to roads. Given this quite feasible possibility, it will be interesting to know whether the Government has carried out any assessment of the economic cost of the withdrawal of rail services to the different regions in Western Australia. I am one of those who remembers the withdrawal of the rail service into the Murchison region and the impact of the loss of that service.

Hon M.J. Criddle: It has also gone out of my siding at home. We used to have a railway, but we have nothing now.

Hon TOM STEPHENS: Just because the Minister for Transport has lost that rail service, it does not mean that he should inflict that same result upon the rest of the Western Australian community in the pursuit of the policy initiatives that he currently seems to be pursuing. Has the Government looked at the economic cost of higher road construction and maintenance standards due to pavement damage by the more intense use of heavy road vehicles, as well as added road accident costs? The Government should be giving a detailed indication of what consideration it has given to these questions. Heavy road transport is appropriate for some forms of freight, but indisputably others are much more suited to rail, particularly bulk agricultural and mineral products as well as some of the large equipment that is used in both those industries and which are so important to the Western Australian economy. Rail has a significant efficiency advantage over road on the long haul of bulk and containerised freight. It is a tragedy to see that those efficiency advantages are placed at risk by the policy directions being pursued by this Government. Any responsible Government proposing such a sale would have examined, one would have hoped, such issues. That examination should be on the table for all to see. There is no indication of any study done on the environmental and economic risks if rail services are significantly reduced through a shareholder-orientated private owner.

There is hypocrisy in this Government's behaviour in respect of the National Rail Mainline Network. Under an intergovernmental agreement signed in September 1997, the Western Australian Government agreed to incorporate the Perth-Kalgoorlie standard gauge line into the track controlled by the Australian Rail Track Corporation on the basis that Western Australia continued to own and manage the track and wholesale train path to the ARTC. In 1992, Western Australia refused to take part in the formation of the National Rail Corporation, expressing concern at the potential loss of its infrastructure. In 1995, the Federal Labor Government proposed the Track Australia concept of the interstate main line. This was delayed, one of the main reasons being again the resistance of Western Australia to the loss of control of its Perth-Kalgoorlie link. Now all of a sudden, a magic wand has been waved and the same Government is effectively merrily bundling the Perth-Kalgoorlie infrastructure into the sale of the Westrail freight operation. Why was state control so important previously? Why has that importance for state control been removed? Everything that previous Western Australian Governments tried to protect is now no longer in need of protection, and one is entitled to ask why. The answer to every question from this Government seems to be that privatisation is the way to go. If that is the answer to the Government's questions, it is obviously asking the wrong questions because it certainly is not providing the answers that the Western Australian community is so desperately seeking.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! The Leader of the Opposition has made it obvious that he is not entertaining interjections. When members do not entertain them, other members should not interject.

Hon TOM STEPHENS: How can any unknown, overseas-owned, private rail company managing the infrastructure present less danger to WA interests than a national, publicly-owned rail company in which Western Australia could have owned shares? The answer is obvious. The only conclusion that anyone else can draw from this blatant backflip by the minister - and this minister is establishing an enviable record of backflips - is that a commitment to the ideology of privatisation has swept away all practical concern of the Cabinet, of which he is a part, about rail services. Of course, the backflips are not limited to the Minister for Transport. The leader of the National Party, the minister's party leader, clearly said last year that the Government did not have any plans to sell Westrail's freight business. He even said this after the minister had announced the sale; do members remember that? We were tracking down the answers to the questions that we were putting to the then Minister for Transport and trying to compare those answers to the answers that were being given by his own party leader. Who are we to believe in this debate and whose interests are each of these ministers supposedly seeking to protect? It is clear that the current minister cannot seek to rely on the national competition policy.

Hon Simon O'Brien interjected.

Hon TOM STEPHENS: Hon Simon O'Brien would be interested in the note that I have; I might come to that later.

Crucial provisions of the competition principles agreement require a Government to demonstrate a net public benefit from any corporatisation or privatisation, or introduction of competition, in respect of a sector previously serviced by a public sector monopoly. Neither the Government nor the public has had put before it any evidence that these matters have been adequately addressed, despite Westrail having conducted at least two studies into the sale. The Government is required to demonstrate a net benefit on a wide range of economic, social and environmental grounds before a business enterprise such as this is sold. That has not occurred here. Nothing has been presented to the Parliament to allay these concerns. Third-party access as required by the national competition policy does not require that the whole business be sold. Any doubts about this are dispelled by both Queensland and New South Wales, which have managed to retain or adopt a public ownership model, with an access regime that has been accepted by the Australian Competition and Consumer Commission.

Hon M.J. Criddle: They have not had it certified yet.

Hon TOM STEPHENS: Everyone knows that the citizens of those States are more fortunate than us in many ways, not the least of which because they have the added advantage of a Labor Administration. The situation in this State has the opportunity of being redressed at the next state election, which every day looms a bit closer. Surely if the Government is having any problems in this area, it will take the opportunity of seeking advice from those States, because the Premiers and Ministers for Transport of those States, and the experience of those States, would encourage this Government to go down a different path from the one upon which it has embarked.

The question that must also be asked is what is the economic rationale for this sale. Westrail has been the most successful Government-owned railway in Australia and has declared profits for three consecutive years. Real competition cannot be provided by selling the tracks and business to a single operator, because that will virtually deliver to that operator a monopoly. In our view, real competition can be provided only by the track manager that is not an above-line operation. A lease or sale will run into the same problems. The Government has been told by large United States' rail companies, the most likely purchasers, that they will pay a premium for a vertically-integrated operation. This is an acknowledgment that they will benefit significantly from the near monopoly powers they will obtain as part of this deal.

Some papers have been prepared by the Labor Opposition about the Government's plans to sell Westrail, or to use the language of the minister, to lease out Westrail's track and operations. The Opposition's view at this point has been well and truly placed on record by the opposition spokesperson for Transport, Alannah MacTiernan MLA, who in a paper entitled "Privatisation of Westrail" makes the point clearly that we acknowledge that Westrail needs to change, but does that justify the wholesale selling off of Westrail. The response of the Government to the need for change within the Westrail operation is clearly rejected by the Labor Opposition in that paper that we have had prepared and that is being circulated by our Transport spokesperson.

It is obvious from the reports of the public meetings that have been held by the Government across some of the regional areas of Western Australia that there is wholesale opposition to the policy upon which the Government is proposing to embark.

Hon M.J. Criddle: That is absolute rubbish!

Hon TOM STEPHENS: That opposition is not simply from the community from which the Labor Party draws, by and large, its support. The community leaders of those various areas of regional Western Australia have been calling out as loud as they can to the current Minister for Transport and his colleagues and saying, "Back off! Stop! Do not go down this path!"

Hon M.J. Criddle: I would like to see the letters. I have not received them.

Hon Bob Thomas: You must have been deaf when you went to the meetings at Albany and Bunbury. They were not my supporters. They were your own former supporters.

The PRESIDENT: Order! The Leader of the Opposition is trying to make himself heard. I am having difficulty hearing him.

Hon TOM STEPHENS: The Labor Opposition has had representatives at every one of those public meetings that the Government has held, and we have heard the reports of how the minister and his Government have been comprehensively hammered and pilloried about the policy direction upon which they are proposing to embark.

Hon M.J. Criddle: We had some interesting discussions, even with the work force, on a number of occasions, and quite a few of them indicated that they were prepared to listen to the discussions that we had.

Hon TOM STEPHENS: The Minister knows that on this question he has no mandate. That mandate was not delivered to him at the last state election. The minister knows also that at the public forums that have been held under the auspices of the Government, the overwhelming sentiment of the leadership of those communities and the rank and file of the Westrail work force was to reject the policy direction which he is pursuing. The situation in which the National Party regularly finds itself as the minor partner in the coalition Government is understandable, but nonetheless it always has the opportunity to do the right thing, and on this question, like on all the others, it has the opportunity to do the right thing, but it has chosen yet again not to do the honourable thing by the constituents who have elected it to this Parliament. The view that is increasingly being taken is that the National Party has sold out its constituent base and is not worthy of the support that it has been given over the years from regional parts of Western Australia on these important questions for those regions. The National Party, with its control of the Transport policy and portfolio area, is pursuing policy objectives that are anathema to many parts of regional Western Australia.

We have moved in this House that an inquiry be conducted by the Standing Committee on Public Administration to ensure that every opportunity is given to the community of Western Australia to once again state its views unequivocally to the

Parliament, and in particular to this upper House, where the fate of the Government's agenda will be determined by the majority in this place. Legislation has been introduced into the other place but is not yet with us, but in preparation for the receipt of that legislation, it is appropriate that this standing committee be charged with the term of reference to conduct an inquiry and to receive submissions from the community of Western Australia that would, in our view, be so adversely affected by this policy direction, to call for all of the papers, records and documents that have sent the Government down this path, and to expose all of that material to the full glare of public scrutiny that comes through the standing committee system, and to then see whether a majority in this House is prepared to accept the policy direction that is on offer from this Government.

Hon M.J. Criddle: Would you be willing to change your preconceived view?

Hon TOM STEPHENS: We are of the view that there is need for change in Westrail, and that a public inquiry may identify ways of helping Westrail to deliver a better service to the people of Western Australia than is currently on offer. However, I have no qualms in saying that as far as the Labor Party is concerned, the leasing of the rail infrastructure is not a policy option that is available, because that will not serve the interests of the Western Australian community. I know at this point that that view is not guaranteed majority support in this Chamber, but there is a chance that at the end of this inquiry the Labor Party's view will become the majority view as it picks up converts from this side of the House. Hopefully there will also be converts from the other side of the House who will abandon the flawed policy direction currently being pursued by the Government. I believe the National Party members in particular know that having this option explored through a standing committee of this House and building a majority at least on this side of the House is the party's best way of protecting the interests of the constituents it has turned its back on so regularly when it has taken comfort on or behind the Treasury bench in this and the other House. It is time the National Party pursued better interests than it is. However, in the absence of any evidence of it doing that I believe we have a chance of building a majority on this side of the House in support of the proposition to derail the policy objective that the Government has embarked upon and to leave Westrail in public ownership so it can continue to serve the interests of all Western Australians, most particularly the interests of regional Western Australians.

The PRESIDENT: Before I call Hon Ljiljanna Ravlich, I note a small problem with the clock - it is not working. The good news is I have the original clock here. It is on 45 minutes and I will let Hon Ljiljanna Ravlich know when she gets near to the 45 minutes, although she may not today. As the speech clock is not working, members will need to rely on me to tell them how much time they have.

**HON LJILJANNA RAVLICH** (East Metropolitan) [4.32 pm]: It gives me great pleasure to support this very sensible motion that the House direct the Standing Committee on Public Administration to inquire into the Government's proposal for the sale or lease of Westrail's freight operations, track network, rolling stock and associated infrastructure. I listened with great interest to the interchanges between the Minister for Transport and my colleague, the Leader of the Opposition, about a number of issues and questions which the Leader of the Opposition posed in the course of his remarks. I was very interested to hear the minister respond on a number of occasions, "We will give you the answers." I believe he has the same disease as the Attorney General. Every time a question is thrown their way, they respond with, "We will give you the answers." However, it is obvious at the end of every contribution by every member on this side of the Chamber that no-one is any the wiser because no answers are provided. Ministers do not provide answers about their portfolio responsibilities. During question time yesterday a very simple question was put to the Minister for Transport about how much revenue he expects the State to receive from the sale of Westrail freight operations, the track network, the rolling stock and associated infrastructure. This question was put to the minister on two or three occasions, first by Hon John Halden and then by interjection, but the Minister for Transport could not provide even a ballpark figure. I wondered whether I should give the minister some price ranges but decided that would be a waste of a question. It is absolutely hopeless having a minister who cannot provide such fundamental information. I wondered whether I would sell my house if I did not have any idea of what sort of price I would get for it. Quite frankly I would not. One would have to be pretty dumb to want to sell something when one had no idea of how much one would receive for it. I am disappointed that this minister says he will answer questions but gives us nothing, not even the basics.

This privatisation demonstrates that the Government is loath to provide information. It has a habit of shrouding its activities in secrecy and hiding behind what it defines as commercial confidentiality. It displays a lack of accountability to this place and, because of that, a general lack of accountability to the Western Australian public. There is evidence of this Government doing backflips in saying it will not privatise Westrail and then deciding it will. This Government totally disregards the people it represents, people who worked very hard to buy this infrastructure, people who trusted the Government to use their taxpayer contributions to purchase these assets in the first place. It is very easy for people to sell something which does not belong to them. It is easy to make decisions about millions of dollars when one is playing with other people's money. I ask the minister to reconsider his position on this matter.

Hon Dexter Davies: It is always somebody else's money.

Hon LJILJANNA RAVLICH: Yes, but the Government should be very careful. It should be providing the Western Australian public with some answers. This Government is a disgrace.

The PRESIDENT: Order! This motion is about whether the Public Administration Committee should inquire into the matters listed in the motion. It is not an argument or debate about whether Westrail should be sold. That is a matter for the inquiry to consider. Hon Ljiljanna Ravlich should forget the interjections and get to the reasons the committee should consider the matters in the motion.

Hon LJILJANNA RAVLICH: The committee will have much work to do with this motion because clearly it should spend

some time looking at whether Westrail should be sold. Although the motion is fairly specific, at the end of the day its intent is to ensure that a decision is made about the bottom line. This matter is extremely important because we cannot get information. The committee will be able to call for witnesses, documents and papers. Hopefully, that information will reveal how the Government reached this decision to sell parts of Westrail's operations. For the third year in a row, this agency has made a profit. Its last reported annual profit was \$43m.

Hon M.J. Criddle: That is not correct. Its freight business has made an operational profit.

Hon LJILJANNA RAVLICH: Westrail made a \$43m operating profit last year.

Hon M.J. Criddle: No, the freight business made the profit.

Hon LJILJANNA RAVLICH: So, the freight operations made a \$43m profit. They are part of this organisation and they should be looked at very carefully. We should be asking why the Government is considering selling off the freight part of this operation when it made \$43m last year.

Hon Bob Thomas: The profit is illusory.

Hon LJILJANNA RAVLICH: Why would we want to sell something that is making a profit? That is something the committee should consider very seriously. The committee should also investigate the extent to which we will end up with a monopoly situation once we put this infrastructure and the track network into private hands. I understand that the Government intends to include conditions about the sale or lease in regard to third-party access to the rail. The Government is proposing a state rail access regime, and a rail access regulator will enforce competition. That in itself indicates that the Government is not confident that that will occur naturally without legislation.

Some very important questions should be answered. The Government has clearly decided on a course of action. It claims that after considering a number of options and undertaking extensive consultation it has decided to sell Westrail's freight business and lease the freight railway corridor and track to a private railway operator. That is the decision and it is technically correct.

In view of that, what options were considered? I am sure that the committee could spend considerable time hearing people who work in the agency or, indeed, anyone else who might have been involved in the decision to sell Westrail. The committee would have an important task in questioning some of the people involved in this process about what options were considered before the decision was made. I am sure that if I were to ask the minister I would not get the answer.

Hon M.J. Criddle: There were three options.

Hon LJILJANNA RAVLICH: The minister will get his chance to speak. The Opposition wants to look at the detail. I know that I sometimes sound repetitive, but I do not care. We have never seen a cost-benefit analysis. We do not know how the Government arrived at this decision. It is beholden on it to explain to the Western Australian people how it decided that the benefits from the sale of Westrail freight will far exceed the costs. That is very important. I see members on the other side shaking their heads. This is what the committee can consider.

We also need to know what are the short and long-term cost benefits. There is no point in doing a cost-benefit analysis and showing a profit in the first five years of operation but, because the long-term projections have not been factored in, not knowing that after a period it will not provide the appropriate return. Has the Government done its cost-benefit analysis in the short term and the long term? Do the figures stack up over a long period?

Hon M.J. Criddle: They do not with Westrail at the present time.

Hon LJILJANNA RAVLICH: This is very important work for the committee. It is information that should have been made public and tabled as part of that decision-making process.

Hon M.J. Criddle: I have been around the State doing that.

Hon LJILJANNA RAVLICH: Another important issue the committee should consider is the project risk management. The Opposition wants to know whether the Government has done a risk rating on this project and whether it has produced a risk management plan -

Hon M.J. Criddle: From what point of view?

Hon LJILJANNA RAVLICH: Are there any risks to the Western Australian taxpayer? Is the minister telling me there are no risks?

Hon M.J. Criddle: From what point of view?

Hon LJILJANNA RAVLICH: It is a fundamental economic concept that one measure the risks involved. The minister is telling me that he does not know anything about it. The Opposition wants to know that the risks will be minimised.

Hon M.J. Criddle: Of course.

Hon LJILJANNA RAVLICH: Clearly, some public servants are experts in this area.

Hon Derrick Tomlinson: You are not answering the minister's question.

Hon LJILJANNA RAVLICH: What was the question?

Hon Derrick Tomlinson: You did not hear the question. Why not pay attention to the interjections?

Hon LJILJANNA RAVLICH: The member cannot tell me that the minister is talking about Westrail freight operations, track network and rolling stock being privatised and that there are no associated risks. One of the risks could be that competition will not be increased. One of the risks must be the creation of a monopoly. There must be a range of risks, and the public servants who deal with contract management obviously must look at the question of risk. We must look at this more globally. The Government cannot say to Western Australians that it has made a decision to privatise and that they will be no worse off, no-one will lose his job, and there will be increased competition. It is starting to sound like nonsense.

Hon M.J. Criddle: We explained that.

Hon LJILJANNA RAVLICH: We have never seen a contract or the analyses. Thousands of jobs have been lost as a result of crummy government policies. There are no social dividends.

Several members interjected.

Hon LJILJANNA RAVLICH: The Government cannot tell people what will be good for them when everything they see, experience and hear tells them something to the contrary - they are not better off. After \$4b worth of privatisation and asset sales over six years we are still running a deficit budget.

The PRESIDENT: Order! Again I say that the member needs to be giving the House reasons that this matter should be referred to a committee. If she occasionally drops in the words "this is the reason that it should go to the committee", she would be on track. We now seem to be in a general budget debate.

Hon LJILJANNA RAVLICH: I was about to steer to that point.

The PRESIDENT: I have said before that the member is able to handle herself.

Hon LJILJANNA RAVLICH: We need an analysis to see whether Western Australians are better off as a result of the Government's decision to privatise Westrail's freight operations. The committee is the best place for that to occur. The committee cannot look at privatisation per se but it has valuable work to do in determining whether the decision that this Government made is in the public interest and whether it represents the best option of all the competing costs and benefits. The committee needs to be clearly convinced that this decision will deliver the best outcome for the Western Australian taxpayer and lead to greater competition, which is one of the key drivers of the Government's proposition.

Hon M.J. Criddle: There is competition between road and rail; we are introducing competition between rail and rail.

Hon LJILJANNA RAVLICH: I understand that but I am not so convinced that the Government will get it. If a company buys access to the line, there are plenty of ways to sabotage competitors. I am not convinced at all that there will be better competition. This is an area that the committee can valuably look into.

Hon M.J. Criddle: That will be there regardless of whether we vertically separate or integrate. The only problem is that the Government must pay for the infrastructure upgrade if we vertically separate.

Hon LJILJANNA RAVLICH: Have the cost benefits been analysed for those two competing options?

Hon M.J. Criddle: There is a very interesting case for selling it vertically integrated if we want to get the Government out of that financial bind and have Health, Education, Police and Justice budgets funded. That is the problem.

Hon LJILJANNA RAVLICH: The minister cannot run the line that the only way the Government can fund those budgets is by selling off its assets.

Hon M.J. Criddle: I am saying that we must upgrade the infrastructure, which will lead to a very big expense.

Hon LJILJANNA RAVLICH: The committee could look at that and it should be looking at it as part of its terms of reference.

We also need to look at the associated risks to the taxpayer. Once again, the committee could spend its time looking at this. I am a little surprised that the Government never seeks a second opinion before deciding what it will privatise. The Auditor General should have been called in to provide an opinion, particularly given that this is such a major privatisation with such widespread ramifications for the State. If legislation goes ahead to privatise Westrail's freight operations, we will be talking about a very long-term contract. The Auditor General would have a very key role to play in the input into the whole process.

The Government's facts sheet on the proposed Westrail freight operations track network and rolling stock privatisation and sale purports to show that there will be major benefits as a result of the Government's initiative. I challenge some of the pluses which the Government believes will be delivered by a private operator. First, it claims that a private operator will introduce innovative and operating efficiencies. That may or may not happen. It will depend on how the contract is structured.

Hon Kim Chance: You are right. Everything depends on the structure of the contract.

Hon LJILJANNA RAVLICH: That is absolutely correct. I thank Hon Kim Chance for that interjection. I am concerned that insufficient thought may go into how this whole process will be monitored and that the contract may not include clearly set targets. If a contract were to be prepared, we would need to ensure that targets were very clearly set.

Hon M.J. Criddle: Safeguards.



Hon LJILJANNA RAVLICH: That is right. The committee could look into that. I do not think we can accept as a fact that a private operator would achieve more innovation or operating efficiencies. There are many examples where we do not get any efficiencies. One has only to look at the MetroBus drivers. What an absolute disaster they are.

Hon Derrick Tomlinson interjected.

Hon LJILJANNA RAVLICH: Not the MetroBus drivers! I am terribly sorry. I want Hansard to correct that! I am talking about the operators of the privatised service. I do not subscribe to the minister's view that we are better off and have a better quality of service.

Hon M.J. Criddle: When was the last time you travelled on a bus?

Hon LJILJANNA RAVLICH: I do not have to travel on a bus. There are plenty of examples on the front page of the newspapers. Quite clearly it should be looked at.

The second point made in the facts sheet is that a private operator will expand the business, both in Western Australia and elsewhere. Quite frankly, with a multinational that is expanding its business in America or somewhere else in the world, I do not see the benefit to Western Australia, unless it could be defined in the contract that the profits must find their way back here. I hardly think that growing the business elsewhere would be of major benefit, given that we are probably dealing with a multinational company coming here and expanding the business elsewhere. I do not see the benefit in that.

Hon Dexter Davies interjected.

Hon LJILJANNA RAVLICH: We need to redefine that. I am not so sure that the Government is on the right track with the proposed sale of Westrail's freight operations. This is yet another example of where we really need a greater analysis of the issue. It is also another example of this Government simply telling Western Australians that privatisation is good for them when in fact a lot of evidence suggests that is not necessarily so. The Standing Committee on Public Administration has done some outstanding work in the area of privatisation and contracting out. It has been doing that work for a considerable length of time. Its members spent some time in the United Kingdom looking at the UK's experience of privatisation and contracting out. They are probably not that far away from making a report on that visit. They are very well placed to have a very close look at the whole issue of the proposed privatisation of Westrail's freight operations. I do not think that Western Australians will cop for very much longer this Government telling them what is good for them when at the end of the day they have so far received no benefits whatsoever as a result of the Government's privatisation and contracting out agenda.

Debate adjourned, pursuant to standing orders.

#### [Questions without notice taken.]

### ENERGY COORDINATION AMENDMENT BILL

#### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

### FISH RESOURCES MANAGEMENT AMENDMENT REGULATIONS 1999

#### *Motion for Disallowance*

Pursuant to Standing Order No 152(b), the following motion by Hon Kim Chance was moved pro forma -

That the Fish Resources Management Amendment Regulations 1999, published in the *Gazette* on 26 March 1999, and tabled in the Legislative Council on 20 April 1999, under the Fish Resources Management Act 1999, be and are hereby disallowed.

**HON KIM CHANCE** (Agricultural) [5.32 pm]: There are a number of reasons for moving a motion for disallowance. The formally established process is that the House will consider a motion which arises from a recommendation of a standing committee of the House - or the joint standing committee in this case - which is charged with the heavy duty of overseeing the use of subsidiary legislation by departments. Of course, that is the Joint Standing Committee on Delegated Legislation. The core, if not the only, reason that committee moves for disallowance is that it has come to the view that the regulations are beyond the power of the Act or are in some other way ultra vires the Act. There is a less formal process by which each member has the right to seek disallowance in cases where the member believes that, notwithstanding the legal status of a regulation, it should not become law because it is bad law. This will generally arise from a member's opinion that either the processes involved were incorrect or the effect of the regulation is not in the public interest.

Regulation 105A, the subject of this motion, is one of those rare cases where all three factors could be reasonably argued. Yesterday afternoon, the deputy chairman of the Joint Standing Committee on Delegated Legislation, Hon Nick Griffiths, on behalf of that committee tabled its fortieth report, which dealt with regulation 105A. The committee's findings are detailed in paragraphs 4.5 and 5.1 of the report on pages 7 and 8. While the committee did not resolve to recommend disallowance, it did resolve to table that report for the guidance of the House in its deliberations, which include the debate on this disallowance motion. In summary, the factors which led the joint standing committee to reach that view were: The regulations exceeded commonwealth regulations; they are repugnant; and they are ultra vires in the context of section 109 of the Constitution.

Hon M.J. Criddle: Where is that?

Hon KIM CHANCE: It is paragraph 4.5 on pages 7 and 8 of the committee's report. The committee also made the point that this matter becomes academic; that is, the matter of conflict with section 109 becomes academic due to the regulations being invalid in any case for the following reasons: First, neither the application form pursuant to regulation 105A(2)(a) nor the further information form have been published in the *Government Gazette* as is required under the Interpretation Act, and to that extent the regulation should cease to have effect. Second, to the extent that the further information form purports to be part of the amendment regulations and to set minimum standards, it is inoperative pursuant to section 42(2) of the Interpretation Act. Incidentally, the committee agreed with my first assessment that the regulations are, strictly speaking, within power. I put that view to the committee in my written submission to it. My objections to the regulations are somewhat different from those of the committee, but that is not entirely surprising given that we approached the issue from different perspectives. What is important is that both the committee and I identified serious and I believe fatal flaws in the regulation, in its attachments and in its processes. These flaws are so serious as to warrant disallowance on either the issues raised in the committee's report or on the issues I will raise.

In case members now feel somewhat lost in this process, I will outline the history of this regulation. It deals with the power the Minister for Fisheries has under the Fish Resources Management Act to regulate the movement of aircraft - among other transport modes - within the Abrolhos Islands reserve. There is no doubt that the minister has that power under the Fish Resources Management Act, hence my, and I believe the committee's, view that the regulation is within power, albeit ultra vires in its effect. Air services to the Abrolhos Islands have been provided since 1966. In the first instance they were provided by the Geraldton Building Company under its subsidiary Geraldton Air Charter, and the company built airstrips on Big Rat and Wallabi Islands. In 1982, the Geraldton Fishermen's Co-operative Ltd bought Geraldton Air Charter's aircraft and subsequently built an airstrip on North Island. There was a competing air service between 1978 and 1982, but since 1982 the cooperative has had exclusive landing rights and the service has been exclusively provided by Shine Aviation Services on a tender-for-service basis. Those tenders are let and managed by the cooperative but the State of Western Australia has invested significantly in airstrip infrastructure and maintenance in this period, particularly recently.

This issue first arose for me on 19 March 1997. I asked the then Minister for Transport representing the Minister for Fisheries why fixed-wing air services had been contracted to a monopoly operator when it was apparent that the Dongara-Abrolhos service could have been provided at a lower cost than that which had been accepted in the tender process. The question is found in *Hansard* of 19 March 1997, page 573. Among other issues in an extensive answer, I was advised that the minister's authority to grant the cooperative exclusive landing rights, and therefore the right to appoint an exclusive operator, was drawn from his power under section 121(2)(c) of the Fish Resources Management Act, which was assented to in 1995. On receiving that answer, I let the matter drop as I accepted the undertaking given that the arrangement was conducted under the proper authority of the Act. In fact, there was no such regulation. Undoubtedly, the power was in the Act. When I looked at the Act following receipt of the answer, I satisfied myself it was a fair answer. However, no regulations under that part of the Act were ever gazetted. It seems that I was misinformed on that occasion.

Hon Derrick Tomlinson: But the power came from the Act, not the regulation.

Hon KIM CHANCE: The answer was that the power came from the Act. I made an assumption that the regulation had been gazetted within the power of the Act, which has the power, but the regulations had never been gazetted.

Hon M.J. Criddle: Why is the answer wrong if it is already in the Act?

Hon KIM CHANCE: The answer was wrong as it would lead a reasonable person to believe that the power to act in that way was drawn from the power in the Act. The Act has the power, but it had never been drawn upon because no regulation had been gazetted arising from the power. The minister's power in an Act is in a sense a potential power to regulate. It does not become effective until such time as a regulation has been gazetted.

Hon M.J. Criddle: An interesting analysis.

Hon KIM CHANCE: Yes, and that becomes the core of the question later.

Late last year, the Dongara-based company Arkell Air Services had legal advice from Mr Graeme MacNish from Cocks MacNish that the minister was relying not on the Fish Resources Management Act for his authority, but on some other instrument which he thought to be a statutory trusteeship. Mr MacNish said this was invalid on the basis that no trustee had been appointed since 1951, or thereabouts.

Hon Derrick Tomlinson: What was it?

Hon KIM CHANCE: I do not know as I did not inquire beyond that point.

It was apparent that although the Act provided the power to regulate air services, no regulations were promulgated to give legal effect to the minister's action since 1995, the date of the Act's assent. Arkell Air Services offered a competing air service based on the advice received from Cocks MacNish. This service began in November 1998.

The next two things I say are presumptions, and need to be carefully noted as such. I presume that at that stage the minister would have called for a legal opinion on his position and the validity of the arrangement in place. In effect, his legislation was challenged by a competing operator. I make that presumption because if I were the minister, I would have gone to Crown Law to see whether I could prosecute.

Hon Derrick Tomlinson: Is that the only reason for the presumption?

Hon KIM CHANCE: Yes. The minister has not told me, and Crown Law would not tell me. It is a reasonable presumption, and it is fine as long as everyone understands it to be no more than that.

The minister may have determined that MacNish was correct in his view and that the current arrangement was invalid. I am happy to say why I form that view as it is for a different reason. No action was ever taken against Arkell. No prosecution was launched despite the fact he was operating in apparent breach of the purported regulations between November 1998 and 29 March 1999. The subject regulation 105 was gazetted on 26 March 1999 to give effect to the former and apparently invalid regulations.

Hon Derrick Tomlinson: Did it have retrospective effect?

Hon KIM CHANCE: No. Arkell contacted me and asked me to advise whether once the new and valid current, or retrospective, regulations were gazetted, continued operation would be a breach of the Act. I advised Arkell as soon as I became aware of the new regulations gazetted on 26 March 1999, and it immediately ceased operation. This occurred on 29 March 1999, the Monday following publication of the *Government Gazette*. As a result of my concern at the process, I caused notice to be given of my intention to move for the disallowance of this regulation.

A number of disallowance issues arise. Regulation 105A(2) contains a requirement for the required written authority of the minister for an applicant to use an aircraft on the reserve made to the Executive Director of Fisheries in a form which is proof for that purpose by the executive director. The regulation does not provide for the minister's power to grant authority to be devolved to any other person.

Arkell sought an approved form, presumably on Monday, 29 March. That was the day I rang to inform him of the new regulation. Mr Bill Arkell of Arkell Air Services was told that no forms were available to him.

Hon Derrick Tomlinson: Was it that no forms were available to him, or none was available?

Hon KIM CHANCE: He asked on his behalf, and I presume that he was told he could not have a form as they were not available. There were no forms. Arkell and later the Dongara-Denison Chamber of Commerce have informed me that at that time Shine Aviation Services continued to operate an air service to the Abrolhos. If that is so - I cannot testify to it - it would have been in breach of the regulation as no ministerial authority in accordance with the regulation could have been granted to anyone in the absence of the required form under regulation 105A(2).

Hon Derrick Tomlinson: Shine had already been operating.

Hon KIM CHANCE: Indeed, but under what authority was it continuing to operate?

Hon Derrick Tomlinson: It was previously operating under the ministerial authority derived from the Act.

Hon KIM CHANCE: That is the question: Was the authority valid? If Shine continued to operate services after 26 March 1999, and before a decision was made under 105A(1), it could have operated only under the authority of the allegedly invalid provision or under no authority at all. The answer to Hon Derrick Tomlinson's question really lies in regulation 105A, which prohibits persons operating aircraft in that reserve area unless they have complied with the specifications of the regulation. There is no way anybody could have complied with the specifications of the regulation because no form was available; one had not been produced. Therefore, it is highly likely that one can say with some credibility that if a person were flying on that day, or on any day after 26 March until the time that a form became available, that person would have been flying without authority.

Hon M.J. Criddle: That is on the assumption that regulations had to be gazetted.

Hon KIM CHANCE: No, I do not think that relies on an assumption; that simply relies on a reading of regulation 105A.

Hon M.J. Criddle: What about the Act?

Hon KIM CHANCE: Regulation 105A would have acted to cancel any other authority.

Hon M.J. Criddle interjected.

Hon KIM CHANCE: Yes, under any authority of the Act which had been purported, because the only Act which exists in this matter is the Fish Resources Management Act and, from memory, the only section which gives, or potentially gives, such power is section 121(2)(c) of that Act. The old Fisheries Act 1905 has been repealed. Therefore, there really is a question in my mind about whether there was power at all, other than that power which could be derived from the Fish Resources Management Act. The only possibility that one may be able to find is under that statutory trusteeship, to which I referred earlier, but which I did not examine any further. I took that as being a matter for Mr MacNish, who was engaged as a solicitor for his client, and it was no business of mine.

Hon Derrick Tomlinson: If your reading of the regulation is correct, the question then rests upon whether or not a form was available, whether Shine Aviation Services had completed it and whether Arkell Air Services had not been able to get it.

Hon KIM CHANCE: That is precisely accurate on that point, yes.

Hon M.J. Criddle: One also must presume that the initial authority was -

Hon KIM CHANCE: Yes. When I became aware of what seemed to be happening, I called the minister's office simply to make him aware of the difficulty which had been created. I asked that the minister be advised that it was a matter that needed to be resolved fairly quickly. The minister was away at the time. My call was a friendly call to ask that this matter be addressed. However, at that stage I also advised of my intention to seek disallowance. Some time later - I cannot be precise about when this occurred; it may have occurred in the context of the estimates debates - when I asked a question about the

authority under which Shine was flying, I was told that that authority came from the heads of agreement under the former, somewhat questionable legal authority. To this date, I understand that Shine Aviation is still flying and that Arkell is still waiting for a response to its application.

The second point is that criteria which have been developed by the minister for applicants to fly into the reserve are far in excess of those required by the commonwealth Civil Aviation Regulations 1988 and appear to be constructed on the basis that the airstrips do not meet the relevant Civil Aviation Regulations requirements. I am informed that all of the strips in fact meet Civil Aviation Regulations levels for safe operation.

When this matter was raised by interested persons with the Australian Competition and Consumer Commission, the ACCC approached Fisheries WA for its response to the allegations that were raised. I have learned from the ACCC, in a letter which was written by Ms Kate Menzell, that Fisheries' response was that a safety issue was involved, and that because it was an issue which revolved around aircraft safety, the ACCC should not be involved. The ACCC took that advice and pursued the matter no further, until such time as I became aware of that and called the ACCC. I informed it that, as far as I was aware, the Civil Aviation Safety Authority had not raised any safety issues on any of the three airstrips in use on the Abrolhos. I will follow up that issue a little further.

The third matter to which I refer is that the criteria which have been established under the further information provisions seem to be an attempt to perpetuate an existing monopoly by requiring a level of pilot experience that is simply not required in any other commercial air service in Australia. It is highly questionable, I suspect, that the Minister for Fisheries in the Parliament of Western Australia has the power to determine pilot qualification levels that are in excess of the requirements of the relevant commonwealth authority. The only qualification and experience that is required by the proper authority under the Civil Aviation Regulations or the commonwealth Civil Aviation Act 1988 are those requisite to the appropriate licence type.

The application form provided under regulation 105A(2) contains a number of highly unusual requirements, and it demonstrates a lack of understanding of the air navigation orders, a lack of familiarity with the relevant Civil Aviation Regulations, and unnecessarily duplicates the requirement of the certificate of air worthiness. All of these requirements exist in commonwealth law in any case but are exceeded by the order of the Minister for Fisheries in the Parliament of Western Australia.

Hon Derrick Tomlinson: Would you argue that the commonwealth law takes precedence?

Hon KIM CHANCE: Absolutely. That is a matter which was touched on by the joint standing committee in leading it to the view that the regulations were repugnant in the context of section 109 of the Constitution.

Hon Derrick Tomlinson interjected.

Hon KIM CHANCE: Yes. It is also apparent that regulation 105A breaches national competition policy, which provides that essential infrastructure such as airstrips should be available on reasonable terms to operators so as to promote competitive markets. Neither regulation 105A nor the earlier apparently invalid regulations are within the spirit of national competition policy, and that is sufficient reason to be extremely concerned about the regulation.

The issues of process, of course, are of more interest to me as a private member than they are to the joint standing committee for the reasons I have already defined. However, in this case it is extremely difficult to separate the issues of process and the regulation itself. That is mostly because the effect of the new and probably valid regulation insofar as it is within power is to give a retrospective authority to what was an apparently invalid and somewhat questionable process that had existed for some time - at least since the commencement of the Fish Resources Management Act 1994.

I am extremely concerned that there seems to have been an attempt to set civil aviation requirements in such a manner as to preclude competing operators, and I have doubts about whether the WA Minister for Fisheries has the legal authority to determine civil aviation criteria, which is a matter within the specific ambit of commonwealth law.

Another question arises, and that is the matter of practicability.

*Sitting suspended from 6.00 to 7.30 pm*

Hon KIM CHANCE: Before the House rose temporarily this evening, I was about to make the point that a question arises about whether the regulations are doing the job they were designed to do; that is, to regulate properly the movement of aircraft on and over the Houtman Abrolhos for all of the good service, safety and environmental reasons that have been put forward from time to time in defence of those regulations. Just yesterday I received a fax from Geraldton containing the following information. It is from Ms Wendy Mann of Geraldton Air Charter Pty Ltd dated 15 June and it states -

It has come to our notice that a number of aircraft have been entering the Abrolhos Islands Reserve without having obtained an approval from the Minister for Fisheries.

Macchi aircraft operated by the Royal Australian Air Force have conducted navigation training exercises which have included flying to Wreck Point on Pelsaert Island.

Hon Derrick Tomlinson: How far does the environmental reserve go upwards?

Hon KIM CHANCE: In fact, it goes up quite a way. I suppose the answer to the question by Hon Derrick Tomlinson is at least that far!

Hon Derrick Tomlinson: And the Macchis land, no doubt.

Hon KIM CHANCE: The fax continues -

A helicopter company with a contract to inspect light houses flew to North Island today and the manager of the Company involved states that he has no knowledge of the Regulation.

Hon Derrick Tomlinson: Did it land?

Hon KIM CHANCE: It says that it flew to North Island. I imagine it landed.

Hon Derrick Tomlinson: Is it restricted air space?

Hon KIM CHANCE: Yes, it is, by virtue of the subject regulation. It is all part of the land on the Houtman Abrolhos reserve. It includes aircraft which traverse the area. I will go into the reasons for that in a moment. The fax continues -

A number of visiting itinerant aircraft have conducted scenic flights over the Islands, and one pilot when told of the Regulation was not aware of its promulgation.

It must therefore be agreed that locally based commercial operators are being discriminated against.

On the basis of that, I would agree. It seems the only people affected by the regulation are those who have what I would call proper business on the islands, and other users of the islands and the air space surrounding the islands are not affected at all. In fact, the others are not even being advised of the regulations. It seems that there are some very good reasons for wanting to exercise control over air movements in the region, including environmental reasons. We must understand that the area is an important seabird rookery. That is why it is necessary to control the air space. The effect of regulation 105A in taking control of those issues is extremely limited.

Hon Peter Foss: It should really be under the Department of Conservation and Land Management.

Hon KIM CHANCE: We will not always agree on that. I suspect that, although we have not been asked to make that decision, the Government's proposal regarding the Abrolhos management authority is one that the Opposition may wish to support enthusiastically. That is not a decision the Opposition has made, but I think it is one that it would be prepared to consider favourably. The Abrolhos rock lobster season runs from March to the end of June. Given that this is the sixteenth day of June, it is fair to say that the season and, thus, the peak air traffic period are all but over until next March. During that period the Government has the opportunity to determine how it may be able to achieve the proper aims, whether by means of a regulatory mechanism or, ideally, by the use of the Commonwealth's aviation regulatory mechanism, without offending the spirit of competition, parliamentary processes or the Australian constitution. There are problems which must be overcome, and I acknowledge those. I feel some sympathy for people when these problems arise.

I believe the Geraldton Fishermen's Co-operative Ltd has reasonable claims which must be adequately addressed. The cooperative has invested significant time, effort and money to ensure a high quality and safe air service is provided to the islands to serve the fishing industry, and that objective substantially has been achieved. Any fair person looking at the facts would recognise that. We must also weigh all of that goodwill of the cooperative against our responsibility as legislators to act fairly, lawfully and in the public interest. The fact is that this regulation is seriously flawed. In my view, it should not be permitted to stand in its present construction, which is clearly incompetent, no doubt due to the rushed manner in which it was introduced.

Tonight members will probably not get an answer, not so much about whether the circumstances surrounding the regulations are proper, but rather about the status of the existing legal instrument - that is, the heads of agreement between Fisheries WA and the cooperative - and, more interestingly, for what statutory authority the heads of agreement exists. Clearly the heads of agreement does not rely on regulation 105A since it was in existence prior to that regulation being gazetted. No other regulations have been gazetted under the authority of this part of the Fish Resources Management Act. We must ask this question: If that is the case, what does the heads of agreement rely on for its statutory authority?

There seems to be nothing. I again ask members to read the wording of the regulation. A careful reading of it seems to confirm what I have just said.

Hon Derrick Tomlinson: It does.

Hon KIM CHANCE: Thank you. If the former authority was so weak that the Government declined to prosecute Arkell Aviation when it tested the law by flying in contravention of the purported regulations, how is it strong enough to underlie the heads of agreement? I do not believe it can. If upon that law being tested, the minister's best - or perhaps I should say his only available - response was to introduce new regulations which are apparently within power, what was wrong with the old authority? Did it ever exist at all? If it did not exist, why is the operator who was appointed under that heads of agreement, based upon the suspect authority, permitted to continue flying on an exclusive basis? In other words, if the formerly relied upon authority was shown to be invalid upon examination, however innocently that situation might have arisen, we should not be bound by the legal instrument enabled by the invalid authority because it would itself be automatically invalidated; it would cease to exist as a legal instrument. We will not get the answers to these questions tonight but they provide the best reasons to disallow this regulation. The only apparent purpose of this regulation is to provide for a de facto continuation of a process which I believe is known to be invalid.

The de facto continuation of a suspect process - let alone one which is known to be invalid - is not sufficient reason to bring forward subsidiary legislation with the sole effect of preserving the status quo. On that basis, this regulation does not deserve our support. Nothing I have been told so far has given me any confidence that the regulations which preceded 105A were valid - at least since 1995 when the Fish Resources Management Act was proclaimed. Indeed, the evidence seems to point

to the contrary, yet so far the only tangible effect of regulation 105A has been to continue the status quo established by the earlier regulations. Regulation 105A was not an attempt to remedy a legal deficiency but rather an attempt to legitimise a legal deficiency. Regulation 105A may well be within power but its attachments and processes are invalid. That is an unacceptable position which can be resolved only by putting in place a lawful process which properly meets the needs of the fishing community on the Abrolhos Islands. I believe that process must begin with the disallowance of this regulation.

**HON N.D. GRIFFITHS** (East Metropolitan) [7.44 pm]: Hon Kim Chance has clearly and succinctly set out the reasons for the disallowance of these regulations. I will make some brief observations. I remind the House that the Joint Standing Committee on Delegated Legislation caused a report to be tabled yesterday and I invite interested members to read that report. I am not concerned about whether these regulations are within power. Certainly they are on the face of it but these within-power regulations are, in my view, being used to abuse power. The minister is using these within-power regulations to foist upon those concerned a regime which amounts to an abuse of power. Hon Kim Chance demonstrated that quite clearly.

Before moving to matters of particular significance to those directly affected, I remind the House of the pertinent matters set out in the committee's report. I refer to page 7, paragraph 4.2. We have regulations the operation of which depends on the use of documents, and when I refer to the committee's report I am making particular reference to that use of documents. Paragraph 4.2 states -

Neither the Application Form nor the Further Information Form have been published in the *Gazette* or tabled as part of the Amendment Regulations.

Yet they are being treated as if they have been. It continues -

To the extent that the Further Information Form seeks to impose "minimum standards" on applicants for Ministerial Authority and purports to be part of the Amendment Regulations it is inoperative pursuant to Section 42(2) of the *Interpretation Act 1984*.

On page 8, paragraph 4.5 refers to the role of the Commonwealth in this area and states-

The Committee is of the view that the Commonwealth's intent in relation to these laws is to cover the field in relation to aviation regulation. To the extent that the "minimum standards" contained in the Further Information Form exceed Commonwealth Regulations, these "minimum standards" are *ultra vires*.

Further, I refer the House to annexure B, which sets out succinctly the matters raised in Hon Kim Chance's speech.

It is one thing to have a lawful position, a regulation which is within power; it is another thing entirely to use that lawful regulation to abuse power. This House needs to remove the foundation of this abusive power to remove the power itself. The minister is using this within-power regulation as a foundation for his abuse of power. It is an abuse of power which is affecting local people to a degree which should not be tolerated. Sometimes people are of the view - a view which is at odds with the facts - that members opposite represent the true interests of people in business in Western Australia. The fact is they do not; they purport to and they occasionally push prejudicial buttons, and in doing so they get away with political murder.

The Dongara-Denison Chamber of Commerce is not a branch of the Australian Labor Party but, frankly, it puts forward views on this issue which are perfectly acceptable to the Australian Labor Party. The chamber has written to me and I am sure it has written to other members expressing its concern. It expressed in correspondence its very firm view that this regulation is unacceptable to it, and to the people whose interests it asserts to represent. I was a member of a chamber of commerce in a former life for many years. This body asserts that it represents the interests of business proprietors in the Dongara and Denison business region, and I have no reason to doubt that assertion. The letter makes the points which Hon Kim Chance has put to the House in a proper and succinct way. As he has done so, I need not develop the argument further.

Although I tabled the report of the committee yesterday, my comments are made as a representative of the Opposition, not the committee. The matters Hon Kim Chance raised are taken to heart by the Opposition. We want people to operate in a fair business environment, and do not like the spectacle of ministers of the Crown abusing power, as this minister has done with these regulations.

**HON GIZ WATSON** (North Metropolitan) [7.52 pm]: I support this disallowance and will express why the motion should be passed. The amendment regulations are proposed to be promulgated to provide for regulation of aircraft in the Abrolhos reserve and for refund of fees paid under the Act. The briefing information indicates that historically no formal arrangements have been in place relating to aircraft. Regulation 105A seeks to prohibit an operator or pilot of an aircraft from entering the Abrolhos reserve without written authority from the Minister for Fisheries. Also, it provides for making applications, and for the granting of written authority for a specific period with or without conditions.

Extensive criticism has been made that no formal consultation was undertaken by Fisheries in proposing these amendments to the regulations. The Greens (WA) will support this disallowance, first, because the minimum standards contained in the further information form significantly exceed the federal licence requirements. I note that the Standing Committee on Delegated Legislation has reached the same conclusion. Page 4 of its report, at paragraph 2.12, states -

The advice received from CASA in relation to the "minimum standards" required of operator/pilots contained in the Further Information Form indicates that these "minimum standards" significantly exceed Federal licence requirements for pilots under the *Civil Aviation Regulation 1988* (Federal Regulations) made under the *Civil Aviation Act 1988*.

The committee also noted that it is therefore invalid, pursuant to section 109 of the Commonwealth Constitution. I am in agreement with the committee's finding in that respect. That is sufficient reason alone to support the disallowance as proposed by Hon Kim Chance. One must definitely question the intent of this application for minimum standards. Is it merely to maintain a monopoly which has been in operation for some time already? Obviously, the potential in setting the minimum standard is highly uncompetitive for other air service operators which wish to fly to the Abrolhos.

The second aspect which led the Greens (WA) to support the disallowance is that the forms necessary for application do not form a valid part of the amendment regulations. I will not enter that point in any more detail as it was covered adequately by Hon Kim Chance.

The third point on which the Greens have concerns - only touched on previously tonight - is that the regulations do not adequately provide for the protection of seabird rookeries. Discussions on this matter with Fisheries indicate that the proposed amendment regulations will apply some sort of informal arrangement in terms of guidelines for people using the airspace over the Abrolhos, to avoid areas of seabird roosts. It concerns me that the guidelines will not have any weight or legal standing, and will be only guidelines.

About 12 months or a little longer ago I asked some questions in this place about the operations of Shine Aviation Services, the current operator into the Abrolhos, as it was reported to be consistently flying too low over seabird roosts. The answers from Fisheries were exceedingly inadequate. It was at least 12 months before I received a full answer to my question. When I asked about the arrangements made with Shine to ensure it would not happen again, and when I requested written information, I was told that a conversation had been held in which Shine said it would not do it any more.

Hon M.J. Criddle: What is considered to be too low? Is there a measurement?

Hon GIZ WATSON: I could not give an exact figure. I know 500 metres has been discussed, but in certain circumstances that is too low as well. I do not know the figures, but I am sure there are guidelines on the matter from other reserves. It is an issue internationally in the protection of roosting sites. It is not just a matter of being a nuisance to roosting birds, as it threatens their reproduction and very survival. Migratory birds travel massive distances and when they settle to roost, they are in poor condition. Disturbances, not only by aircraft, with continual take off and landing by the birds, can stop them from laying eggs and, in some circumstances, will kill those without the resources to survive such disturbance. It is a significant issue. The Abrolhos contains a number of birds on the threatened and rare lists. It is not just any old birds. The Abrolhos has been recognised internationally for its importance for migratory birds, particularly noddies.

Hon M.J. Criddle: I have had a look through a telescope at the birds. They have been flying over for many years.

Hon GIZ WATSON: Yes. I also suggest in supporting the disallowance that when Fisheries reassesses amendments to the regulation, it consider placing beyond doubt requirements to protect seabird rookeries. Therefore, mechanisms will ensure that operators who do not do the right thing will face fines and the like; certainly, that is not the case at the moment. It is not adequate. Most operators do the right thing, but one needs a mechanism to ensure adherence to those rules.

This Abrolhos management issue that we are debating tonight is only one issue in a long history of mismanagement of the islands by Fisheries WA. The matters that have been raised with me on the specific issues of aircraft accessing runways and favouritism of certain operators over others are merely a continuation of similar allegations that I have consistently heard for the past 10 years, ever since I had an understanding of what was happening on the Abrolhos. In fact, the information that I have is that the management of the Abrolhos is based on nepotism, favouritism in awarding contracts, favouring certain licence holders and their families over others, and certainly favouring certain commercial operators over other operators. It is a consistent bone of contention, not only in the Geraldton area but also in Dongara that -

Hon M.J. Criddle: I think the reason this fellow has the contract is because he can actually carry out the service.

Hon GIZ WATSON: That is perhaps a reason. However, I have received a great deal of information from the Dongara community. In addition, probably about four or five years ago in my previous occupation I called a public meeting in Geraldton to talk about conservation issues on the mid west coast. The only issue that the community wanted to talk about was the Abrolhos. That public meeting included not just conservationists, but commercial fishers, recreational fishers and divers. They all said that the way the Abrolhos are managed is that they are firmly kept in the pocket of Fisheries and those who are in good odour with Fisheries, and everybody else, whether it be tour operators or dive operators, is locked out from using the Abrolhos.

I also point out that the fact that this issue has arisen in the way it has and that we are facing a decision on a disallowance motion indicates the limitations of having the islands managed under Fisheries legislation rather than under the Department of Conservation and Land Management. A spin-off from the anger about the issue of accessing the airstrips is that there is a broader call within the Geraldton area for the Abrolhos to be managed by CALM and not Fisheries. One of the most obvious reasons is that the Fish Resources Management Act is limited in being able to manage activities related only to fisheries, and the legislation does not cover issues such as managing tourism or conservation. Indeed, issues of conservation on the islands have been poorly addressed. It is exactly these areas in which Fisheries does not have the expertise to facilitate access for tourism into the islands, which highlights the fact that, according to state government policy, there should be a single authority that manages marine reserves. It is an anomaly that Fisheries should be managing what is a critical conservation reserve, including numerous islands, when Fisheries has no skill in managing islands. That situation is a nonsense and should be overturned. I am sorry that Hon Kim Chance is not of the same opinion. However, it is an anomaly in state government policy, and it is an anomaly which will lead to further problems with regard to the disallowance motion that we are discussing tonight.

Hon Kim Chance: To be fair, all that I said was that we would be happy to look favourably at the proposal.

Hon GIZ WATSON: Yes. Perhaps I was reading too much into that. I cannot conclude this discussion about the management and the issues concerning the Abrolhos without noting that there has been a consistent effort to marginalise any input by state conservation organisations into the committees, councils and the various incarnations that the Abrolhos have had. There has been direct interference by the minister in the operation of those committees, and that has been to the detriment of the management of what is an enormous asset for all Western Australians. It is not an area which is solely the province of the crayfishing industry, which of course has an important claim to the area in providing the resource for that industry. The area has enormous importance for the whole State, and to this date all other interested parties have been locked out of the Abrolhos. This disallowance motion that we are debating tonight is just one example of the way in which Fisheries has continued to maintain that monopoly.

**HON DEXTER DAVIES** (Agricultural) [8.06 pm]: I will be brief. I want to deal with some of the points made by Hon Nick Griffiths, which were totally unnecessary, because most of the comments have been made in a good spirit in an effort to resolve a difficult situation. The allegations made by Hon Giz Watson are absolute rubbish. The process to have the Abrolhos managed by an independent authority is well and truly in place. To try to score cheap points by saying that that process was deliberately put in place for other reasons is just rubbish. People have expended a great deal of effort in trying to resolve this problem through negotiation. As Hon Kim Chance knows, concerned people on both sides of this House, including me, have been trying to resolve this problem for a long time. To suggest that some sort of underhand activity has been going on does not benefit the people in Dongara, the fishermen, the management of the islands or anybody else. To try to score cheap points is unnecessary. Whatever the result of this motion, negotiations will continue in an effort to resolve the problem. People have visited Dongara and had negotiations with the professional fishermen and the Chamber of Commerce in goodwill and good faith in an effort to benefit everybody.

There are many more opinions in the community than the select few which have been raised tonight. Everybody knows it is not just a cut and dried situation. The fishermen in that area are being provided with a continuous service during the fishing season, and that could well be jeopardised. People take those matters into consideration when they are making their determinations. To try to point the finger at people and say that unfair practices have been going on which have not been addressed is not a true reflection of the situation. We need to get an outcome that is satisfactory to the industry and the islands. Considerable progress has been made towards that, albeit that progress has been slow. However, members should recognise that a genuine effort in that direction has been made by all parties. Everybody is genuinely trying to achieve a satisfactory outcome. To claim anything else is absolute rubbish and discredits this place.

**HON HELEN HODGSON** (North Metropolitan) [8.10 pm]: Like the other members who have contributed to this debate, I have received quite a bit of correspondence on this matter since it first came up. The regulation does not appear to have any major problems. As the Joint Standing Committee on Delegated Legislation has said, the regulation regulates access by aircraft into the Abrolhos. It sets out the form in which applications for access are to be made. However, when one looks deeper into the overall situation, one finds that although the regulation may be in order, other events are happening underneath. It is a bit like an iceberg where only the tip of it is seen and the real damage is done by what is underneath the waterline.

I was particularly interested when I received a copy of the Fisheries WA briefing note, for which I thank the minister and his officers. It not only gives the background to why they believe that the management plan is necessary and why they need to look at the air services, but it also gives a little of the history and deals with the heads of agreement. It is clear that for a long time the Geraldton Fishermen's Co-operative Ltd has had a presence in the Abrolhos Islands by providing transport to and from the islands for fishermen. It is also clear that to facilitate that the members of the cooperative have endeavoured to ensure the maintenance of a landing strip in workable order. The scene seems to have changed from the mid-1990s because from October 1995 a review of the Abrolhos air service was conducted. There were then further reports. The situation changed with the State Government providing funds to upgrade the airstrips. The reason that is significant is the way in which the relationship between the Government of this State, through the minister, and the Geraldton Fishermen's Co-operative has proceeded during the past year or so. The objective of the regulation, which is given in the briefing note, reads -

To provide safe and efficient facilities to accommodate people being transferred by aircraft from the mainland to the Abrolhos Islands and return in a manner which is consistent with the conservation values of the Islands.

I do not think anybody has any argument with that. The three key features would have to be safe facilities, efficient facilities and the conservation values of the islands. Looking at those issues in turn, safety is one of Fisheries' arguments to me as to why it needs regulations to manage the contract in the way it has. I was really pleased to see the report of the Joint Standing Committee on Delegated Legislation tabled yesterday. Prior to that I undertook some inquiries of my own of the Civil Aviation Safety Authority Australia. By coincidence its letter to me is dated the same date as the letter sent to the committee, although it is signed by a different person and the layout is different. It basically makes the same point. It reads -

However, whilst appreciating the department's intention to provide the highest level of safety for operations at the Abrolhos Islands, I am also advised that several of the conditions are somewhat overly restrictive (with respect to normal commercial practices). Additionally some technical inaccuracies were noted.

For example, the requirement for 3000 hours minimum pilot in command to operate a light multi-engine aircraft to an Abrolhos Island ALA [aircraft landing area] far exceeds any regulatory requirement and would probably preclude the majority of general charter pilots operating this size aircraft. On average, the small aircraft charter pilot would seldom have more than 300 to 1000 hours total aeronautical experience of which about 200 hours pilot



in command would be on multi-engine. The requirement to demonstrate ALA capability to a Grade One instructor could also be viewed as restrictive since the bi-annual requirement is that the test be completed with an appropriately qualified flying instructor or Authorised Test Officer.

There are technical inaccuracies. The Civil Aviation Safety Authority Australia wrote -

... to demonstrate the ability to reject a take-off and stop within the runway available uses terminology that in fact is defined in Civil Aviation Order 20.7.4 as "... the speed specified on the aeroplane take-off chart being the minimum speed to which an aeroplane must be accelerated in establishing the take-off distance required".

Not being a pilot myself, I hope that means more to some people in this place than it does to me. It reads -

For Abrolhos Island ALAs, this minimum speed will generally be higher than the maximum speed that the aircraft can accelerate to, reject the take-off and stop within the runway length available.

That is pointing out some serious inconsistencies between the requirements of Fisheries in managing these regulations and setting the standards and the general aviation standards in Australia. That issue was picked up by the committee in the report tabled yesterday in the potential section 109 inconsistency. It indicates that something is wrong with the underlying premise that this regulation is built on. It has not been worked through to the point where consistency with general aviation standards can be established. A person who spoke to me about it commented that every time he comes in to land on the Abrolhos he is scared because the strip seems so short. I am sorry, but that is not a very scientific method of judging the appropriate safety standards, length and so forth for a runway. In the process of the upgrading that the State Government has paid for in the past five years these issues should have been taken into account. An issue is whether the safety standards established by Fisheries are consistent or overly onerous.

The third issue in the objective is the conservation values of the island. Hon Giz Watson made a few comments about environmental issues. I also have some concerns about those. That seems to be a good reason for regulating aircraft and access, yet the regulation does not cover it. The regulation is to do with the qualifications for a pilot. Neither the regulation nor the supporting schedules that have been brought to this place look at any issues of environmental sensitivity. I have been informed that there is a way in which the industry itself deals with these issues; that is, by a fly neighbourly advice. The one forwarded to me relates to the Tasmanian world heritage area. This is a system whereby pilots who fly in a certain area are informed of the restrictions. This particular fly neighbourly advice contains a paragraph 1.2 which reads -

The aim of Fly Neighbourly Advice (FNA) is to promote the harmonious relationship between aviation activities and environmental and conservation interests.

It goes on to say that the understanding is that pilots will fly in an agreed, responsible manner in certain areas. It also indicates from whom they will obtain information on what areas should be avoided. It gives the area affected by the fly neighbourly advice and within that other sensitive areas. In the case of this advice which relates to the Tasmanian world heritage area, it includes Cradle Valley, Traveller Range, Mt Ossa to Mt Rufus, Frenchman's Cap, the Mt Anne-Lake Judd area, Mt Orion, Arthur Range and Federation Peak. There is a general, minimum overfly altitude. That probably answers the issue that was raised earlier of who determines what is the minimum altitude. In this instance it is recorded in the fly neighbourly advice which is agreed to by all the pilots operating in that area.

Hon M.J. Criddle: It is a gentlemen's agreement.

Hon HELEN HODGSON: It is a gentlemen's agreement. This fly neighbourly advice also goes into the specific issue of the nesting season for the orange bellied parrot, which breeds in the melaleuca area zones located within the WHA. It gives certain dates during which pilots are requested to avoid certain things. I agree that it will not be perfect, and I agree with Hon Giz Watson that it is in the nature of a guideline and is not attached to the regulations.

Hon Kim Chance: It works at Kakadu.

Hon HELEN HODGSON: This is the issue. Why are we being told that environmental considerations are part of the reason for the regulation, when nothing even remotely approaching a gentlemen's agreement is attached to the regulations? It has nothing to do with conservation because that is regulated by the industry through these sorts of arrangements. At this stage nothing like that is attached to the regulation, which is supposed to be for protection and consistent with the conservation values of the island.

I return to the second point, which relates to efficient facilities to accommodate people. I do not see anything in the proposal that improves efficiency. I am told that tourists are limited to access to only one island - East Wallabi Island - because that is the only island with a public jetty.

Hon Dexter Davies: Not yet. It is yet to be done.

Hon HELEN HODGSON: Again, it is an aspect that has not been backed up by the documents tabled, or gazetted or contained in any annex to the material gazetted. We are told that an agreement is in place that will allow tourists to go to only one of the three islands in question. This arrangement is structured to allow GFC to manage it under the heads of agreement. I understand that the manager effectively regulates who comes in and out after the operator gets a licence. I see nothing wrong with that arrangement; everything needs a manager, whether it is CALM, Fisheries WA, or is contracted out. However, the weakness in this arrangement is the provision in the heads of agreement that limits the number of operators to one, except in the case of tourists visiting East Wallabi Island.

Hon M.J. Criddle: The only reason that came up is the legal challenge.

Hon HELEN HODGSON: I am glad the minister has referred to the potential to legally challenge the result. I was horrified to read in the briefing note that the reason for the heads of agreement was the threat of legal action.

Hon M.J. Criddle: No.

Hon HELEN HODGSON: That is stated on the third page of the briefing note from Fisheries WA as follows -

However, in December 1998, following a meeting with the GFC Executive, he -

That refers to the minister. It continues -

- withdrew the call for Expressions of Interest as GFC threatened legal action over the ownership of the airstrips.

In this briefing note from Fisheries, the reason given for not proceeding with the expressions of interest was the threat of legal action. The response to that threat was to enter into a heads of agreement. I do not pretend to be an expert in matters of property law, and I acknowledge that GFC did a lot of work maintaining the airstrip. It may have had an arguable case that it had improved the airstrip to the point at which it has equitable rights over the airstrip. However, I do not think that gives it ownership of this real property. It is a fixture to the land, which is a reserve. It is, at best, an arguable case. What happened then? The minister entered into a heads of agreement, which is a legal contract that gives GFC a definitely defensible right. It has moved from a potential legal matter to a situation where GFC can definitely take the case to the courts.

Hon Derrick Tomlinson: It could have taken it to the courts in the first place.

Hon HELEN HODGSON: That is true and it could have been argued either way. From my limited knowledge of property law, I do not think the case would have been strong, although I do not pretend to be an expert in that area. However, under contract law it now has a definite case if anything is done to break the contract.

Hon Derrick Tomlinson: The contract is over land which has tenuous ownership, which may itself be an invalid contract.

Hon HELEN HODGSON: This is getting to fine legal points that are better argued in the courts. It is a contract for a management service between the Government and GFC.

Hon Derrick Tomlinson: That does not endow ownership.

Hon HELEN HODGSON: It does not endow ownership and there is no question of that, but it would endow a right to take it to the court to have it enforced.

Hon Derrick Tomlinson: It endows a monopoly.

Hon HELEN HODGSON: It has moved from a situation with a potential problem to a situation that is much worse. In the process, the people losing out are those who need access to the islands, for whatever reason. That is primarily the fisher persons who need regular access from Dongara, Geraldton and Kalbarri. In the process they are required to use an operator. Under this heads of agreement GFC manages a single, fixed-wing air service. It is a single helicopter air service and a number of commercial operators providing a service to East Wallabi Island. Obviously, the key impact is on other airline operators who would like to operate a service. I fully acknowledge that much of the correspondence and communication I have received is from people with a vested interest, who would like to apply for one of these licences. They cannot do that because only one licence has been granted. It also has an impact on the fishers and tourists who might want other than the limited access allowed under the heads of agreement. It is my understanding that alternative operators are able to provide seats on the aircraft at rates much lower than those Shine Aviation Services is currently offering.

Hon Dexter Davies interjected.

Hon HELEN HODGSON: There are ways of dealing with those issues. That is why I have no problem saying that a manager is needed. A manager would make sure that the service that had been approved had seats available every day. The problem is that the manager has restricted the service to one group. That is enshrining a monopoly, and I do not think that is appropriate. It is contrary to competition policy.

Those were the main points I wanted to raise, apart from the way in which I shall vote on this matter. I have no difficulty with this because disallowing the regulation will not cure the root problem. The cause is the heads of agreement. That heads of agreement will probably bind the State even if the regulation is not implemented. It is true that there may be grounds for saying that it is somehow ultra vires, that it would take a more legally trained brain than mine to resolve those issues. I hope it is found to be not legally binding. However, all the regulation does is enable the granting of licences. I am not convinced that disallowing this regulation will resolve the problem for people who are restricted in their access to the Abrolhos by the arrangements implemented by the minister in conjunction with the Geraldton Fishermen's Co-operative. However, on balance I have also decided that disallowing it will do no harm. It is important that we send a political message to say that first of all we think what is being done is totally inappropriate. We believe that what has happened is to enshrine a monopoly and the people who are affected by the monopoly are people who need to be protected. It will send a message to the minister that we believe that he has acted outside his authority. He may not have acted outside his legal authority, but to take an action which may bind the State to a greater extent than the evil he was trying to avoid in the first place has in fact opened up the State to a further liability. On pure accountability grounds that message needs to be taken back to the minister very strongly.

On the basis that disallowing the regulation will do no harm, will send a message and may do some good, we may be able to find a way of saying that the contract is invalid under other aspects of contract or property law. I understand that the

Australian Competition and Consumer Commission is planning to take an interest in this matter. With all of that in mind, I have decided that we will be supporting disallowance because overall it is the only way to let the minister know how we feel about this whole mess.

**HON B.K. DONALDSON** (Agricultural) [8.31 pm]: Previous speakers have strongly outlined the case. Having been involved with the Joint Standing Committee on Delegated Legislation - in fact I was its chairman for four years - I commend the committee on this report. The committee acted completely within its terms of reference and raised some concerns. Its report confirms advice that I received from some people in the aviation industry - certainly not any of the proponents who have been strongly lobbying us - including a highly credible check pilot in the small aircraft industry in Western Australia. Concerns were raised by the committee and also spelt out by legal counsel for the Civil Aviation Safety Authority as follows -

However, with due respect to the drafter of the conditions, the terminology used in the "Further information - Commercial Operations" form is not entirely correct.

The rules and regulations under the commonwealth legislation are inconsistent with what is being proposed here, although the legal counsel went on to say that CASA would not comment on the contents of the minister's document and had no quarrel with it in that sense; however, it was incorrect and far in excess of what any charter or small aircraft operator would have to consider to fly an aircraft in any conditions in Western Australia or in fact in the Commonwealth.

That was the first flaw and it was indicated to the committee very early on that it was very poor advice. Not being in the aircraft industry, I had to satisfy myself as to what was and what was not correct; that was the first mistake. The committee's concerns about the legal aspect were more important. At pages 6 and 7 the Interpretation Act was referred to and also section 109 of the Constitution, which reads -

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

The committee raised a number of other regulations in its report including the fact that the application and further information forms relating to regulation 105A were neither published in the *Government Gazette* nor tabled as part of the amendment regulations. That was the power that was in force, and the report from the Joint Standing Committee on Delegated Legislation, which did not move to disallow it, was a very responsible report because the committee could not disallow it under its terms of reference. However, it did draw inconsistencies to the attention of this place as part of its terms of reference.

Many questions are being asked and a great deal of lobbying from different groups of people is occurring. The initial organisations to raise this issue were the Dongara Professional Fishermen's Association and the Dongara Chamber of Commerce. The passenger proportion of the preferred supplier of the services represented 2.5 per cent of the total business in 1997 and 4.2 per cent in 1998. Commonsense and logic tells me that when that approach was made a compromise could have been reached which would have solved this problem until the Abrolhos Islands management authority takes over managing the services on 28 February 2001 or when the contract runs out. I am disappointed that after about three weeks we have heard nothing. I am surprised as it is not a large section of someone's business. I believe that it could have resulted in this disallowance motion being withdrawn; I do not know as that is entirely up to the mover of the motion, but there was certainly room to manoeuvre and be flexible, which could have been very beneficial as most of us want to see a compromise. First of all no-one is arguing about the service that the present provider supplies. Some say it is too expensive but we all say that any service is expensive. However, Shine Aviation Services has provided a very good service over a period of time and nobody argues against that or is in any way disrespectful about the service it provides.

At the end of the day, the report of the Joint Standing Committee on Delegated Legislation has highlighted to members its concerns in a very concise form, and CASA added a dimension to that report. I agree with Hon Helen Hodgson that the disallowance of these regulations will not have much effect as the heads of agreement will still be in place in the contract. However, if someone flies to the island they will not be faced with a \$10 000 fine for landing there. There is a need to have those necessary guidelines in place as it is a fish habitat area. Rules, regulations and conditions can apply to any operator of an air service in any one of the given sites. I do not know how far the process has developed but I believe it is intended to establish a tourist centre for visitors flying to East Wallabi Island, a better jetty for charter boat operators to pick up people, and ablution blocks etc to assist with tourism. I believe tenders were called to provide those services. I do not know what will be the end result but I understand the person to decide that is Mr Peter Rogers, the Executive Director of Fisheries WA.

This has been very difficult for me, and I guess for a number of members on the committee, because we know that while we are seeking to have a competitive arrangement, we can also lose all or a number of services if they become unviable. I remember when the transport of smallgoods was taken from Westrail many years ago. We were blessed for a period with very cheap freight, because about six operators used to come through Koorda every day, so competition was great and we benefited for a while, but then there were only five, and then there were only four, and it went on until we finished up with only one, and up went the price again. We need to be a wary of that scenario.

Hon Derrick Tomlinson: What did you do?

Hon B.K. DONALDSON: We paid extra! There was not much we could do, unless we started up our own operation, and I could not see my driving a vehicle -

Hon Derrick Tomlinson: You are now starting to think laterally!

Hon B.K. DONALDSON: Yes, but I was driving up and down that road enough as it was, and I did not want to be a parcel carrier at that stage of my life.

The Delegated Legislation Committee has presented a very balanced report. These inconsistencies have been of concern to many of us in this House. The report will provide an opportunity for the Fisheries Department and the minister, and also for the new Abrolhos Islands management authority that will be established by legislation that will come into the Parliament this year, to look at this issue and to perhaps work out a compromise in the meantime that will be beneficial to the people who use that service to the Abrolhos Islands, bearing in mind the need to ensure that we still have the very good service that is being provided by Shine Aviation Services. I hope that at the end of the day it will be a win-win situation for a number of people. Those inconsistencies in what has been addressed by the Delegated Legislation Committee and other speakers in this House will remain with us no matter what happens in the vote tonight and will be of concern to many of us.

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [8.42 pm]: We have heard quite extensive speeches from a number of speakers, including Hon Kim Chance, who took us through the history of this air service, from competition between 1978 and 1982, to the arrangement that has been in place ever since with the Geraldton Fishermen's Co-operative and Shine Aviation. Hon Kim Chance pointed out his opinion of the use of the Act and the regulations which were introduced in March 1999, and the reason for this disallowance motion.

I have been dealing with this matter for four or five years now, and I know Mr Arkell very well. Access to the Abrolhos Islands has been a bone of contention for Mr Arkell for many years. The Abrolhos Islands are very delicate and have a rich history. They are also an important lobster fishery, and we rely heavily on those islands for the lobster catch each year. There is a variety of views in the region about this matter. Many people believe that the current service is good, efficient and reliable, and also safe; and to my knowledge, no accidents have occurred. However, as Hon Bruce Donaldson pointed out, this discussion is about only 4.2 per cent of the passenger carriage, which mainly comprises people in Dongara. It is a matter of to whom one talks in Dongara. The Chamber of Commerce has one view, and the fishermen have another view. However, I believe an arrangement could have been put in place between the two operators that have been vying for the opportunity to provide this service for a number of years.

Hon Giz Watson was concerned about the environmental effects of low flying aircraft on birds, and talked about a re-assessment of the amendments. Hon Dexter Davies pointed out that people have been endeavouring to solve this problem for some time. Hon Helen Hodgson quite rightly pointed out the need to consider safety issues - I agree that safety is a major issue - and talked about the letter from the Civil Aviation Safety Authority. Hon Bruce Donaldson dealt in some depth with the report of the Joint Standing Committee on Delegated Legislation and the concerns expressed by that committee and also by CASA.

I will provide some information about the history, management and current status of the air services to the Abrolhos Islands, and will then draw a conclusion about what might happen if this motion were disallowed. In October 1998, the Minister for Fisheries requested the Executive Director of Fisheries to call for expressions of interest to manage the Abrolhos Islands air service. However, in December 1989, the call for expressions of interest was withdrawn after the Geraldton Fishermen's Co-operative threatened legal action claiming that it had ownership of the air strips. Any such legal action may have resulted in disruption to the air services to the islands during the 1999 rock lobster season, and there is no doubt that the air service to the islands is very important to the people who work in that industry and on the islands. In January 1999, the minister entered into a heads of agreement with GFC enabling GFC to manage access to the Abrolhos Islands landing strips for a two-year period ceasing in February 2001. I tabled that agreement during the budget estimates debate in the Legislative Council, at the request of Hon Kim Chance. As required by that agreement, GFC called for tenders for the provision of fixed wing and rotary air services. In January 1999, the tenders were determined by a selection panel that including Michael Hardy, Chairman of the Abrolhos Islands Management Advisory Committee, Leith Pritchard, General Manager GFC, Mark Dixon, the independent air services consultant to the Department of Conservation and Land Management, and Peter Rogers, the Executive Director of Fisheries Western Australia. The successful operators who were selected were Shines Aviation, the group that has been carrying out the service for many years, and Jandakot Helicopters.

In order to provide a transparent framework to manage the air landings, regulation 105A, which requires an authorisation from the Minister for Fisheries to fly to and land in the Abrolhos reserve, was gazetted under the Fish Resources Management Act 1994 in March 1999, as I mentioned earlier. In applying for authorisation under regulation 105A to fly to and land at the islands, applicants must demonstrate pilot experience to a certain standard, as stipulated by independent air service consultants. These criteria were established taking into consideration the prevailing conditions in the Abrolhos Islands; and any member who has been there would know that while a lot of upgrading has taken place, some skill is required to land there, and it is a matter of the status of the strips and the minister's duty of care with regard to landing there. The Civil Aviation Safety Authority has advised that the Minister for Fisheries, as owner of the Abrolhos landing places, can stipulate any conditions that he deems necessary above CASA's minimum standards for operating aircraft at the Abrolhos Islands. A condition of the heads of agreement with the Geraldton Fishermen's Co-operative Ltd was to allow for the provision of air service operators to carry tourists to East Wallabi Island. Four applicants are currently being considered. A contract for the provision of a public jetty and toilets near the airstrip on East Wallabi Island is close to completion. Open tenders have been called for an upgrade of the East Wallabi Island airstrip and this will include the provision of aircraft parking space to facilitate the use of the airstrip by more than one operator.

The issues of landing place safety, operator safety and air service management in the context of multiple operators are being examined by a second independent, expert air services consultant who will also review the existing pilot safety criteria. It was mentioned earlier that the chamber of commerce in Dongara had written to a number of members. The Dongara professional fishermen's association wrote to the minister supporting the regulation. It seems there are two conflicting views

coming out of the Dongara area. The association also requested that the minister approach the Geraldton Fishermen's Co-operative with a view to providing a trial of multiple air service access to the Houtman Abrolhos before the establishment of the Abrolhos Islands Management Authority which, as members know, will be established within two years and will be an independent body. It will be able to conduct an open tender process for the management of air services. The minister has written to the Geraldton Fishermen's Co-operative asking that it consider the provision of an improved direct service from Dongara. Any arrangements between the Geraldton Fishermen's Co-operative and third parties would be a commercial decision between those parties. Hon Bruce Donaldson mentioned that would be one way to overcome the difficulties we have.

These arrangements would still be subject to the minister's approval and he would be in a position to consider any such arrangement until he is in receipt of advice from the second independent air services consultant about whom I spoke earlier. The Government is committed to the provision of an effective and efficient air service to the islands, and is moving towards a more competitive framework in an orderly manner. Doing this in an orderly manner is a very important part of this arrangement. The minister has a duty of care to ensure that any changes to the provision of air services are implemented in a safe manner, based on expert advice. The disallowance of the regulation may lead to unauthorised landings and put at risk the safety of the Abrolhos Islands community - I talked about that earlier, as did Hon Helen Hodgson - as well as the orderly development of a more competitive framework. The Government opposes this disallowance motion. There are some concerns about the outcomes if the motion goes through.

**HON KIM CHANCE** (Agricultural) [8.52 pm]: I thank all honourable members for their contributions to the debate. I appreciated, in particular, those that represented support for the motion. Nonetheless, I was pleased to hear the views expressed by those who may choose to oppose the motion. I will address a couple of matters, particularly one raised by the Hon Helen Hodgson who expressed the view that the regulation is not of crucial importance, but rather the heads of agreement is. I did not quite follow her explanation of that. In case others were uncertain about what it meant, I have the view that the heads of agreement is not the principal factor.

I say that because, by its very nature, it binds no-one other than the parties to the contract. It is my view that it probably has no legal basis anyway. I doubt that it is a legal contract. Assuming my view is incorrect and it does have some substance, which I have not been able to determine, it is still of no consequence to any person other than those who are parties to the contract. If a third party wants to provide an alternative service to the Houtman Abrolhos in the absence of the regulation, but in the presence of the heads of agreement, there is nothing to prevent that person from doing so. Even if valid, the heads of agreement can have no effect on third parties.

The question of the minister's duty of care raised by the Minister for Transport is an interesting one. Again, I am not purporting to know the answers to all the questions. I would be interested in learning more about the extent of the minister's duty of care in this matter. Notwithstanding the minister's statutory role in the Abrolhos Islands reserve, I am not certain that he could be deemed to have a duty of care in an area which is within a specific commonwealth jurisdiction. I am not sure how the State Minister for Fisheries could be deemed to be responsible under a common law concept in an area covered by not only statutory law but also a statutory law of another jurisdiction completely. I am open to be educated on that matter.

The question of tourism and the East Wallabi Island airstrip is interesting. It was made clear to me by the Geraldton Fishermen's Co-operative that this is not a question that involves the tourism industry or anything other than the fishing industry, and that the future development of airborne tourism should not, and would not, be impacted by the continuation of regulation 105A. I accept what the Geraldton Fishermen's Co-operative has told me on face value. My reading of the Fisheries WA briefing paper on that matter - I think the Minister for Transport has acknowledged this - suggests that the Minister for Fisheries would still have considerable influence over what happens in that area. In itself, that seems to be relying on the effect of regulation 105A, but that issue is not strictly relevant to the debate.

I refer to the use of the second air services consultant. I am not inclined to be critical of professionals who provide advice; however, whoever provided advice with respect to the specifications laid down in the further information requirements could not be described as having a firm grasp of civil aviation regulations. Even a casual reading of the letter attached to the fortieth report of the joint standing committee would confirm that. I hope the second air services consultant is more capable than whoever provided that advice to Fisheries WA. I have not altered my view that the appropriate thing in this situation is to proceed to disallow these regulations. I think that clears the slate for us to set to work between now and 1 March 2000 - a considerable amount of time - and produce some form of legislative arrangement that can attempt to satisfy as many parties as possible.

Question put and passed.

## **CRIMINAL CODE AMENDMENT BILL 1999**

### *Report*

Report of Committee adopted.

## **PORT AUTHORITIES BILL**

### *Assembly's Message*

Message from the Assembly notifying that it had agreed to amendments Nos 3, 5 and 7 to 18; had agreed to amendment No 4 with a further amendment added; had disagreed to amendments Nos 19 and 20 for the reasons set forth in schedule B annexed; and had disagreed to and substituted new amendments for amendments Nos 1, 2 and 6 as set forth in schedule A annexed for the reasons set forth in schedule B annexed, now considered.

*Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon M.J. Criddle (Minister for Transport) in charge of the Bill.

**SCHEDULE A**

*Schedule showing the further amendment made by the Legislative Assembly to Legislative Council amendment No 4 and showing amendments substituted by the Legislative Assembly for certain other amendments made by the Legislative Council in the Port Authorities Bill 1998.*

**No 1**

Amendment disagreed to and the following amendment substituted -

Clause 7, Page 8, after line 4 - To insert the following -

“ (2) In appointing a person as a director the Minister must have regard to all relevant guidelines published, approved, endorsed or administered by the Minister for Public Sector Management.”.

**No 2**

Amendment disagreed to and the following amendments substituted -

Clause 30, Page 2, after line 16 - To insert the following -

“ (f) to protect the environment of the port and minimise the impact of port activities on that environment.”.

Clause 31, Page 21, after line 3 - To insert the following -

“ (2) Nothing in this Act limits or otherwise affects the operation of the *Environmental Protection Act 1986* in relation to a port, a port authority or port activities.”.

**No 4**

Amendment agreed to and a further amendment added -

Clause 51, Page 34, lines 15 to 18 - To delete the lines and substituted the following -

“ (1) A strategic development plan must set out -  
 (a) the port authority’s medium to long term objectives (including economic and financial objectives) and operational targets and how those objectives and targets will be achieved; and  
 (b) an environmental management plan for the port.”.

**No 6**

Amendment disagreed to and the following amendment substituted -

Clause 69, Page 43, after line 29 - To insert the following -

“ (f) provide a summary of the performance of the port authority in relation to its function under section 30(1)(f).”.

**SCHEDULE B**

*Reasons of the Legislative Assembly for agreeing to Legislative Council amendment No 4 with a further amendment added; and disagreeing to certain other amendments made by the Legislative Council and substituting new amendments in the Port Authorities Bill 1998.*

REASONS FOR THE LEGISLATIVE ASSEMBLY MAKING A FURTHER AMENDMENT TO A LEGISLATIVE COUNCIL AMENDMENT.

**Amendment No 4**

Whilst the amendment appearing in the message is considered appropriate, in order to address some of the concerns raised in the Legislative Council, Government is prepared to move an amendment which requires a port authority to include in its strategic development plan a requirement to address “environmental management plan for the port”.

REASONS FOR THE LEGISLATIVE ASSEMBLY DISAGREEING TO CERTAIN LEGISLATIVE COUNCIL AMENDMENTS

**Amendment No 19**

This amendment seeks to insert a new clause 35 relating to the environmental protection responsibilities of a port

authority. The Government's position in respect of this amendment is that the amendments which it has already moved in respect to preceding matters adequately covers the port authorities responsibilities in respect to environmental function and this amendment is considered unnecessary.

#### **Amendment No 20**

This amendment would purport to introduce a specific defence to a charge of improperly using port authority information where it was considered to be in the public interest to disclose that information which is the subject of the charge. It should be stressed that the defence would only apply where information is alleged to have been used improperly. It is arguable that, where a matter is in the public interest and disclosure of that information is made, that is not an improper use of the information, and a person making such information available would be not criminally responsible.

More importantly this is a matter which needs to be addressed at a whole of Government level. In the meantime it would be inappropriate for this defence, which is not generally available throughout the Public Service, to apply to officers of port authorities.

#### **REASONS FOR THE LEGISLATIVE ASSEMBLY DISAGREEING TO CERTAIN LEGISLATIVE COUNCIL AMENDMENTS AND SUBSTITUTING NEW AMENDMENTS**

#### **Amendment No 1**

This amendment seeks to require the Minister to put in place a "code of practice for nominations and appointments to a board". This code would need to be reviewed every three years, in a process which would require public comment, would be disallowable by the Parliament and would require the Minister to ensure that the balance of interests on the board is such that no one interest may dominate the board.

The amendment is unacceptable to Government for the following reasons:

1. End of line responsibility for the effective administration of ports rests with the responsible Minister who is answerable to the Parliament and ultimately the electorate. This amendment cuts across the concept of "ministerial responsibility" and would severely restrict the flexibility the Minister requires to ensure that the most appropriate persons are appointed to a port authority board.
2. The process is "administratively cumbersome and prone to interruption by sectional interests"?
3. Port authority boards are put there to ensure the financial viability of the port, not to represent the interest groups in the community. The question that must be foremost in the Minister's mind when making these appointments is who can provide quality input to provide a commercially viable port authority which best serves our local importers and exporters.
4. This is an issue that is not unique to port authorities and needs to be addressed on a whole of Government basis, and that is the approach taken in the Government's amendments.

The amendment to be moved by the Government will require the Minister to "have regard to any relevant guidelines published, approved or administered by the Minister for Public Sector Management."

This Government has done much to provide guidance as to appointments to Government boards. The publication "Getting on Board" which was published by the then Public Sector Management Office and endorsed by the Premier who has responsibility for public sector management provides clear guidelines for Ministers to consider when making appointments.

This amendment will formalise and reinforce that process, and ensure that the criteria for appointments are not handled in a piece meal fashion varying from statute to statute.

The requirement imposed on the Minister should only be to have regard to the guidelines, so as not to limit unduly the ability to make the appointment which is most appropriate to the situation of the Port Authority at the relevant time.

#### **Amendment No 2**

This amendment would insert into clause 30 a new sub-paragraph which would place in the Bill the protection and enhancement of the environment as a function of a port authority. Whilst Government accepts it is the responsibility of the port authority to ensure the principles of good economic management are applied to the port, it considers that a function to enhance the environment of the port is unreasonably burdensome.

The amendment now proposed is in two parts. The first part, when read in conjunction with the other amendments which will be moved in relation to clauses 51 and 69, will ensure that port authorities have proper regard to their environmental responsibilities whilst ensuring that they are not disadvantaged by having to meet a standard which would not apply to any private port operator with which they might be competing. The second part is intended to confirm the continual application of the *Environmental Protection Act 1986* to Ports.

#### **Amendment No 6**

The amendment as appearing in the message paper is premised on the basis that the amendment contained at item

19 is successful. Government will be opposing that amendment, however, it is prepared to amend clause 69 to require a port authority to provide a summary of its performance in relation to its function in respect of environmental management of the port.

Hon M.J. CRIDDLE: I move -

That Legislative Council amendment No 4 as further amended by the Legislative Assembly be agreed to.

That Legislative Assembly substituted amendments for Legislative Council amendments Nos 1, 2 and 6 be agreed to.

That the Legislative Council does not insist on its amendments Nos 19 and 20.

The CHAIRMAN: We will take those motions in order as they deal with distinctive parts of the message. We do not need to consider the first part about the amendments to which the Legislative Assembly has agreed. The first motion for consideration is that the Legislative Council amendment No 4 as further amended by the Legislative Assembly be agreed to.

**Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.**

The CHAIRMAN: The next motion before the Chair is that the Assembly's substituted new amendments for Council's amendments Nos 1, 2 and 6 be agreed to.

Hon NORM KELLY: The Australian Democrats are particularly concerned about the further amendment to the Council's amendment No 1 contained in schedule A of the message from the other place. We cannot support what is not only the Government's but also the Australian Labor Party's proposal. We remain strongly convinced that the amendment moved by the Democrats and originally supported by this Chamber is an appropriate way of ensuring that board appointments are made with the appropriate level of openness and accountability. The amendment I moved previously required a published code of practice subject to public review and parliamentary scrutiny through section 42 of the Interpretation Act. It ensured that a balance of rights was maintained on a port authority board. The response we have received is quite disappointing. This amendment is purely about establishing a good accountability process for board appointments.

I will go through the reasons the Legislative Assembly has found this amendment unacceptable. The message says that end-of-line responsibility rests with the responsible minister, who is answerable to the Parliament and ultimately to the electorate. To my mind, that is typical of much of the debate we had on this Bill. The Government is seeking to claim ministerial responsibility for the actions of a port authority board but at the same time is trying to remove itself from the actions of a port authority by claiming that the actions of a port authority's directors are contained within the Corporations Law and the like. Basically it is allowing private sector accountability mechanisms to apply through other laws.

Hon Kim Chance: Schizoid.

Hon NORM KELLY: Yes. It turned out to be a real mongrel in a sense; it is a real mix. A difficulty for a Government with an ideological position wanting to shift away from government control of a public infrastructure and giving it to private control - and I expect ultimately private ownership - is that we have these hybrids in the process. That raises the question of who is really responsible. I believe we ascertained during the original debate that the minister remains ultimately responsible, but with this hybrid mix it is oversimplistic to say that the minister being ultimately responsible to the electorate is a sufficient safeguard.

The second point in the reasons for disagreeing to the Council's amendment is that the process the Democrats proposed is -

"administratively cumbersome and prone to interruption by sectional interests"?

It is interesting to see that even in the Assembly's message we see that the comment about being "prone to interruption by sectional interests" is followed by a question mark. Rather than being a statement, it is basically a question. I would also like to ask a question about these sectional interests because the other place suggests that this amendment originally proposed by the Democrats would have the effect of providing the public with the ability to have input into the general principles and how those principles would be applied to the selection and appointment of board members. That was the original amendment passed in this place.

Genuine public input is regarded as an interruption by sectional interests. What I would regard as a legitimate accountability and consultation function, the Government claims to be an interruption to the government process. Clearly, the Government is talking about union interests here. Equally, a Labor Government could say the same about big business interests, or whatever. I would like a response on that aspect.

The third point reads -

Port authority boards are put there to ensure the financial viability of the port, not to represent the interest groups in the community. The question that must be foremost in the Minister's mind when making these appointments is who can provide quality input to provide a commercially viable port authority which best serves our local importers and exporters.

I have no disagreement with that statement, but I do not see it as an argument against the Democrats' original amendment. That would have been an element of the provision. We asked the minister to gazette the general principles and how they would be applied to general board selection. The beauty was that it would have allowed the minister scope to state how he wants to make appointments, and that would have been available for all to see.



The fourth point refers to board appointments adopting a whole-of-government approach. Consistency is needed across government, but the Democrats' proposal would have allowed the needs of a sector - port authorities in this case - to be addressed by the responsible minister. For example, he or she may state that port authorities have certain requirements when undertaking the selection process. Those requirements need to be consistent with government policy, which is in line with the "Getting on Board" guideline for board appointments. The Democrats have proposed a code of practice which is more specific to the requirements of port authorities. In that sense, it would make it far stronger legislation for the minister, rather than being a constraint.

The response from the other place is a poor attempt to provide some accountability mechanism. The suggested amendment states that in appointing a director, the minister must have regard to all relevant guidelines published, approved, endorsed or administered by the Minister for Public Sector Management. The most important part of that amendment is that the minister must "have regard to". That is an extremely weak position adopted by the Government and the ALP. Interestingly, the opposition spokesperson in the other place admitted that it was a weak piece of legislation as the minister is not compelled to follow any guidelines. In fact, any such guidelines could include those not published or available to the public; that is, simply guidelines administered by the Minister for Public Sector Management. Therefore, the Minister for Transport could tell the Minister for Public Sector Management that he needs to change the current published guidelines to meet requirements.

Hon KIM CHANCE: Hon Norm Kelly has made the Opposition's position clear; namely, it will vote with the Government. I thank the member for making that announcement as it is convenient and saves me going through it again! I have some sympathy for the position advocated by Hon Norm Kelly. Notwithstanding our clearly announced position, that sympathy was expressed during the debate on the first committee stage of the Bill in this Chamber, in which the ALP supported the Democrats' amendment. Ultimately, the decision made by the opposition spokesperson on transport was to join with the Government. Support for this amendment probably boils down to the fact that the Government has the right to govern, as opposition parties have the right, as far as possible, to propose amendments. That may sound somewhat hypocritical coming from a member recently responsible for the disallowance of a government regulation!

Hon Norm Kelly: Thanks for reminding us.

Hon KIM CHANCE: It is worth bearing in mind.

We should not beat around the bush: Port authorities are instruments of government policy. We do not always agree with the Government's policy and the way those instruments are constructed. I was critical of the actions of the former Minister for Transport when he restructured port authority boards because I felt his restructuring was improper. Although I disagreed with his reasons for what he did, ultimately I cannot argue that the Government has no right to restructure those boards so they are, in its view, better able to administer the policy the Government was elected to implement.

I have not spoken to the member for Armadale in the other place about her reasons for reaching this position, but the reason I pose is acceptable. The Labor Party is prepared to vote with the Government on that basis. That does not mean in any way that I denigrate the position put by the Australian Democrats. Indeed, their original amendment proposed an ideal situation. As an ideal vision of the Public Service - if we call port authorities an element of the Public Service - it represented exactly how they should be structured. It is a matter of determination whether the boards of these effective corporations are an element of the Public Service or arms of the delivery of government policy. The latter is closer to the truth.

I appreciate Hon Norm Kelly's point. I think I used the term schizoid, which is the strange situation created by the corporatisation of public services. In second reading debate I used a more bucolic example: I referred to yards designed to keep in horses, and yards designed to keep in sheep. Each works fine for its designed purposes. However, put one creature in the others pen, and it will not work. That is the situation we face. In time, and perhaps for causes that are entirely unknown to us at this stage, the animal will escape from the pen. Given that that is government policy, and as we have had our chance to criticise government policy, I am relaxed, if not happy, to support the Government.

Hon NORM KELLY: As I said previously, the amendment which is now being proposed requires the minister to have regard to guidelines which do not even have to be published. That flexibility which the minister is seeking in making those appointments should be held up for public scrutiny so that the public has the ability to examine those guidelines as necessary. I do not have a problem with the fact that oftentimes one needs to go outside standard guidelines in order to fit in with the specific requirements of a situation. However, what this amendment is trying to do is to allow the flexibility which the minister wants but also to ensure that there is the accountability mechanism so that that flexibility can be monitored. Therefore, it protects the minister from any accusations of nepotism, favouritism, or whatever, and it shows that there has been fairness in the appointment process. I agree with Hon Kim Chance that what was put forward by the Australian Democrats previously was almost an ideal situation. It is important that we strive to reach that ideal position. However, in practical terms, what is the best way to reach that position?

Following the debate that occurred in the other place I revisited the original amendment put forward by the Democrats, because I believed then, as I believe now, that what was passed by the other place was not a sufficient safeguard. Therefore, I proposed changes to my original amendment to the Australian Labor Party, the Government and the Greens (WA). These changes deleted the need for the public review every three years, deleted the requirement for a gazetted code of practice to come under the provisions of section 42 of the Interpretation Act, and deleted the need for the minister to ensure the balance of interests so that no one interest would dominate the board. Therefore, this opened up avenues to the Government that were not in the original amendment. It increased the powers of the minister to publish a code of practice, with which he was

happy, and it did not carry the threat of that code being disallowed by a House of the Parliament and did not require a public review every three years. It was quite a powerful position for the minister to be in.

That is an example of the Democrats stepping back from that ideal position and coming up with a more pragmatic solution, which is an extremely reasonable situation for any minister to accept. It is basically allowing a minister to say, "This is how I want to do it. I need to publish it in the *Government Gazette*, but that is basically as far as it goes." The public accountability mechanism is in there to the extent that the public has full knowledge of what procedures are to be followed. What I proposed subsequent to the debate in the other place is as follows -

- (2) The Minister must by writing determine a code of practice for nominations and appointments to a board of directors that -
  - (a) sets out general principles on which nominations and appointments of directors are to be made, including, but not limited to -
    - (i) merit;
    - (ii) independent scrutiny of appointments;
    - (iii) probity; and
    - (iv) openness and transparency, and
  - (b) sets out how these principles are to be applied to the selection of directors.
- (3) After determining a code of practice under subsection (2), the Minister must publish the code in the *Gazette*.
- (4) In appointing a person as a director, the Minister must comply with the code of practice.

That is how the amendment would have read. I thought that was eminently reasonable. It left substantial powers with the minister to finetune a framework which could be based on the Government's published policy in the document "Getting on Board", but it was far more specific towards the needs of the minister in appointing people to port authority boards. Unfortunately, it still appears to be beyond the ability of the major parties to accept that change, about which I am disappointed.

Dealing with board appointments, page 200 of the Commission on Government Report No 4 states -

Merit and equity principles should be foremost in all recruitment, selection and appointment processes. In Western Australia, there are no minimum or mandatory prescribed standards for qualifications or experience of board members of many boards and committees.

What we were trying to seek was to ensure a prescribed standard for these board appointments, and we will continue to do so.

At the same time, I acknowledge that this Government has made genuine ground in improving the board appointment processes in response to the demands of the wider community for fairer and more accountable processes. This is most substantially seen in the booklet "Getting on Board", which provides the guidelines for selection and appointment processes. However, that document is simply a guideline, and there is no requirement for a minister to follow that. Similarly, in the amendment which is now being proposed, there is no requirement to follow those guidelines; there is only a requirement to have regard to them. The Democrats believe that is far too weak. It could be suggested by people who are suspicious of those in power or who are striving for power that this amendment proposed in the message is merely a way of presenting a facade of accountability. I agree with that suggestion.

It is important when people look at possible future governments that they realise that the coalition and the ALP are united in what is a feeble attempt at trying to put into place an accountability mechanism. This is particularly surprising in the case of the ALP, which has a leader who loves to talk about accountability but who seems to be somewhat weaker when it comes to pushing for those accountability mechanisms to be put into legislation.

The proposed amendment fails to deliver these mechanisms that many people in Western Australia are demanding because it leaves the minister with unfettered powers to make these appointments. The fact that the minister would be required to have regard to these guidelines rather than being obliged or compelled to follow them makes this proposed amendment very weak. It was put to me by officers from the ministry that this was substantially weaker than the Democrats' original position but at least it was something. However, it should not be in the statute because it serves no purpose. I am reasonably comfortable with the fact that the Government is making an effort with regard to board appointments, but to put this into the statute is weakening the statute overall. For that reason, the Democrats will not support this amendment.

Hon M.J. CRIDDLE: The Government is obviously strongly of the view that this amendment should be in place. It is a question of the responsibility for the boards being with the minister. As a minister, one soon learns one's responsibilities in making these decisions. One very quickly finds out, certainly with the appointment of boards, whether people have any indication that there might be some variation from what is a reasonable and open decision. The boards certainly do not need any sectional interests on them. We need to keep away from any form of sectional interests. Boards nowadays need to have responsibility for managing their financial arrangements in a very sensible way because we are giving them a lot more responsibility and they will have to carry out that responsibility in a very businesslike manner.

Another issue to be considered is consistency across government. When we appoint boards we need to adopt a consistent approach. This amendment continues that consistent approach through the guidelines that have been adopted by the Minister for Public Sector Management. I am strongly of the view that this amendment should be passed.

Hon NORM KELLY: I assure the Government that if it supports this Democrats' amendment, we will put the amendment up any time when legislation dealing with boards comes before this place. Mr Chairman, is it possible to put these amendments separately?

The CHAIRMAN: The motion was moved in this form. I do not see the point, unless the member is to move an amendment, to put them in three separate motions.

Hon NORM KELLY: My reason for asking is the desire to vote against the first amendment which I just spoke to.

The CHAIRMAN: We can put them individually in that case. The question is that the Legislative Assembly's substituted new amendments for Legislative Council amendment No 1 be agreed to.

Question put and a division taken with the following result -

*Ayes (22)*

Hon Kim Chance	Hon Max Evans	Hon Barry House	Hon B.M. Scott
Hon J.A. Cowdell	Hon Peter Foss	Hon Murray Montgomery	Hon Bob Thomas
Hon M.J. Criddle	Hon N.D. Griffiths	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon Cheryl Davenport	Hon John Halden	Hon Simon O'Brien	Hon Ken Travers
Hon Dexter Davies	Hon Ray Halligan	Hon Ljiljana Ravlich	Hon Muriel Patterson ( <i>Teller</i> )
Hon B.K. Donaldson	Hon Tom Helm		

*Noes (5)*

Hon Heln Hodgson	Hon Christine Sharp	Hon Giz Watson	Hon Norm Kelly
Hon J.A. Scott			( <i>Teller</i> )

**Question thus passed; the Assembly's substituted amendment agreed to.**

The CHAIRMAN: The question now is that the substituted amendments for the Council's amendments Nos 2 and 6 be agreed to.

**Question put and passed; the Assembly's substituted amendments agreed to.**

The CHAIRMAN: The question now is that the Council not insist on its amendments Nos 19 and 20.

**Question put and passed; the Council's amendments not insisted on.**

*Report*

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

**COURT SECURITY AND CUSTODIAL SERVICES BILL**

**COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL**

*Second Reading*

Resumed from 15 June.

**HON HELEN HODGSON** (North Metropolitan) [9.49 pm]: I was looking at some of the cultural issues in the Ministry of Justice. Following some of the issues that have come out of the various reports into the ministry over the past 12 months, particularly some of the issues raised in the recent Smith report, I have serious concerns about the ministry being able to take on any more functions than it has already.

It is quite clear that the Ministry of Justice has some systemic difficulties which could be a problem if it were given more custodial-type functions, such as those that these Bills intend to transfer from the police. Everybody on this side of the Chamber agrees that the prison system has an appalling record at the moment and, although steps are being taken by the minister to rectify this, there seems to be a blockage in achieving that change in the way prisons operate. Where do we go from here? In my comments on this last night, I was happy to agree that this is not one of the core functions of the Police Service in this State. I also said I had serious reservations about the privatisation of this function, particularly the custodial services function, because I believe that is a core function of the Government. The most logical department to take that over is the Ministry of Justice, but at the moment it is not capable of taking on another function because serious issues need to be addressed in the functions it already has.

What other options are available? This is where my reasoning differs from that of other members on this side of the House who have spoken in this debate. I next queried the extent to which the various functions in this legislation could be outsourced without the specific legislation before the House. It is a complex area which covers a number of Bills. The Court Security and Custodial Services (Consequential Provisions) Bill indicates that a number of different Acts are affected by the legislation, including the Bail Act, Police Act, Justices Act, Prisons Act, and Young Offenders Act. It is necessary to determine whether under those Acts these functions could be privatised, and the extent to which they could be privatised or outsourced, without the umbrella legislation before the House. What are the implications of doing that? The legislation

before us is an attempt to introduce a consistent system and to put some measures of accountability in place. Although those measures may not be sufficient, it is at least an attempt along those lines. In my deliberations I have had extensive discussions with one of my colleagues in South Australia, where a similar debate took place several years ago. They took the principled position of saying they did not believe in privatisation of prisons and voted against the legislation, but in that instance the Government was still able to outsource the functions that my colleagues hoped would be retained as core government functions. It was done through the backdoor by outsourcing and using existing provisions.

I would be extremely concerned if I made similar steps possible, and weakened the proposals to make the legislation consistent and accountable because of my concerns about the privatisation aspect. Having thought it through to that extent, I wondered what was needed in the justice system and custodial services arrangements. We need a complete overhaul, particularly of the way in which the Ministry of Justice operates. This is an opportunity to look at some of the overall provisions relating to accountability and scrutiny of the way in which justice is administered in this State, particularly the custodial services. If I were to outline the key elements of my ideal system, I would say that there must be much stronger accountability measures across the entire range of custodial services in this State. That includes any centre where an offender or suspected offender may be detained, and ranges from court lockups to prison lockups, juvenile facilities, women's facilities, remand centres and the means of transporting prisoners between centres and prisons. Under my ideal system these independent accountability measures would apply not only to areas outsourced or privatised, but also across the government sector; that is, those services delivered by the Ministry of Justice.

We have heard much in the past few days about the situation in the United States. Everybody acknowledges that the United States has gone further than many other countries in the privatisation of prisons, although I have heard that Australia has more privatised prisons. The whole culture of the United States prison system is different from that in Australia, and the week before last the *Four Corners* television program showed a film made by a prisoner about the way in which a privatised prison in the United States operates. Other countries have learnt from the initial forays into privatisation of custodial facilities. The British system has taken steps that could be considered for implementation in Western Australia.

The primary feature needed in the justice system is an independent inspectorate; that is, a statutory office, independent of the Ministry of Justice, that is not only empowered to ensure compliance by a private operator with a contract, but also is required to apply the same standards to the government operated prisons. We have heard of the need to change the culture in the government operated prisons, but nothing has been put forward to ensure the culture change occurs. A means of enforcement must be built into the system, and the establishment of an independent inspectorate is the only way to ensure accountability across the private system and the government custodial system.

Hon Derrick Tomlinson: Independent?

Hon HELEN HODGSON: It would be independent of everyone, including the Ministry of Justice, and would report to the Parliament.

Hon Derrick Tomlinson: What, an independent commission?

Hon HELEN HODGSON: Yes, in a sense.

Hon Bob Thomas: It would be staffed by public sector personnel.

Hon HELEN HODGSON: Staffing is one of the crucial issues because if the culture in the prison system is to change, staff in the new inspectorate must not bring with them those cultural habits and traditions. That must be addressed when establishing the inspectorate.

There is also a facility for the Ombudsman to handle complaints from prisoners, and that role would need to be strengthened. One of the issues I raised when I met with the Ombudsman recently to talk about questions arising under this legislation, related to last year's annual report indicating that many complaints by prisoners had been dismissed. That had nothing to do with the validity of the incidents that occurred, but rather the protocols and the types of incidents the Ombudsman can investigate. In the last sitting week of this House, I asked a question about the progress of an inquiry into the protocols between the Ombudsman's office and the Ministry of Justice, particularly in relation to trivial complaints. That needs to be looked at carefully. We must be aware that what may seem a trivial matter to us, to a prisoner can become the focal point of everything that is wrong in the system. Because there is so little in the prison, the matter of the disappearance of an item of property which may be of little intrinsic value in itself, such as an audio cassette player or just the tape which has very little dollar value, can in fact be a major issue to that prisoner and we must respect that. We therefore need to ensure that the Ombudsman's role is not only maintained but also strengthened and that protocols are implemented to ensure that these matters are dealt with.

Hon Peter Foss: It is also to ensure that you don't have to go down this road.

Hon HELEN HODGSON: There must be a mediation process within the prison system itself.

Hon Peter Foss: The idea is to recognise that there are some prisons elsewhere where a satisfactory resolution is in place and the Ombudsman is hardly ever called upon. That would be an ideal system where we can actually resolve those matters locally.

Hon HELEN HODGSON: Agreed. I raised that in a question the other week when I specifically asked about issues of mediation between prisoner and prisoner or prisoner and prison officer as well as between the Ministry of Justice and the Ombudsman's office. That type of mediation process is essential and it is essential to ensure that it in fact works.

Another couple of issues of which I am aware from the estimates committee hearings are that the Ministry of Justice is attempting to implement a personalised system to track the rehabilitation programs available to prisoners and to keep useful, timely records and to make those records available to the public. There have been innumerable instances in the past year when I have asked for statistics - for example, how many prisoners are on work release orders - and have been told that most statistics are simply not available because they must be manually compiled. I appreciate from the evidence that was given in the estimates committee that steps are under way to deal with this matter; however, it is vital that it be dealt with urgently and be given a high priority.

Basically, my conclusions are that in their current forms I cannot support the Bills because they have huge weaknesses. However, neither do I think the current system is right. Last week I took the step of writing to the minister outlining my concerns and going through the same thought processes that I have just gone through in my comments over the past few days. The response I received from the minister is encouraging because he acknowledged that we may be able to discuss and find resolutions to these matters. In fact that process is now under way - I am actually talking with the minister. I make it clear in this place that if the outcomes of those discussions are not satisfactory, the Australian Democrats will not support this legislation. However, I believe that by at least entering into discussions about how the overall system can be improved, we are actually doing what we have been elected to this place to do; that is, to look at ways in which the good of the community can be served by improving proposals that are brought to this place. That is in contrast with some of the comments made last night by my colleagues on this side of the House when their attitude was that if they cannot block the Bill at this stage, the Government can have exactly what it wants and wear the consequences of it. That process is counterproductive. I would far rather enter into discussions, talk about what may be achievable and if we cannot meet common ground, we will say that we cannot meet common ground and will not support these propositions. I prefer to keep the door open at this stage, to go ahead with meetings that have been planned between me, the minister and others and try to determine whether we can achieve an outcome which will improve the administration and delivery of the justice system in this State across the board in the government sector as well as in the areas where there is potential for matters to be outsourced and privatised. I reassure my colleagues that if that agreement cannot be reached, we will walk away from the table. However, in the meantime I have an obligation to explore those possibilities and for that reason at this stage I am not saying which way we will be voting when this question is put because -

Hon Ljiljanna Ravlich: Surprise! Keep us in suspense!

The PRESIDENT: Order!

Hon HELEN HODGSON: - I have yet to find out whether my requirements can be met.

Hon Derrick Tomlinson: That is an admirable approach to legislation.

Hon HELEN HODGSON: I am afraid Hon Ljiljanna Ravlich is right; members will be kept in suspense for another couple of days, or until we reach a point where I can determine whether we are able to reach a satisfactory conclusion to this matter.

Debate adjourned, on motion by Hon Peter Foss (Attorney General).

#### ADJOURNMENT OF THE HOUSE

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [9.57 pm]: I move -

That the House do now adjourn.

*Traffic Accident, Williamstown Road, Kalgoorlie - Adjournment Debate*

**HON TOM HELM** (Mining and Pastoral) [9.58 pm]: I promise not to keep the House for too long.

Several members interjected.

The PRESIDENT: Order, members! I need to listen to Hon Tom Helm because this is part of a continuing issue that I am keen to hear.

Hon TOM HELM: I note that the Minister for Mines is out of the House on urgent parliamentary business and I am sorry he is not here. However, I hope not to say anything controversial and obviously he will have the opportunity to respond if I do. Last night he mentioned that he was not to blame for a car accident that happened in Williamstown Road, Kalgoorlie on Monday night. I do not think I accused him of being responsible for that accident but if I did, I withdraw it. However, I made a point of saying that he said that he could not respond to a letter of Mr Hounslow who lives at 7 Williamstown Road - one of the houses that was virtually destroyed on Monday night - until he received legal advice. Mr Hounslow, members may remember, began writing to the minister on 17 December 1998 and the latest response from the minister on 31 May 1999 stated that he was unable to respond in detail because he was awaiting legal advice on the status of the house in which Mr Hounslow lives. I suggest to the minister that he could save a lot of time and taxpayers' money if he were to look at the Golden Mile Social Impact Study commissioned in 1991 and paid for by Kalgoorlie Consolidated Gold Mines - the KCGM group of companies. The study was conducted by a group called Mitchell McCotter who took advice from a legal firm called Corser and Corser. The document, prepared for the steering committee of the Golden Mile Social Impact Study, mentioned the word "squatters". The minister said that he wanted to find out the status of squatters. The matter of squatters is dealt with at some length in this report. Part of the report states -

Most of the original occupants of these houses commenced their occupation with some form of lease or did so in a manner that was generally accepted at the time.

It goes on to say -

Although squatters have no registrable title they do have legal rights. These rights accrue because of their possession of the land. In essence, they have rights to the land before all except the true owner. Because this land is Crown land it may be that the Crown can establish a better title, and prove itself the true owner. However, the squatter has rights against all other parties because "title goes with possession". Therefore the squatter has a right to exclude parties other than the Crown and has a right to make claims in trespass, nuisance and negligence against parties interfering with the use and enjoyment of the land. The squatter may also have the benefit of being protected by statute against suffering noise, dust and other forms of pollution under the Environmental Protection Act.

An argument could be mounted that the occupation of a squatter is a lawful title based on the presumption that title flows from possession. Further, it may be argued that the Crown's interest in land is as general overlord under the land tenure system inherited as part of the English Common Law and that a possessory title held by a squatter is consistent with the Crown's continuing rights.

It states also -

However, the Mining Act 1978 restricts mining within 100 metres of occupied land (and this may include occupation by a squatter) thereby circumventing this conflict. This restriction on mining will be discussed further in Section 4.

Section 4 states that -

Three major forms of residential land tenure occur in the study area, and these are discussed as follows. Some of this discussion is based on legal advice provided by Corser and Corser, Solicitors, the full text of which is produced at Appendix 2.

Appendix 2 contains an extract from section 20(5) of the Mining Act 1978, which states -

Notwithstanding that any Crown land to which this subsection refers may be marked out as or be included in a mining tenement, a mining tenement or Miner's Right does not entitle the holder thereof to prospect or fossick on, explore, or mine on or under, or otherwise interfere with, any Crown land that is - . . .

(c) situated within 100 metres of any land that is in actual occupation and on which a house or other substantial building is erected; . . .

without the written consent of the occupier, unless the warden in relation to any land other than land referred to in paragraph (c) by order otherwise directs, but nothing in this subsection prevents such a holder from passing and repassing over any Crown land that is situated within . . .

I raised this matter in the adjournment debate last night to ask the minister why he had not responded to the owners of these houses, who are still severely traumatised by the accident that occurred on Monday night. That accident was not the fault of the minister. I said in passing that we suspect that the reason that accident occurred is that the young lady who was driving the vehicle had worked an excessive number of hours, which is a complaint in the goldfields that is under investigation at this time. That is the reason we raised the matter. I did not say it was the minister's fault, and I know that he is as concerned as I am about the excessive hours that are being worked in the goldfields. However, what the minister is not concerned about is the breaches of the Mining Act that have been brought to his attention.

The Mining Act is quite clear that the people who live in these houses should not be affected by mining activity; they should not be placed in danger. They do suffer from excessive noise and dust. They also suffer from water that runs off that mining lease, floods over the roofs of their houses and is full of slime and other contaminants. Those are the living standards that they are experiencing at the moment. They also have these missiles called cars and trucks going past their houses - in fact, on Monday night, going through them - at a constant rate. These people are being severely traumatised. They are asking the minister to interpret the Mining Act and to take action to ensure that they no longer suffer those nuisances and injustices and are moved from those places of danger. This is not about whether these people should be there. The facts are clear. These people are there, and they have rights. That is the point we are trying to make. These people should be subject to no more inconvenience than any other person who lives in an industrial area. That is all I am asking the minister to ensure. He cannot duck and dive any more. I put on record now that Hon Mark Nevill, Hon Julian Grill and I are as one on this matter. It is not their job I am after; it is the minister's job that I want. I want to be in his seat.

*Answer to Question asked on behalf of Hon Christine Sharp - Adjournment Debate*

**HON J.A. SCOTT** (South Metropolitan) [10.04 pm]: I hope to draw to the attention of the Minister for Finance my concern about the answer that he gave to a question that I asked in this House today on behalf of my colleague Hon Christine Sharp. The answer to that question states -

I thank the member for some notice of this question. Providing the information in the time available is not possible and I request that the member place the question on notice.

Had I asked the minister to provide an answer which required the compilation of a pile of data, or perhaps a question about a new theory which disproved quantum mechanics, or something along that line, that would have been a reasonable answer. I was asking the minister to table a copy of a single letter. I believe that letter could have been taken from the files of the Department of Conservation and Land Management and an officer could have shaped it into a paper aeroplane and thrown

it in 2 000 or 3 000 throws up to Parliament House and it would have arrived here with two or three hours to spare! I do not understand how it can be difficult to provide information that is already on a piece of paper. It would have taken about three minutes to provide that information. I believe it is more the case that that piece of paper may have slightly incriminated the Executive Director of the Department of Conservation and Land Management. The question states -

With regard to the undertakings by the Executive Director of the Department of Conservation and Land Management, as noted in the ministerial conditions pursuant to the provisions of the Environmental Protection Act, on the Northern, Central and Southern Forest Region Management Plan set in 1988 that Beavis-Giblett block would not be logged for 15 years from 1988, I ask -

- (1) Can the minister please table this letter from Dr Shea outlining this undertaking?
- (2) If not, why not?

That letter should not take a long time to provide. In reality, what has happened is that even though that forest management plan said those blocks would not be logged for 15 years from 1988, such logging was undertaken. This would seem to me to be illegal, and I believe that is the reason that document has not been tabled in this House. The reason is not that it is difficult to photocopy a piece of paper and fax it to this place, or to go to a filing cabinet and take it out. This is a very poor answer, and it is dodging the issue.

*Comments about Principles in Politics - Adjournment Debate*

**HON JOHN HALDEN** (South Metropolitan) [10.09 pm]: I understand that I must constrain myself within the standing orders, but certain comments were made this evening, and it is time that I made some comments about principles in politics. I understand there is a belief in this place, which was echoed recently, that our duty is to compromise and find the best possible way to provide workable legislation. I agree with that on many occasions, and I have been criticised extensively for that belief, but I do not believe it is appropriate to be lectured when one says clearly in a debate in this place that there is a certain principle held by me and by my party, and that principle is to do exclusively with the role of the State and how it impacts upon the civil liberties of individuals. I made that statement very clearly both in and outside this place.

I do not believe it is appropriate then to question the veracity of that by saying that my duty and that of my party is to look at compromises worked out with the Attorney General, the Premier or any other member of the Government. We have an integrity very rarely experienced in this place, and maybe only occasionally, when we say this is the line. In this matter, this is the line. I am rarely angry or insulted by people questioning my integrity and that of my party when we lay it down clearly on the public record. It does not happen too often. When it does, I do not want a lecture on what my duty or that of my party is to be. We have said quite clearly what it is. If other members choose to look at legislation on the basis of finding how it may be more accountable, or how we may get more statistics, or how we may have greater regulation or more regulators, so be it. That is their choice, a choice others found in the Federal Parliament recently when they looked at the compromises they would reach in a taxation package.

The reality is that compromises can always turn around and burn people. Burnt or not, I and my party will stand on principle in this issue. I will not tolerate a lecture on standing on principle on the basis that that is not performing my job. My position in here is to detail the position of the Labor Party, and I endeavour to do that as openly and honestly as possible. In recent days I have done this very clearly. I will not negotiate with anyone on this issue, because that is the position of this party. We have offered a compromise to the Government, but within the limits of what we see we can do. It seems to me that there is a very clear responsibility in this place for all members to respect each other's views. I do not agree with the view of the Government's privatisation of a number of things, although I have some sympathy for some of them. Those opposite probably do not agree with my views about the necessity for control in certain areas, and I respect that. We will argue vigorously about that. However, none of that is a dereliction of our responsibility in this place. We may grapple hard, fight, argue and divide repeatedly, but members are not abrogating their responsibilities in doing that. Members are attempting, rightly or wrongly, to present the views that they have garnered from the community.

Members who want to give me or my party lectures about our moral obligations as members of this place in regard to any piece of legislation - it does not matter what it is - had better think again, because they will get a few more of these comments from me. Irrespective of where I sit, I will not have pointed lectures directed at this party about its stance in these matters, when it is totally unjustified. If members want to negotiate - it does not matter whether they be the Attorney General or the Premier - about whatever, they are perfectly and legitimately able to do that, and can so do without my criticism. That is the business we are in. In doing so, they should not try to justify their position on the basis that I and my party have been derelict in our duty in any way. This may not help the passage of the legislation, or our perception of it, but I will not tolerate these comments being made in this place. I am quite sure that after this speech I will have a quiet chat with those involved and we will all forget about it in two seconds flat. For the sake of the public record, I want it understood clearly that we all have our jobs to do and we all do them differently and respectfully, depending on the circumstances. However, I will not accept any lecture about the morality of that on my part or that of the Australian Labor Party.

*Houtman Abrolhos - Adjournment Debate*

**HON GIZ WATSON** (North Metropolitan) [10.15 pm]: I seek to add some comments to remarks made in the earlier debate relating to the Houtman Abrolhos. The response from those on the other side of the House was that what I said was nonsense. I chose not to go into depth in the comments I made about ministerial interference in the operation of the Abrolhos Islands; however, at this point I wish to put some of those matters on the record. In that debate I felt there was more detail than necessary on that specific issue.

*Point of Order*

Hon BARRY HOUSE: A standing order relates to reflection on a decision of the House. The member appears to be going very close to offending that standing order.

The PRESIDENT: Order! I understand the point of order raised by the member. I was just waiting for the matter to develop. I agree with Hon Barry House. I remind the member that a standing order prevents a member reflecting on a vote of the House. If the member were to do that, she would be out of bounds. If, however, she is raising an issue in clarification - I do not know her intention at this stage - she may be within the standing orders. If she proceeds with caution, perhaps I can find out what the matter is all about. Hon Barry House is quite right in his point of order.

*Debate Resumed*

Hon GIZ WATSON: I am not seeking to comment on the decision in that debate; I am merely seeking to add to some information that formed part of the earlier debate on the disallowance motion. I alluded to the fact that the Minister for Fisheries had interfered with the operation of the Abrolhos Islands Management Advisory Committee. I will quote from an article in *The Greener Times* of February 1999, the newsletter of the Conservation Council of Western Australia, which had a member on that committee. It states -

The Conservation Council is deeply concerned that the Minister and the Fisheries Department have actively and undemocratically interfered in the process of plan development and public consultation. The result of this political interference is a management plan which ignores public concerns for the Abrolhos Islands and sensible frameworks for proper conservation and management so desperately needed to preserve the cultural and natural values of the area.

The article goes on to state -

The Abrolhos Islands Management Advisory Committee . . . which had been created by the Minister to develop the plan, has been subjected to intense pressure from the Minister and the Fisheries Department to achieve the preferred, but biased departmental outcomes.

In contrast to his public position the Minister privately instructed AIMAC *not to consider* certain management options, particularly declaration of marine and terrestrial reserves and integrated tenure with other Departments, including those options consistent with past recommendations on best management of the area.

This instruction

- . contradicted the Minister's own terms of reference for AIMAC;
- . was inconsistent with his public commitments that all management options would be considered;
- . conflicts with previous reports to government on managing the Abrolhos;
- . conflicts with strategies originally included in the Draft plan by AIMAC to enable consideration of such options.

In my opinion that is a very clear indication of how the Minister for Fisheries has been applying undue political influence to the management of the Abrolhos Islands.

The PRESIDENT: Order! Now the member is reflecting on the vote of the House. These issues were raised during the debate; whether that specific issue was raised, I do not know. The House had an opportunity to debate the substantive issues surrounding the motion. The House having considered everything that was said, then voted in a particular way. The member is seeking to add something after the event to say that notwithstanding the vote, the minister was apparently doing something she does not approve of. She is reopening the debate. She cannot draw the minister back in. Until that point she appeared to be providing the House with some information but she then has dragged the minister in when the whole debate was about what the minister did or did not do in respect of this issue.

Hon GIZ WATSON: I appreciate your guidance on that, Mr President. I had almost finished and I conclude my remarks at this point.

The PRESIDENT: It is not my job to prevent members from speaking but there are right and wrong times for members to speak. Hon Giz Watson would have been able to raise the issues she mentioned during the debate.

*Answer to Question asked on behalf of Hon Christine Sharp - Adjournment Debate*

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [ 10.21 pm]: Hon Jim Scott gave his reasons for questions not being answered in this place. I will find out the reason for that and communicate those reasons to him inside or outside the House. I did not appreciate some of his accusations. I am interested in the exact reasons for those questions not being answered. I will take up that issue with the minister as I will Hon Tom Helm's remarks. I will ensure those messages are conveyed to those ministers.

Question put and passed.

*House adjourned at 10.22 pm*



# QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

## MINISTRY OF PREMIER AND CABINET

### *Budget Allocation for Programs*

80. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

In reference to the 1998/99 Budget, page 938, Department of Premier and Cabinet - Output 1 Support for the Premier as Head of Government, will the Premier provide detailed breakdown information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000?

Hon N.F. MOORE replied:

- (a) In July 1996, Cabinet approved the implementation of Output Based Management to replace Program Management. Accordingly budget information is now provided on the basis of outputs and outcomes instead of programs and sub-programs.
- (b) (i) Total budget allocation and projected allocation for each program and sub-program for 1997/98 are detailed in the 1997/98 Budget Statements;
- (ii)-(iii) Total budget allocation and projected allocation for 1998/99 and 1999/2000 have been prepared from information maintained in accordance with Output Based Management and provided on the basis of outputs and outcomes rather than programs and sub-programs. This information is disclosed in the 1998/99 Budget Papers.
- (c) (i) [See paper No 1133.]
- (ii) & (iii) Information relating to FTEs is no longer maintained in program and sub-program format.
- (d) (i) [See paper No 1133.]
- (ii) & (iii) Information relating to FTEs is no longer maintained in program and sub-program format.
- (e) (i) [See paper No 1133.]
- (ii)-(iii) Information on budget allocation is no longer maintained in program and sub-program format.

## MINISTRY OF PREMIER AND CABINET

### *Budget Allocation for Programs*

81. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

In reference to the 1998/99 Budget, page 939, Department of Premier and Cabinet - Output 2 Management of matters of State, will the Premier provide detailed breakdown of information on -

- (a) programs and sub-programs;

- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000?

Hon N.F. MOORE replied:

Please refer to the answer given in reply to question on notice 80 of 12/8/98.

#### MINISTRY OF PREMIER AND CABINET

##### *Budget Allocation for Programs*

82. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

In reference to the 1998/99 Budget, page 941, Department of Premier and Cabinet - Output 3 Support for the Premier as Minister for Public Sector Management, will the Premier provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000?

Hon N.F. MOORE replied:

Please refer to the answer given in reply to question on notice 80 of 12/8/98.

#### MINISTRY OF PREMIER AND CABINET

##### *Budget Allocation for Programs*

83. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

In reference to the 1998/99 Budget, page 943, Department of Premier and Cabinet - Output 4 Policy development, coordination and advice, will the Premier provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
  - (i) 1997/98;

- (ii) 1998/99; and
- (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000?

Hon N.F. MOORE replied:

Please refer to the answer given in reply to question on notice 80 of 12/8/98.

#### MINISTRY OF PREMIER AND CABINET

##### *Budget Allocation for Programs*

84. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

In reference to the 1998/99 Budget, page 944, Department of Premier and Cabinet - Output 5 Redeployees, will the Premier provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000?

Hon N.F. MOORE replied:

Please refer to the answer given in reply to question on notice 80 of 12/8/98.

#### MINISTRY OF PREMIER AND CABINET

##### *Budget Allocation for Programs*

85. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

In reference to the 1998/99 Budget, page 945, Department of Premier and Cabinet - Output 6 Royal and Other Commissions of Inquiry, will the Premier provide detailed breakdown of information on -

- (a) programs and sub-programs;
- (b) total budget allocation and projected allocation for each program and sub-program for the following years -
  - (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;

- (c) total number of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (d) total value of permanent and non permanent FTE's for each program and sub-program for the following years -
- (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000;
- (e) total budget allocation and projected allocation for each program and sub-program (excluding FTE's) for the following years -
- (i) 1997/98;
  - (ii) 1998/99; and
  - (iii) 1999/2000?

Hon N.F. MOORE replied:

Please refer to the answer given in reply to question on notice 80 of 12/8/98.

#### GOVERNMENT ADVERTISING CONTRACTS

872. Hon KEN TRAVERS to the Leader of the House representing the Government:

- (1) How many contracts and consultative work have been awarded to -
- (a) MPS Advertising;
  - (b) Peter Bevan Advertising;
  - (c) Top Shelf Media Services;
  - (d) Tradewinds Advertising;
  - (e) Blackcat Advertising;
  - (f) Dessein Graphics;
  - (g) Stratagem Advertising;
  - (h) Adlink; and
  - (i) The Brand Agency, in the following periods -
- (i) July 1, 1996 to June 30, 1997;
  - (ii) July 1, 1997 to June 30, 1998;
  - (iii) July 1, 1998 to December 11, 1998?
- (2) For each contract and/or consultancy, can the Minister state -
- (a) the cost;
  - (b) the date awarded;
  - (c) the services provided; and
  - (d) whether tenders were called, and if yes, how many companies tendered?

The answer was tabled. [See paper No 1132.]

#### WESTRAIL, OFFER TO BUY FREIGHT COMPONENT

959. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Did a private investor approach the Government with an offer to buy Westrail Freight?
- (2) If yes, when did the private investor approach the Government?
- (3) Who is the private investor?
- (4) Can the Minister assure the House that the investor is not an overseas corporation?

Hon M.J. CRIDDLE replied:

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

#### RURAL RAIL SERVICES, DOWNGRADING

960. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Has an assessment study been carried out on the economic cost of withdrawal of rail services to different regions in Western Australia, should a new owner decide the rail service in those areas is financially unviable and downgrades or abandons the services?
- (2) If not, why not?
- (3) Has an assessment study been carried out on the economic cost of higher road construction and maintenance standards due to heavy pavement damage caused by more intense use of heavy road vehicles, should rail services in rural areas be downgraded or abandoned?

- (4) If yes, what were the results of these studies?
- (5) What costs are involved in buying back the other parts of the railways from the current owners of them for the new owner or for the proposed owner?

Hon M.J. CRIDDLE replied:

- (1)-(2) It is the Government's intention that Westrail's freight business will be sold to a substantial, customer-focussed, innovative and investment-orientated rail operator, which would invest in and expand the business. The rail network is a dynamic system which will change in response to the needs of its customers. However, if a particular service becomes non viable in the future and the operator wishes to downgrade or discontinue it, it is intended that there will be a mechanism to consider the implications of discontinuation. This will include an assessment of the broader economic costs to the region concerned, and options will be available to the Government to intervene in an appropriate manner in the public interest. Clearly, such situations must be dealt with on a case by case basis and it would be wasteful and unnecessary to conduct a generalised study of a hypothetical situation.
- (3) No, for the same reasons as detailed in the previous answer. It is the Government's expectation that, as has happened elsewhere (eg New Zealand, UK, Tasmania, South Australia), an efficient private operator will attract traffic from road to rail.
- (4) Not applicable.
- (5) It is unclear what "other parts of the railways" the Honourable member is referring to. There is no intention of including any part of the railway network not currently owned and operated by Westrail.

#### WESTRAIL, SALE OF FREIGHT COMPONENT

961. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Can the Minister provide evidence that the Government can demonstrate a net public benefit from the sale of Westrail Freight as required by the Competition Principles Agreement?
- (2) If yes, will the Minister table this evidence?

Hon M.J. CRIDDLE replied:

- (1) The Competition Principles Agreement does not require any government to demonstrate a net public benefit from the sale of a government business enterprise such as Westrail's freight business. In fact, Clause 1(5) of that Agreement states "This Agreement is neutral with respect to the nature and form of ownership of business enterprises. It is not intended to promote public or private ownership."
- (2) Not applicable.

#### WESTRAIL, SALE OF FREIGHT COMPONENT

962. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Has a cost benefit analysis been carried out on the proposed sale of Westrail Freight?
- (2) If yes, would the Minister advise the results?
- (3) What were the identified inherent risks?

Hon M.J. CRIDDLE replied:

- (1) The relative implications of retaining versus selling Westrail's freight business have been extensively analysed and considered.
- (2)-(3) The Government has summarised these implications in a public information booklet that has been distributed at the recent series of public forums and I would be happy to make it available to the Honourable Member.

#### BAULDERSTONE HORNIBROOK ENGINEERING, GREAT EASTERN HIGHWAY CONTRACT

1078. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Baulderstone Hornibrook Engineering worth approximately \$9.2m to construct and widen intersection of Gt Eastern Hwy and Orrong Road, can the minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirement of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the minister table the outcomes?

- (6) Was the performance of this contract evaluated?
- (7) Will the minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Main Roads manages risk in contracts by undertaking pre-construction investigations, requiring contractors to provide appropriate indemnities and insurances and developing various project specific plans for traffic management, environmental management, safety and quality. Risk monitoring of contract performance and contractual obligations is undertaken by the Contract Superintendent and on-site supervision staff and through the contractor's quality systems.

Contract and Management Services' risk management policy is outlined in a guide document that was released in September 1998, that is after the award date of this contract. Main Roads is currently enhancing its risk management processes to reflect the CAMS guidelines which, where appropriate, includes calculation of a risk rating.

#### MAIN ROADS WA, CONTRACTS

1079. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Moltoni Corporation worth approximately \$73 880 for demolition of Western Power Building, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1080. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Evans and Peck Management worth approximately \$201 000 for project contract management services for contracts 19/95 and 404/95, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1081. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the Boulderstone Clough Joint Venture worth approximately \$203.8m to design and construct Mitchell Freeway to East Parade, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?

- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1082. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Moltoni Corporation worth approximately \$141 600 for demolition Block A and part Block B, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1083. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question without notice 903 in relation to the Main Roads contract with the firm BGC worth approximately \$5.63m for road maintenance contracts to September 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1084. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 31 in relation to the Main Roads contract with the firm Boral Ltd worth approximately -

- (a) \$10.4m - contract 118/95 for maintenance in Pilbara and MidWest Regions;
- (b) \$1.7m - contract 414/95 for road construction, National Park Section of Port Gregory to Kalbarri Road;
- (c) \$449,500 - contract 520/95 for construction of surcharge embankment for eastern approach to Burswood Bridge; can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1085. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 31 in relation to the Main Roads contracts with the firm Highway Construction Pty Ltd worth approximately -

- (a) \$12.5m - contract 671/95 for road construction on Burkett Road;
- (b) \$8.4m - contract 582/95 for road construction on sections of Gt Eastern Highway, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carrying out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1086. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1693 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Highway Construction Pty Ltd worth approximately -

- (a) \$9.5m original tender; and
- (b) \$14.9m actual,

for Reid Highway construction from Mirrabooka Avenue to Wanneroo Road, contract 118/92, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carrying out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.



## MAIN ROADS WA, CONTRACTS

1087. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 286 of 1996 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Monadelphous Group of Companies worth approximately \$4.1m plus \$1m subsequent or remedial works for upgrade Eyre Highway near Norseman, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carrying out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1092. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Evans and Peck Management worth approximately \$339 025 for provision of management service for contract, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1093. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Moltoni Corporation worth approximately \$141 600 for contract number 452/95 to be completed on July 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1094. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Boral Contracting worth approximately \$449 549 for construction of surcharge embankment - Burswood Bridge, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1095. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Evans and Peck Management worth approximately \$176 420 for provision of service and contract management support, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1096. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Vic Park Salvage worth approximately \$48 900 for contract number 576/95 to be completed in August 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1097. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Linkpin Construction worth approximately \$53 074 for renovation of Blocks B and C, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

(1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1098. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Connell Wagner (WA) Pty Ltd worth approximately \$129 100 for the provision of consultancy services Loftus Street duplication, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

(1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1099. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm PB & KA Brajkovich worth approximately \$90 000 and \$37 000 for contract number 72/96 and 192/96 to be completed in November 1996 and July 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

(1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1100. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Woodward Clyde Pty Ltd worth approximately \$47 250 for contract number 275/96 to be completed in November 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1101. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Town and Country Demolition worth approximately \$45 600 for contract number 299/96 to be completed in March 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1102. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Moltoni Corporation worth approximately \$46 880 for contract number 359/96 to be completed in January 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1103. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Moltoni Corporation worth approximately \$73 880 for contract number 462/96 to be completed in March 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1104. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Raptor Demolition worth approximately \$105 800 for contract number 463/96 to be completed in April 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1105. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Shelton Partners worth approximately \$61 243 for contract number 503/96 to be completed in April 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Contract and Management Services' risk management policy is outlined in a guide document that was released in September 1998, that is after the award date of this contract. This contract was for the provision of a temporary clerical assistant. Risk monitoring specific to this contract was not considered necessary.

## MAIN ROADS WA, CONTRACTS

1106. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm PB & KA Brajkovich worth approximately \$54 000 for contract number 593/96 to be completed in May 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1107. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Moltoni Corporation worth approximately \$95 388 for contract number 711/96 to be completed in June 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1108. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Landscape Development worth approximately \$349 743 for contract number 936/96 to be completed in October 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1109. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm PB & KA Brajkovich worth approximately \$62 000 for contract number 908/96 to be completed in October 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1110. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm OVE Arup and Partners worth approximately \$31 805 for contract number 167/95 to be completed in May 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1111. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Vic Park Salvage worth approximately \$3 340 for contract number 202/95 to be completed in November 1995, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1112. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Vinsan Contracting worth approximately \$10 750 for contract number 293/95 to be completed in February 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1113. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Town and Country Demolition worth approximately \$10 700 for contract number 391/95 to be completed in February 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1114. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Drake Personnel Ltd worth approximately \$32 400 for contract number 481/95 to be completed in February 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Contract and Management Services' risk management policy is outlined in a guide document that was released in



September 1998, that is after the award date of this contract. This contract was for the provision of temporary reception services. Risk monitoring specific to this contract was not considered necessary.

#### MAIN ROADS WA, CONTRACTS

1115. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm CMPS & F worth approximately \$5 835 for contract number 482/95 to be completed in March 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1116. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Arthur Andersen worth approximately \$34 000 for contract number 595/95 to be completed in February 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1117. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Deloitte Touche Tohmatsu worth approximately \$43 950 for contract number 596/95 to be completed in March 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1118. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm The Colour Copy Centre worth approximately \$4 300 for contract number 597/95 to be completed in August 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Contract and Management Services' risk management policy is outlined in a guide document that was released in September 1998, that is after the award date of this contract. This contract was for the provision of printing and photocopying services. Risk monitoring specific to this contract was not considered necessary.

## MAIN ROADS WA, CONTRACTS

1119. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Woodward Clyde worth approximately \$7 086 for contract number 223/96 to be completed in October 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1120. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Linkpin Construction worth approximately \$17 954 for contract number 314/96 to be completed in May 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1121. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm PDC Wilson, Sons and Assoc worth approximately \$16 990 for contract number 331/96 to be completed in January 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1122. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Town and Country Demolition worth approximately \$6 800 for contract number 358/96 to be completed in February 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1123. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Town and Country Demolition worth approximately \$7 900 for contract number 431/96 to be completed in March 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1124. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm PDC Wilson, Sons and Assoc worth approximately \$ 28 342 for contract number 464/96 to be completed in April 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1125. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm PB & KA Brajkovich worth approximately \$12 200 for contract number 526/96 to be completed in April 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1126. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Town and Country Demolition worth approximately \$21 950 for contract number 712/96 to be completed in May 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1127. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Evans and Peck Management worth approximately \$23 000 for contract number 730/96 to be completed in January 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1128. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Evans and Peck Management worth approximately \$6 500 for contract number 733/96 to be completed in July 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

MAIN ROADS WA, CONTRACTS

1129. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Bureau Veritas Quality International worth approximately \$37 900 for contract number 820/96 to be completed in October 1996, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1130. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Sinclair Knight Mertz worth approximately \$8 420 for contract number 840/96 to be completed in June 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1131. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm Coopers and Lybrand worth approximately \$24 500 for contract number 985/96 to be completed in September 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

## MAIN ROADS WA, CONTRACTS

1132. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads contract with the firm White and Associates worth approximately \$1 750 for contract number 51/97 to be completed in November 1997, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so, will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Contract and Management Services' risk management policy is outlined in a guide document that was released in

September 1998, that is after the award date of this contract. This contract was for the provision of services to manage the proposed sale of a liquor licence. Risk monitoring specific to this contract was not considered necessary.

#### GOVERNMENT CONTRACTS, ROADS

1136. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 31 in relation to the Transport Department's contract with the firm Highway Construction Pty Ltd worth approximately -

- (a) \$12.5m - contract 671/95 for road construction on Burkett Road;
  - (b) \$8.4m - contract 582/95 for road construction on sections of Gt Eastern Highway,
- can the Minister advise-

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1147. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads' contract with firm Boulderstone Clough Joint Venture worth approximately \$203.8m to design and construct Mitchell Freeway to East Parade, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### MAIN ROADS WA, CONTRACTS

1148. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Main Roads' contract with the Transfield Theiss Joint Venture worth approximately \$59.3m for design and construction of East Parade to Gt Eastern Highway, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?

- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1)-(7) Refer to Legislative Council Question on Notice 1078.

#### GOVERNMENT CONTRACTS, METROBUS

1149. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 2523 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm Bedford Cleaning Services for washing and steam cleaning of Metrobus operated buses, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a MetroBus contract. The Contract and Management Services Risk Management Policy was released in September 1998 and therefore was not applicable at the time MetroBus tendered the work.
- (2) There was no requirement to quantify a risk rating for this project.
- (3) There was no requirement to prepare a formal Risk Management Plan for this project.
- (4) Risk monitoring was carried out by MetroBus as part of the normal contract management processes.
- (5) There were no major contract performance issues relative to this contract.
- (6) The performance of this contract was evaluated by MetroBus as part of normal contract management processes. There were no major contract performance issues relative to this contract.
- (7) No formal contract performance review was conducted by MetroBus for this contract.

#### GOVERNMENT CONTRACTS, METROBUS

1150. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 2535 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm N & M Cleaning for washing and steam cleaning of MetroBus operated buses, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a MetroBus contract. The Contract and Management Services Risk Management Policy was released in September 1998 and therefore was not applicable at the time MetroBus tendered the work.
- (2) There was no requirement to quantify a risk rating for this project.
- (3) There was no requirement to prepare a formal Risk Management Plan for this project.



- (4) Risk monitoring was carried out by MetroBus as part of the normal contract management processes.
- (5) There were no known contract performance issues relative to this contract.
- (6) The performance of this contract was evaluated by MetroBus as part of normal contract management processes. There were no known contract performance issues relative to this contract.
- (7) No formal contract performance review was conducted by MetroBus for this contract.

## GOVERNMENT CONTRACTS, WESTRAIL

1158. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1820 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm John Holland Construction and Engineering Pty Ltd worth approximately \$25m over five years for Capital works for Westrail, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a Westrail contract. The Contract and Management Services Risk Management Policy did not exist at the time the contract was entered into.
- (2) A formal risk rating was not applied to the contract.
- (3) Not applicable.
- (4) Risks associated with the contract are being monitored as part of normal management practice and there is no formal outcome of that process.
- (5) Not applicable.
- (6) Performance of the contract is being monitored as part of normal contract management practice.
- (7) No. The information is commercially sensitive and its public release may affect the contractor's ability to compete in future tendering situations.

## GOVERNMENT CONTRACTS, OLD PERTH PORT PROJECT

1160. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 831 of 1994 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm Barrack Square Ltd worth approximately \$2.2m for development of the Old Perth Port project, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) No. Transport's relationship with Barrack Square Ltd was that of lessor/lessee, not that of a contractor. Barrack Square Ltd leased the site from Transport, then undertook the Old Perth Port project themselves via their own contractor, John Holland Construction and Engineering Pty Ltd. It might be noted that Contract and Management Services Risk Management Policy was only established in September 1998.
- (2)-(7) Not applicable.

## GOVERNMENT CONTRACTS, FREMANTLE PORT AUTHORITY MAINTENANCE DAY LABOUR

1162. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 390 of 1995 in relation to the Transport Department's contract with the firm Kiam Corporation Pty Ltd worth approximately \$1.08m for provision of maintenance day labour at Fremantle Port Authority buildings, wharves, facilities and services, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

The answer provided to Question on Notice 390 of 1995 applied to the Fremantle Port Authority and not the Department of Transport.

- (1) No, policy did not exist during the life of this contract - July 1993 to July 1995.
- (2)-(7) Not applicable.

The Fremantle Port Authority monitored the performance of Kiam in accordance with agreed contract conditions.

## GOVERNMENT CONTRACTS, RAILWAYS

1163. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 759 of 1995 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm Barclay Mowlem Construction Pty Ltd and John Holland Construction worth approximately \$5.7m for lowering the railway line under bridges between Forrestfield and Kalgoorlie, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a Westrail contract. The Contract and Management Services Risk Management Policy did not exist at the time the contract was entered into.
- (2) A formal risk rating was not applied to the contract.
- (3) Not applicable.
- (4) Risks associated with the contract were monitored as part of normal management practice. A formal outcome of the process was not recorded.
- (5) Not applicable.
- (6) Performance of the contract was monitored as part of normal contract management practice. A formal outcome of the performance was not recorded.
- (7) Not applicable.

## GOVERNMENT CONTRACTS, WESTRAIL

1166. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 42 of 1996 in relation to the Transport Department's contract with the firm

Mayne Nickless Limited trading as MSS Security worth approximately \$11.3m over three years for Westrail security and customer services, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a Westrail contract. The Contract and Management Services Risk Management Policy did not exist at the time the contract was entered into.
- (2) A formal risk rating was not applied to the contract.
- (3) Not applicable.
- (4) Risks associated with the contract are being monitored as part of normal management practice and there is no formal outcome of that process.
- (5) Not applicable.
- (6) Performance of the contract is being monitored as part of normal contract management practice.
- (7) No. The information is commercially sensitive and is not available for public release.

#### GOVERNMENT CONTRACTS, SCANIA AUSTRALIA PTY LTD

1167. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 81 of 1996 in relation to the Transport Department's contract with the firm Scania Australia Pty Ltd worth approximately \$6.8m for supply of 16 low floor midi-buses, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The Contract and Management Services Risk Management Policy was released in September 1998 and therefore was not applicable at the time of tender. The risk associated with this contract was addressed in accordance with the State Supply Commission's Procurement Planning Supply Policy.
- (2) There was no requirement to quantify a risk rating for this project.
- (3) There was no requirement to prepare a formal Risk Management Plan for this project.
- (4) Risk monitoring is carried out as part of the normal contract management processes.
- (5) A number of contract performance issues have been identified and these are currently being addressed as part of normal contract management processes. These mainly relate to structural issues. Agreement has been reached with the contractor for these matters to be rectified.
- (6) The performance of this contract is being evaluated as part of normal contract management processes. The Contractor has performed to agreed standards. Where issues have arisen, these have been managed and appropriate solutions determined. A contract performance review will be conducted at the conclusion of the contract's warranty period.
- (7) The contract performance review will be made available at the conclusion of the contract's warranty period.

## GOVERNMENT CONTRACTS, TRANSPORT DEPARTMENT

1168. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 82 of 1996 in relation to the Transport Department's contract with the firm A Goninan and Co Ltd worth approximately \$1.05m for contract 18677 for the conversion of WFDF class wagons for the transportation of sulphuric acid, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a Westrail contract. The Contract and Management Services Risk Management Policy did not exist at the time the contract was entered into.
- (2) A formal risk rating was not applied to the contract.
- (3) Not applicable.
- (4) Risks associated with the contract were monitored as part of normal management practice. A formal outcome of the process was not recorded.
- (5) Not applicable.
- (6) Performance of the contract was monitored as part of normal contract management practice. A formal outcome of the performance was not recorded.
- (7) Not applicable.

## GOVERNMENT CONTRACTS, TRANSPORT DEPARTMENT

1169. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 90 of 1996 in relation to the Transport Department's contract with the firm A. Goninan and Co Ltd worth approximately \$1m for repairs to locomotives P2001 and P2014, can the Minister advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

- (1) The contract was not a Transport Department contract, it was a Westrail contract. The Contract and Management Services Risk Management Policy did not exist at the time the contract was entered into.
- (2) A formal risk rating was not applied to the contract.
- (3) Not applicable.
- (4) Risks associated with the contract were monitored as part of normal management practice. A formal outcome of the process was not recorded.
- (5) Not applicable.
- (6) Performance of the contract was monitored as part of normal contract management practice. A formal outcome of the performance was not recorded.
- (7) Not applicable.

## BUSSELTON AIRPORT RUNWAY ALIGNMENT

1177. Hon BOB THOMAS to the Minister for Transport:

- (1) What is the directional alignment of the Busselton airport runway?
- (2) Given the prevailing winds in the area, what is the most appropriate alignment of the runway?
- (3) Further to (2) above, why was the runway constructed in a different direction to the most appropriate alignment?

Hon M.J. CRIDDLE replied:

- (1) 03/21 or 30° to the north/east of a north/south alignment.
- (2) An alignment close to north/south would have been preferable.
- (3) The runway alignment was skewed to the north east to avoid the wetlands to the north of the Busselton Airport. The wetlands attract large birds such as ibis and pelicans, which could be a potential danger to low flying aircraft.

## WESTRAIL, MAINTENANCE EXPENDITURE

1187. Hon J.A. SCOTT to the Minister for Transport:

- (1) How much money has been spent on railway line maintenance and track upgrading by Westrail for each financial year from 1993?
- (2) What number of people have been directly engaged in rail line monitoring and maintenance for each year from 1993?

Hon M.J. CRIDDLE replied:

(1)

	1992/93 \$K	1993/94 \$K	1994/95 \$K	1995/96 \$K	1996/97 \$K	1997/98 \$K
<b>Operating</b>	46 731	59 479	56 973	48 245	43 695	40 384
<b>Capital</b>	108 728	76 105	56 257	41 483	59 124	85 596
<b>Total</b>	155 459	135 584	113 230	89 728	102 819	125 980

- (2) I presume the Hon Member is referring to both contractors' staff and Westrail staff, employed on the maintenance of the railway track and associated infrastructure and the following answer is provided on that basis.

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98
FTE's	645	631	615	439	370	339

## CONSULTANTS, KELLET CHARLES &amp; ASSOCIATES

1195. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) For which Government departments and agencies have Kellet Charles & Associates been engaged as leasing consultants?
- (2) For what period of time has this company been engaged in this capacity by each of these departments and agencies?
- (3) What total funds were paid to Kellet Charles & Associates by each of these departments and agencies in -
  - (a) 1996/97; and
  - (b) 1997/98?
- (4) What other leasing consultants are currently engaged by any State Government department or agency?
- (5) What total funds were paid to any other leasing consultants by departments or agencies in -
  - (a) 1996/97; and
  - (b) 1997/98?
- (6) Did the Government follow the tendering process when appointing these leasing consultants?
- (7) If so, when was each tender let?

Hon N.F. MOORE replied:

- (1) The Commercial Property Branch within Treasury (formerly part of the Government Property Office) manages a

panel contract of leasing consultants who provide lease negotiation services to government departments and agencies. Under the provisions of the existing panel contract (CAMS Contract No. RFT 341/97) the following agencies have engaged Charles Kellett and Associates to undertake lease negotiations on their behalf:

Aboriginal Affairs  
Agriculture  
Conservation and Land Management  
Environmental Protection  
Minerals and Energy  
Productivity and Labour Relations  
Disability Services Commission  
Education  
Western Australian Electoral Commission  
Family and Children's Services  
Fisheries  
Health  
Keep Australia Beautiful Council  
Justice  
Sport and Recreation  
Premier and Cabinet  
Office of Energy  
Office of Citizenship and Multicultural Interests  
Planning  
Police Service  
State Revenue  
Transport  
Treasury  
Next Step Specialist Drug and Alcohol Services  
Western Australian Department of Training  
Western Australian Tourism Commission

- (2) Charles Kellett and Associates were engaged by the Government Property Office (GPO) to undertake lease negotiation work on behalf of government departments and agencies under the following contracts:

Contract No.	Period	
	From	To
CAMS Contract No. RFT 341/97	1 July 1997	still current
CAMS Contract No. 128A/1996	20 May 1996	30 June 1997
CAMS Contract No. 422A/1995	10 April 1995	19 May 1996
GPO Contract for Services	22 August 1994	9 April 1995

- (3) The total funds paid to Charles Kellett & Associates by each of the departments and agencies are as follows:

(a)	1996/97:	\$101,089.00
(b)	1997/98:	\$215,392.00*

\* The increase in fees in 1997/98 reflects that fact that Charles Kellett & Associates employed a number of consultants in that year.

- (4) Other firms included on the current CAMS panel contract (No. RFT 341/97) include:

Propertysolve Pty Ltd  
Hurn Corporate Advisory  
Metway Property Consultants  
Perth Property Net  
Stanton Hillier Parker  
Swale Hynes Consulting

- (5) The total funds paid to leasing consultants by departments and agencies are as follows:

(a) 1996/97 (under CAMS Contract No. 128A/1996):	
Conridge Pty Ltd	\$71,240
Hurn Corporate Advisory Pty Ltd	\$122,693
Nicholas Masters & Associates	\$9,934
John P Sheridan	\$84,492
Digby Swale & Associates	\$32,937
(b) 1997/98 (under CAMS Contract No. RFT 341/97):	
Propertysolve Pty Ltd	\$131,355
Hurn Corporate Advisory Pty Ltd	\$237,981
Metway Property Consultants	\$14,005
Perth Property Net	\$64,840
Stanton Hillier Parker	\$0
Swale Hynes Consulting	\$75,674

- (6) Yes.

- (7) CAMS Contract No. 128A/1996 was let on the 20 May 1996 for an initial period of 12 months and was subsequently extended to the 30 June 1997. CAMS Contract No. RFT 341/97 was let on the 1 July 1997 for a 12 month period with a 12 month option to extend which has been exercised. This contract is due to expire on the 30 June 1999 and arrangements are currently being made with CAMS and the State Supply Commission to re-tender this contract through a full public tender process.

SALMAT, CONTRACT

1212. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Is the Minister aware that the firm Salmat, which is currently tendering for a Department of Transport contract, is currently under investigation by the Australian Federal Police?
- (2) With regards to the contract Salmat is tendering on, can the Minister state -
  - (a) the services the contract will be awarded for;
  - (b) the value of the contract;
  - (c) when the contract will be awarded and will expire; and
  - (d) how many other companies are tendering for the contract?

Hon M.J. CRIDDLE replied:

- (1) The Department of Transport has not been officially informed of any investigation.
- (2) The release of tender information where the tender is currently under consideration may place the Department at a disadvantage with other tenderers and compromise the commercial confidentiality of the tenderers.

TAXI SUBSIDY SCHEME, WHEELCHAIR USERS

1225. Hon J.A. SCOTT to the Minister for Transport:

- (1) In Western Australia how many people in wheelchairs use the taxi subsidy scheme ("TUSS")?
- (2) Do all wheelchair users have access to the taxi subsidy scheme?

Hon M.J. CRIDDLE replied:

- (1) As at 18 March, there were 4 733 members of the Taxi Users Subsidy Scheme who use a wheelchair or scooter.
- (2) All wheelchair and scooter users are eligible for membership of the Taxi Users Subsidy Scheme.

GERALDTON PORT AUTHORITY, TENDER PROCESS

1231. Hon KIM CHANCE to the Minister for Transport:

- (1) Is the Minister aware that Bernard Brown of the Geraldton Shipping Agency yesterday admitted publicly that John Durant and Gavin Treasure from the Geraldton Port Authority helped in preparing his tender submission for contracting of services to the port authority?
- (2) Does the above action compromise the tender process?
- (3) What action will the Minister take to review the probity of the entire tender process used by the Geraldton Port Authority?

Hon M.J. CRIDDLE replied:

- (1) As the Hon Member would be aware, this matter is sub judice. However, I am advised that in his testimony on 15 March 1999 during the Federal Court proceedings No. WAG 101 of 1998, MUA and Others v Geraldton Port Authority and Others, Mr Brown stated that he sought the assistance of officers from the Geraldton Port Authority with the preparation of a Workplace Agreement. It is important to note, at that time Mr Brown's company had already been conferred the status of preferred tenderer and, as such, discussions of this nature are considered normal.
- (2) No.
- (3) Not applicable.

HILLARYS BOAT HARBOUR, VIOLENCE AND DRUG ABUSE

1233. Hon E.R.J. DERMER to the Minister for Transport:

- (1) Has the Minister received reports of increased violence and drug abuse at the Hillary's Boat Harbour?
- (2) If yes, what action has the Minister taken in response to these reports?

Hon M.J. CRIDDLE replied:

- (1) No. Transport is well aware of problems and concerns associated with large groups of teenagers congregating in and around the Hillarys Boat Harbour at times. This has not manifested itself in terms of any evidence of increased violence or drug abuse.
- (2) Not applicable.

HILLARYS BOAT HARBOUR, LEASES

1234. Hon E.R.J. DERMER to the Minister for Transport:

- (1) Are any of the tenants holding leases with the Department of Transport at Hillarys Boat Harbour currently in breach of any terms of their lease?

- (2) If so, which tenants are in breach of terms of their lease?
- (3) What action has the Minister taken to rectify any breach of terms of leases held?

Hon M.J. CRIDDLE replied:

- (1) No. No tenants at Hillarys Boat Harbour are considered to be in breach of their leases.
- (2)-(3) Not applicable.

#### GOVERNMENT CONTRACTS, TRIAD CONTRACTORS

1252. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Is the Minister aware that State Supply Commission (SSC) tendering guidelines require that “at a minimum, written quotations shall be obtained” for contracts valued between \$5 000 and \$50 000?
- (2) For the following contract awarded to Triad Constructions, Triad Contractors or Achron for plant hire on September 9, 1996 valued at \$6 609, can the Minister provide the following details -
  - (a) were written quotes sought;
  - (b) which companies provided quotes;
  - (c) if written quotes were not sought, why weren't they;
  - (d) did Main Roads seek the approval of the SSC before waiving the requirement to seek written quotations; and
  - (e) what action does the Minister intend to take over this breach of SSC contracting guidelines?
- (3) Who was responsible for awarding this contract?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2) (a)-(c) As advised in my response to Parliamentary Question 654 records are no longer available. For the short term hire of plant, the practice at the time was to call verbal quotes based on the estimated duration of hire. The period of hire can vary due to work complexity encountered, level of traffic and road conditions.
- (d) Approval from the State Supply Commission to waive seeking written quotations is not required.
- (e) Procedures are constantly reviewed to ensure compliance with State Supply policies.
- (3) The Works Supervisor responsible for the project concerned approved the engagement.

#### GOVERNMENT CONTRACTS, TRIAD CONTRACTORS

1253. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Is the Minister aware that State Supply Commission (SSC) tendering guidelines require that “at a minimum, written quotations shall be obtained” for contracts valued between \$5 000 and \$50 000?
- (2) For the following contract awarded to Triad Constructions, Triad Contractors or Achron for plant hire on October 3, 1996 valued at \$8 221, can the Minister provide the following details -
  - (a) were written quotes sought;
  - (b) which companies provided quotes;
  - (c) if written quotes were not sought, why weren't they;
  - (d) did Main Roads seek the approval of the SSC before waiving the requirement to seek written quotations; and
  - (e) what action does the Minister intend to take over this breach of SSC contracting guidelines?
- (3) Who was responsible for awarding this contract?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2) (a)-(c) As advised in my response to Parliamentary Question 654 records are no longer available. For the short term hire of plant, the practice at the time was to call verbal quotes based on the estimated duration of hire. The period of hire can vary due to work complexity encountered, level of traffic and road conditions.
- (d) Approval from the State Supply Commission to waive seeking written quotations is not required.



(e) Procedures are constantly reviewed to ensure compliance with State Supply policies.

(3) The Works Supervisor responsible for the project concerned approved the engagement.

GOVERNMENT CONTRACTS, TRIAD CONTRACTORS

1254. Hon LJILJANNA RAVLICH to the Minister for Transport:

(1) Is the Minister aware that State Supply Commission (SSC) tendering guidelines require that “at a minimum, written quotations shall be obtained” for contracts valued between \$5 000 and \$50 000?

(2) For the following contract awarded to Triad Constructions, Triad Contractors or Achron for plant hire on October 29, 1996 valued at \$8 977, can the Minister provide the following details -

(a) were written quotes sought;

(b) which companies provided quotes;

(c) if written quotes were not sought, why weren't they;

(d) did Main Roads seek the approval of the SSC before waiving the requirement to seek written quotations; and

(e) what action does the Minister intend to take over this breach of SSC contracting guidelines?

(3) Who was responsible for awarding this contract?

Hon M.J. CRIDDLE replied:

(1) Yes.

(2) (a)-(c) As advised in my response to Parliamentary Question 654 records are no longer available. For the short term hire of plant, the practice at the time was to call verbal quotes based on the estimated duration of hire. The period of hire can vary due to work complexity encountered, level of traffic and road conditions.

(d) Approval from the State Supply Commission to waive seeking written quotations is not required.

(e) Procedures are constantly reviewed to ensure compliance with State Supply policies.

(3) The Works Supervisor responsible for the project concerned approved the engagement.

GOVERNMENT CONTRACTS, TRIAD CONTRACTORS

1255. Hon LJILJANNA RAVLICH to the Minister for Transport:

(1) Is the Minister aware that State Supply Commission (SSC) tendering guidelines require that “at a minimum, written quotations shall be obtained” for contracts valued between \$5 000 and \$50 000?

(2) For the following contract awarded to Triad Constructions, Triad Contractors or Achron for plant hire on November 29, 1996 valued at \$8 914, can the Minister provide the following details -

(a) were written quotes sought;

(b) which companies provided quotes;

(c) if written quotes were not sought, why weren't they;

(d) did Main Roads seek the approval of the SSC before waiving the requirement to seek written quotations; and

(e) what action does the Minister intend to take over this breach of SSC contracting guidelines?

(3) Who was responsible for awarding this contract?

Hon M.J. CRIDDLE replied:

(1) Yes.

(2) (a)-(c) As advised in my response to Parliamentary Question 654 records are no longer available. For the short term hire of plant, the practice at the time was to call verbal quotes based on the estimated duration of hire. The period of hire can vary due to work complexity encountered, level of traffic and road conditions.

(d) Approval from the State Supply Commission to waive seeking written quotations is not required.

(e) Procedures are constantly reviewed to ensure compliance with State Supply policies.

(3) The Works Supervisor responsible for the project concerned approved the engagement.

## GOVERNMENT CONTRACTS, TRIAD CONTRACTORS

1256. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Is the Minister aware that State Supply Commission (SSC) tendering guidelines require that “at a minimum, written quotations shall be obtained” for contracts valued between \$5 000 and \$50 000?
- (2) For the following contract awarded to Triad Constructions, Triad Contractors or Achron for plant hire on December 12, 1996 valued at \$5 884, can the Minister provide the following details -
  - (a) were written quotes sought;
  - (b) which companies provided quotes;
  - (c) if written quotes were not sought, why weren't they;
  - (d) did Main Roads seek the approval of the SSC before waiving the requirement to seek written quotations; and
  - (e) what action does the Minister intend to take over this breach of SSC contracting guidelines?
- (3) Who was responsible for awarding this contract?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2) (a)-(c) As advised in my response to Parliamentary Question 654 records are no longer available. For the short term hire of plant, the practice at the time was to call verbal quotes based on the estimated duration of hire. The period of hire can vary due to work complexity encountered, level of traffic and road conditions.
- (d) Approval from the State Supply Commission to waive seeking written quotations is not required.
- (e) Procedures are constantly reviewed to ensure compliance with State Supply policies.
- (3) The Works Supervisor responsible for the project concerned approved the engagement.

## GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1305. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Have all Government departments and agencies under the Minister's control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

## MAIN ROADS WA, PERTH-BUNBURY HIGHWAY UPGRADE

1394. Hon TOM STEPHENS to the Minister for Transport:

- (1) Why are Main Roads employees not permitted to undertake the Clifton section of the Perth-Bunbury Highway upgrade, even though they are outperforming the private sector in price and quality on other sections of that road?
- (2) What employment guarantees can the Minister offer those employees currently engaged in the North Dandalup to Fairbridge project?

Hon M.J. CRIDDLE replied:

- (1) Main Roads is moving from a builder of roads to a manager of State Road Network. It has been determined that all road construction and maintenance works will be outsourced. The considerable savings made from this change will result in more funds being directed to improving the road network. There is no evidence to suggest that the Main Roads direct managed workforce is outperforming the private sector in price and quality on the Bunbury Highway works.
- (2) Of the 16 employees currently engaged on the North Dandalup to Fairbridge Project, one has already secured a position as a surveillance officer monitoring contracts. Three employees have expressed an interest in voluntary severance and this is expected to increase. Some employees are expected to accept offers of employment from the private sector through the Term Network Contracts. Others will be offered outplacement assistance, redeployment or voluntary severance.

#### WESTRAIL, EXPENDITURE ON CONSULTANTS

1407. Hon LJILJANNA RAVLICH to the Minister for Transport:

With regard to the \$201m worth of purchases made by Westrail through the State Supply Commission in 1996-97 (see figure 3, SSC Annual Report 1997-98, page 29, how much of this figure was spent on consultants?

Hon M.J. CRIDDLE replied:

The Hon Member would be aware that the Hon Premier tables a six monthly report in Parliament which provides information on consultants engaged by Government agencies. The Hon Member should access those reports in respect of the information sought in her question.

#### DEPARTMENT OF TRANSPORT, EXPENDITURE ON CONSULTANTS

1408. Hon LJILJANNA RAVLICH to the Minister for Transport:

With regard to the \$161m worth of purchases made by the Department of Transport through the State Supply Commission (SSC) in 1996/97 (see Figure 3, SSC Annual Report 1997/98, page 29), how much of this figure was spent on consultants?

Hon M.J. CRIDDLE replied:

Refer to Parliamentary Question Legislative Council on Notice 1407.

#### MAIN ROADS WA, EXPENDITURE ON CONSULTANTS

1409. Hon LJILJANNA RAVLICH to the Minister for Transport:

With regard to the \$141m worth of purchases made by Main Roads through the State Supply Commission (SSC) in 1996/97 (see Figure 3, SSC Annual Report 1997/98, page 29), how much of this figure was spent on consultants?

Hon M.J. CRIDDLE replied:

Please refer to my response provided to Parliamentary Question Legislative Council 1407 of 24 March 1999.

#### PANGEA RESOURCES, MEETINGS WITH GOVERNMENT

1421. Hon GIZ WATSON to the Leader of the House representing the Premier:

Given that the Federal member for O'Connor, Wilson Tuckey, has now admitted that he met with Mr James Voss of the company Pangea in Perth on November 15, 1998, and that the Deputy Premier admitted to a meeting on November 14, 1997, has any member of the State Government, other than the Deputy Premier on November 14, 1997, met with any representative of the company Pangea?

Hon N.F. MOORE replied:

The Premier has not met with Mr James Voss of the company Pangea. Even if he had it would not be unusual. Potential investors in this State are always welcome to put forward their proposals and each will be assessed on their individual merits. In this case the Government has consistently expressed its opposition to projects which would see other countries dumping their waste in Western Australia. No other Minister has met with Mr James Voss or any other representative of the company Pangea.

#### CYCLONE DAMAGE, ONSLOW

1456. Hon TOM STEPHENS to the Leader of the House representing the Premier:

In reference to the damage to the township of Onslow from Cyclone Vance -

- (1) Will the State Government fund the restoration of the town's beachfront and retainer rock sea-wall?
- (2) If not, why not?
- (3) What funds will be allocated to this program and when?

Hon N.F. MOORE replied:

- (1)-(3) The allocation of funds for the restoration of Onslow's beachfront and retainer rock sea-wall will be considered by the administrators of the Trust Fund, along with any other requests for funding submitted by the Shire of Ashburton.

#### TAXATION, FEDERAL LEGISLATION

1461. Hon JOHN HALDEN to the Minister for Finance:

- (1) Will the Minister confirm that the *New Tax System (Commonwealth-State Financial Arrangements) Bill 1999*, second read in the Federal Parliament on March 24, 1999, states in clause 9 that the relativity factor as to how much money the States will receive from the Commonwealth will not be determined by either the Grants Commission or a Premier's conference, but by the Federal Treasurer?
- (2) Will the Minister further confirm that the Bill does not abolish the nine State-based taxes that were supposed to be removed as a condition of a GST, but leaves this particular matter to be resolved by an inter-Governmental agreement, if it can be?
- (3) Does the Government support these changes to the Commonwealth State Financial relationship?

Hon MAX EVANS replied:

- (1) Yes

In addition:

- . clause 9 requires the Treasurer to consult with the States before making a determination; and
- . an amendment to the Bill introduces clause 9A which attaches to the Commonwealth legislation the *Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations* (signed by all jurisdictions at the 9 April, 1999 Premiers' Conference) and states the Commonwealth's intention to comply with, and give effect to, this Agreement. The Agreement specifies an allocation of the GST on the basis of fiscal equalisation (subject to transitional arrangements), with the relativity factors to be based on the recommendations of the Commonwealth Grants Commission.

These provisions largely reflect the arrangements that currently apply to financial assistance grants. However, there will now be legislative backing to the arrangements to provide greater security for the States.

The initial forum for consultation on relativities (currently the Premiers' Conference) will be the Ministerial Council established by the *Intergovernmental Agreement* to oversee the Agreement, but matters will also be raised at Heads of Government level if necessary.

- (2) I confirm that the Commonwealth Bill does not abolish the State-based taxes that are to be removed after the GST commences. It would not be appropriate for Commonwealth legislation to abolish State taxes.
- (3) Yes. The Intergovernmental Agreement has been re-opened for further negotiation. Nevertheless, the reforms will provide the States with access to faster growing revenues to better fund the services we provide and allow us, over time, to abolish a range of poor State taxes.

#### ABROLHOS MANAGEMENT PLAN

1469. Hon KIM CHANCE to the Minister for Transport representing the Minister for Fisheries:

I refer to the management plan that is being developed for the management of the Abrolhos and ask -

- (1) When is the management plan expected to be finalised?
- (2) Is it correct that this management plan has already been presented for the Minister for Fisheries' approval but has not yet been accepted?
- (3) If yes to (2) above, why were the management plans rejected?
- (4) Is it correct that one or more aquaculture lease applications that have been applied for the Abrolhos have been approved?
- (5) If yes to (2) above, is the granting of these aquaculture leases appropriate before the finalisation and implementation of the management plan?

Hon M.J. CRIDDLE replied:

- (1) The plan "Management of the Houtman Abrolhos System" was released in December 1998 in Geraldton. A copy is available for the Hon Member if required.
- (2)-(3) Not applicable.
- (4) 3 aquaculture licences currently exist at the Abrolhos Islands.
- (5) Not applicable.

## WOODCHIPS, TONNAGES TO BUNBURY PORT

1475. Hon CHRISTINE SHARP to the Minister for Transport:

With regard to the transportation of woodchips, will the Minister supply monthly tonnages delivered to the Bunbury Port for the years -

- (a) 1997;
- (b) 1998; and
- (c) 1999?

Hon M.J. CRIDDLE replied:

The transportation of woodchips to the Port by rail and road for export is co-ordinated and controlled solely by Bunnings (WA Chip & Pulp). The Bunbury Port Authority therefore does not have that information available. The Authority does however have tonnages on a monthly basis of exports through the Port as follows:

	(a) 1997	(b) 1998	(c) 1999
<b>January</b>	116 822	0	0
<b>February</b>	69 519	33 325	41 398
<b>March</b>	37 439	81 187	34 209
<b>April</b>	100 725	37 338	
<b>May</b>	69 675	81 649	
<b>June</b>	98 350	82 845	
<b>July</b>	40 580	83 294	
<b>August</b>	122 785	41 364	
<b>September</b>	128 904	84 374	
<b>October</b>	39 270	123 573	
<b>November</b>	123 598	41 671	
<b>December</b>	80 184	127 475	
<b>TOTAL</b>	<b>1 027 851</b>	<b>818 095</b>	<b>75 607</b>

## COTTON GROWING TRIALS, KIMBERLEY

1479. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

In relation to the cotton growing trials currently being conducted in the Kimberley region -

- (1) How often and within what length of growing season is spraying occurring to control insect pests?
- (2) Will the Minister for the Environment table details of this spraying programme?
- (3) What chemicals are being used?
- (4) What are the application rates and total amounts being used?
- (5) What monitoring is occurring for -
  - (a) spray drift;
  - (b) residual chemicals in the soil; and
  - (c) residual chemicals in runoff or groundwater?
- (6) Will the Minister table the results of any monitoring?

Hon MAX EVANS replied:

- (1)-(6) In relation to the cotton growing trials currently being conducted in the Kimberley Region, I am advised that there are a number of trials approved and supervised by the Commonwealth Genetic Manipulation Advisory Committee in the Kununurra Region, in association with AgWA and the CSIRO. As these projects are still at the trial stage, monitoring results have not been provided to the EPA or the DEP at this stage. However, this information would form part of the assessment of any future proposal for development.

## TOM PRICE-KARRATHA ROAD

1483. Hon MARK NEVILL to the Minister for Transport:

- (1) What funds have been allocated to the Tom Price/Karratha Road which was promised by the Coalition before the 1996 State election campaign?
- (2) When is this work scheduled?
- (3) What is the projected cost?

Hon M.J. CRIDDLE replied:

- (1)-(3) The Government recognises the importance of the Tom Price - Karratha link. \$0.5 million has been allocated in the next financial year to develop the scope of the project, examine the route alignment and investigate the availability of road building material. Completion of this work will enable the project to be incorporated into the prioritisation process, assessed on a statewide needs basis and considered for future funding.

Following a more detailed examination, planning estimates for the cost have been revised from \$125 million to over \$200 million. The Government is continuing to examine ways to progress the development of the link and some discussions have been held with mining companies to determine if private contributions might be made available to bring forward the project.

## DERBY TIDAL POWER PROPOSAL

1491. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

With reference to the Derby Tidal Power proposal. The Derby Shire President stated in the Minutes of the Ordinary Council Meeting of December 9, 1998, that it was his understanding that EPA has provided advice to the Minister for the Environment -

- (1) Has such advice been given to the Minister, and if so what was the nature of that advice?
- (2) Has this advice been passed on to the Regional Power Procurement Committee which is currently considering tenders for the supply of power to the West Kimberley?
- (3) When does the EPA expect to release its final recommendations to the Minister?
- (4) Why has there been such a long delay in the EPA providing its final recommendations to the Minister?

Hon MAX EVANS replied:

- (1) The EPA provided advice to the Minister under Section 16(e) of the *Environmental Protection Act 1986* in July 1998. Its purpose was to draw attention to some aspects of the proposal including the matter of geoheritage value. The EPA's Section 16(e) advice will be publicly released at the same time as the EPA's report and recommendations for the tidal power station, prepared under Section 44 of the *Environmental Protection Act 1986*.
- (2) No.
- (3) The EPA expects to be in a position to provide its report and recommendations to the Minister for the Environment during June 1999.
- (4) The EPA has sought further information on a number of environmental issues from the proponent prior to finalising its report. This information has now been provided and the EPA is finalising its assessment.

## INDUSTRIAL POLLUTION MONITORING PROGRAM, BUDGET

1514. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 628 of November 18, 1998, will the Minister for the Environment detail what the Capital budget for the Department of Environmental Protection's industrial pollution monitoring program was spent on for each year from 1993 to 1998?

Hon MAX EVANS replied:

The Department of Environmental Protection's capital budget for air pollution monitoring for the years 1993 - 1998 was spent on the following items:

## 1993-94 Monitoring hut

Meteorological Mast  
Ambient air instruments (visibility, oxides of nitrogen, hydrocarbons, particles)  
Size selective head for particle measurement instrumentation  
Data Loggers  
Chart Recorders  
Computing and telemetry equipment  
Air conditioners

## 1994-95 Meteorological equipment

Particle measurement instrumentation  
Air conditioners  
Computing and telemetry equipment

- 1995-96 Ambient air instruments (volatile organic compounds, carbon monoxide, visibility, particles)  
 Meteorological instruments (wind speed and direction, pressure, rainfall, temperature, relative humidity, short wave radiation, water vapour)  
 Computing and telemetry equipment
- 1996-97 Monitoring huts  
 Ambient air instruments (carbon monoxide, sulphur dioxide, ozone, oxides of nitrogen)  
 Meteorological instruments (pressure, rainfall, temperature, relative humidity, short wave radiation, water vapour)  
 Acoustic sounder  
 Meteorological masts  
 Data loggers  
 Computing and telemetry equipment
- 1997-98 Pilbara station infrastructure (service connection, fencing, lightning protection, cyclone protection)  
 Meteorological mast installation  
 Acoustic sounder trailer  
 Air conditioners  
 Ambient air instruments (visibility, particles)  
 Chart recorders  
 Meteorological instruments (wind speed and direction, temperature, rainfall)  
 Computing and telemetry equipment

EDUCATION DEPARTMENT, RM plc

1533. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Services:

I refer to the reported State Supply Commission investigation of the process by which RM plc was selected by the Education Department as the preferred provider of administration and other software to Western Australian Government Schools (Tender Number EDRFP002/1997) and ask -

- (1) Why was this investigation initiated?
- (2) Who initiated this investigation?
- (3) Who will conduct this investigation?
- (4) Will the Minister for Services table the terms of reference for this investigation?
- (5) If not, why not?
- (6) By what date is it expected that this investigation will be completed?
- (7) What exemptions, waivers or determinations have the State Supply Commission given to the Education Department which relate in any way to this process or this tender?
- (8) What steps will the Minister for Services take to ensure that the investigation fully informs the public as to what has occurred in the course of this selection process?
- (9) Will the full final report of this investigation be tabled?
- (10) If not, why not?

Hon MAX EVANS replied:

I am advised that:

- (1) The investigation was initiated because of a complaint received from CAZ Software.
- (2) It was initiated by the State Supply Commission under the *Government Purchasing Charter*.
- (3) The State Supply Commission will conduct the investigation.
- (4)-(5) There are no terms of reference for the investigation other than the issues outlined in the initial "CAZ" complaint and complaint subsequently lodged by Jarvis Software. The Commission will act upon the issues that have been raised by the complainants.
- (6) It is expected that the Commission's formal preliminary assessment - which is given to the complainant and the agency along with an invitation to consider any additional feedback before the matter is finalised - be available by late June 1999.
- (7) The Education department has been granted a partial exemption under Section 21(1) of the State Supply Commission Act 1991. This provides the Department with a general level of devolved purchasing authority that allows it to contract for goods and services up to a maximum of \$5 million per contract. However, for this tender, the Department was also granted a one-off increase in its partial exemption to \$12.5 million, allowing it to directly conduct the process and manage the contract.
- (8) The Commission will make inquiries into the range of matters that have been the subject of complaint. In undertaking the investigation the Commission has to be mindful of the rights and responsibilities of the parties involved in the dispute. As a matter of courtesy the Commission, in the first instance, will provide a copy of the

findings to CAZ Software, Jarvis Software and the Education Department. Any further action will be determined once the investigation has been completed.

(9) No, it is not my intention to table the final report.

(10) It is not normal practice for complaint findings to be tabled in Parliament. See also (8) above.

#### JOHN CURTIN'S HOUSE

1538. Hon J.A. COWDELL to the Leader of the House representing the Premier:

- (1) Has the Government made an in principle decision to purchase John Curtin's house in Cottesloe, so as to secure the only Prime Ministerial residence in Western Australia for the State's heritage?
- (2) Has the Government approached the Federal Government to make a contribution from the Centenary of Federation fund towards the cost of this acquisition?
- (3) If yes, what amount was sought?
- (4) If not, why not?
- (5) Has the Government approached Curtin University and the John Curtin Prime Ministerial Library with a view to the management and presentation of his historic residence?

Hon N.F. MOORE replied:

- (1)-(5) The Government is awaiting a firm proposition from the Curtin University.

#### NUCLEAR WASTE DUMP, PANGAEA RESOURCES AUSTRALIA PTY LTD

1556. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

With regard to the proposed international nuclear waste dump proposed for Australia by Pangea Resources Australia Pty Ltd -

- (1) Has the Minister for Planning or any of his staff had any meetings, formal or informal with Pangea or their representatives?
- (2) If yes, can the Minister advise what was the purpose of that/those meetings?
- (3) Was any promotional material left by Pangea or other representative?
- (4) Will the Minister table any such promotional material presented?
- (5) At whose request was/were that/those meetings convened?
- (6) Who was in attendance at that/those meetings?
- (7) Does the Government support the proposal of establishing an international nuclear waste facility in Australia?

Hon PETER FOSS replied:

- (1)-(6) No.

- (7) The Minister for Planning does not support establishing an international nuclear waste facility in Australia

#### NUCLEAR WASTE DUMP, PANGAEA RESOURCES AUSTRALIA PTY LTD

1559. Hon CHRISTINE SHARP to the Minister for Finance:

With regard to the proposed international nuclear waste dump proposed for Australia by Pangea Resources Australia Pty Ltd -

- (1) Has the Minister, or any of his staff, had any meetings, formal or informal with Pangea or their representatives?
- (2) If yes, can the Minister advise what was the purpose of that/those meetings?
- (3) Was any promotional material left by Pangea or other representatives?
- (4) Will the Minister table any such promotional material presented?
- (5) At whose request was/were that/those meetings convened?
- (6) Who was in attendance at that/those meetings?
- (7) Does the Government support the proposal of establishing an international nuclear waste facility in Australia?

Hon MAX EVANS replied:

- (1) No.

- (2)-(6) Not applicable.



- (7) Please refer to the answer to Legislative Council question on notice 1421 of 24 March 1999.

#### PUBLIC SERVICE, JOBS FOR YOUNG PEOPLE

1577. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

Given recent publicity on the Premier's commitment to assist young job seekers in Western Australia -

- (1) Is the Premier aware that less than 5 per cent of the WA public service workforce, of which he is responsible, is under 25 years of age?
- (2) Can the Premier outline the strategy he has in place to increase the number of young people entering the public service?

Hon N.F. MOORE replied:

- (1) This is consistent with a general trend across public sector jurisdictions in Australia, which is partly attributable to:
  - A general reduction in the size of the public sector.
  - The changing nature of work in the public sector, resulting in a reduction in the number of lower level jobs, many of which were occupied by young people.
  - The more competitive job market and better educated, more experienced applicants have resulted in the recruitment of more highly qualified staff for entry level positions.
- (2) During 1998 the Ministry of the Premier and Cabinet worked with the Department of Training on a campaign to provide a stimulus to youth employment throughout the State. The plan of action included a media campaign to launch the initiatives and give young people information and access to employment opportunities. The campaign has been marketed as "Access All Areas". The Ministry's role has been to implement strategies to increase the number of young people employed in the public sector. The strategies focus on increasing participation in a range of traineeship programs and retaining young people who successfully complete a traineeship. A youth focussed web site and brochures have been developed to promote youth employment opportunities.

#### PUBLIC SERVICE, EMPLOYEES ON SHORT-TERM CONTRACTS

1578. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Does the Premier share the concerns of the Public Service Standards Commissioner about the large number of entry level public servants being placed on short term contracts?
- (2) If yes, what action will the Premier be taking to address these concerns?

Hon N.F. MOORE replied:

- (1)-(2) This matter is considered important and the Ministry of the Premier and Cabinet, the Office of the Public Sector Standards Commissioner and the Department of Productivity and Labour Relations have formed a working party to examine the concerns and develop appropriate strategies to address the issues.

#### RIPON HILLS ROAD, SURVEY

1587. Hon TOM STEPHENS to the Minister for Transport:

On Tuesday, December 1, 1998 in response to question without notice 648 the Minister confirmed that a preliminary survey had been undertaken for an extension of the road beyond Woody Woody mine between Telfer and Kintyre. I ask -

- (1) Who carried out the survey and when was it carried out?
- (2) What was the rationale behind the survey being carried out?

Hon M.J. CRIDDLE replied:

- (1)-(2) Main Roads was involved in preliminary surveys in late 1996 in the area as part of the review of transport needs for mining, tourism and remote communities.

#### CYCLONE VANCE, FUNDING IN ONSLOW AND EXMOUTH

1589. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) What funds have been made available to the victims of Cyclone Vance in Onslow and Exmouth?
- (2) Can the Premier table -
  - (a) the level of funding which has been released so far to individuals, businesses and organisations;
  - (b) how many individual grants have been allocated; and
  - (c) the total of those grants to date?

Hon N.F. MOORE replied:

- (1)-(2) A total of \$3,056,544 in funding has been made available to the victims of Cyclone Vance in Exmouth and Onslow, as follows:

Ex Gratia Payments 250 Households (490 Individuals)	\$402,600
Emergency Relief Payments 1,706 Individuals	\$125,000
Business Assistance Grants 251	\$2,510,000
Emergency Accommodation	\$18,944

These figures do not include costs associated with the emergency response or restoration of essential services such as water, electricity and roads.

#### ROAD ROLLER AND GRADER REGISTRATION COSTS

1621. Hon MARK NEVILL to the Minister for Transport:

- (1) What justification is there for increasing road roller registration costs from \$28.10 in 1996 to \$407.20 in 1999?
- (2) What justification is there for increasing road grader registration costs from \$225.30 in 1998 to \$491.20 in 1999?
- (3) Has any assessment been made of the percentage time these vehicles are -
  - (a) carrying out road repair; and
  - (b) being transported to the work site by truck and trailer on which both have registration already paid?
- (4) Will the Minister reduce these registration charges to levels which reflect their "use of the road"?
- (5) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) Vehicle licence fees were increased from 1 July 1998 to fund the essential road works identified in the Transform WA initiative. In 1996 road rollers attracted a charge of \$115.80 which rose to \$407.20 from 1 July 1998.
- (2) These fees were also increased from 1 July 1998 to fund Transform WA.
- (3) There are no current details of the percentage time these vehicles use the road network, however, the licence fee structure for both road rollers and road graders recognises their limited road use.
- (4) Yes. From 1 July 1999 a maximum annual licence fee of \$75.00 will be introduced for special purpose vehicles which do not exceed standard axle mass limits and the uniform national charges structure will apply to those that do exceed the limits.
- (5) Not applicable.

#### MR SHIELDS' CONSULTANCY

1633. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

With regard to the Report on Consultants engaged by Government for the six months to June 30, 1998 -

- (1) Can the Premier confirm that Mr Shields was paid \$17 786 for his consultancy services on the Victoria Quay Development for this six month period?
- (2) Can the Premier also confirm that the position is worth \$100 000 a year?
- (3) Can the Premier state how much has been paid to Mr Shields and his trust company since his appointment?
- (4) Can the Premier state how much has been paid to Mr Shields and his trust company in each month since his appointment?

Hon N.F. MOORE replied:

- (1) The amount of \$17,786 included in the "Consultants Report" represents payments be made to Mr Shields and The Fremantle Property Group by the Ministry of the Premier and Cabinet for the six months to 30 June 1998 in respect of the "Victoria Quay Development". During this period the Government Property Office, which is responsible for the project, was transferred from the Ministry of the Premier and Cabinet to the Treasury. Payments following the transfer were inadvertently not reported for inclusion in the "Consultants Report". Total payments, made to Mr Shields and the Fremantle Property Group for the period amounted to \$67,692.67. This includes a recoup of \$780.37 for out of pocket expenses.
- (2) In respect of Mr Shields' consultancy to the "Victoria Quay Development" He is engaged on a contract for service subject to annual review. The initial one-year contract provided for an agreed fee of \$125.00 per hour to a maximum of \$100,000. In the event that the Consultant was required to travel as part of the Consultancy, the agreed fee was \$400 per day, or \$2,000 per week. However, provision also existed for payment for work additional to the services. The second one-year contract provides for the same conditions.
- (3) No payments have been made to Mr Shields' trust company in respect of the "Victoria Quay Development". The

total amount paid in respect of the "Victoria Quay Development" to Mr Shields and the Fremantle Property Group for the period 13 October 1997 to 13 May 1999 inclusive amounts to \$165,148.62. In addition one payment of \$4,950 was made to The Fremantle Property Group on a fixed fee contract for preliminary work carried out in May/June 1997.

- (4) Payments made in respect of the "Victoria Quay Development" to Mr Shields and the Fremantle Property Group since October 1997, in each month, are as follows:

MONTH	PAYMENTS
October 1997	\$1,312.50
November 1997	\$4,062.50
December 1997	\$4,000.00
January 1998	\$12,655.37
February 1998	\$9,000.00
March 1998	\$9,725.00
April 1998	\$15,906.30
May 1998	\$10,594.00
June 1998	\$11,812.00
July 1998	\$12,272.50
August 1998	\$11,025.20
September 1998	\$0
October 1998	\$1,031.00
November 1998	\$14,468.75
December 1998	\$15,531.50
January 1999	\$5,875.00
February 1999	\$0
March 1999	\$12,970.75
April 1999	\$8718.75
May 1999	4187.50
TOTAL	\$165,148.62

#### BUDGET DEFICIT

1648. Hon KEN TRAVERS to the Minister for Finance:

I refer to page 12 of the Federal Budget Paper Three released on Tuesday, May 11, 1999 -

- (1) Is the Minister aware that it states that "Western Australia's 1998/99 mid-year review indicates a general Government underlying budget deficit (cash basis) of 0.7 percent of GSP in 98/99... a further small deterioration is expected in 1999/2000"?
- (2) Is this statement correct or does the Federal Treasury have is wrong?

Hon MAX EVANS replied:

I am aware of the quoted statement in the Commonwealth budget papers. The Government made it quite clear in the 6 May 1999 budget statement that as a result of an intensive capital works program, capital deficits were expected in the general Government sector in 1998-99 and 1999-2000 and that these would offset the current (or day to day operating) surplus. Therefore, the Federal Treasury is factually correct in its statements although the Commonwealth's comments are based on the *Mid Year Review of Public Sector Finances* statement which has now been superseded by the budget.

The Government has established a comprehensive financial strategy including a financial target framework which, in addition to the general Government cash deficit position, includes other key financial ratios. These targets and the strategy statement included in the recent budget papers indicate that Western Australia's public sector finances are being carefully managed in a sustainable, accountable and prudent manner.

#### PUBLIC SERVICE, EMPLOYEE NUMBERS

1650. Hon J.A. COWDELL to the to the Leader of the House representing the Premier:

What were the current number of State Government public sector employees at the end of the December quarter 1998?

Hon N.F. MOORE replied:

Records indicate that the number of WA State Government FTEs that were paid during the last pay period in the December 1998 quarter was 87,089.

#### CONSULTANTS, MESSRS CONRAN AND GROVES

1651. Hon TOM STEPHENS to the Leader of the House representing the Premier:

(1) Further to question on notice 1251 of 1999, will the Premier advise what consultancy work is carried out by -

- (a) Mr Peter Conran; and
- (b) Mr Mike Groves,

on behalf of the Ministry of the Premier and Cabinet?

(2) What consultancy fees have been paid to the above consultants in -

- (a) 1997/98; and
- (b) 1998/99?

Hon N.F. MOORE replied:

- (1) (a)-(b) Both Mr Peter Conran and Mr Michael Groves are employees of the Ministry of the Premier and Cabinet. The term 'Consultant' refers to a position title in each instance. Mr Conran is providing advice on Native Title matters, and Mr Groves is providing communications/media related advice.
- (2) (a) Not applicable.
- (b) Mr Groves was previously engaged on an hourly basis to provide communications/media services from 13 July, 1998 to 13 January 1999. During this time, he was paid a total of \$42,600 gross.

#### BUSHPLAN, WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (INC)

1664. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Planning:

(1) Has the Minister for Planning given consideration to the matters raised in the letter addressed to the Manager Perth's Bushplan, Ministry for Planning from the Wildflower Society of Western Australia (Inc) Darling Range Branch dated April 26, 1999?

(2) What is proposed to be done and when?

Hon PETER FOSS replied:

(1) The Submission from the Wildflower Society was received on 30 April 1999 and an acknowledgement was sent out on 5 May 1999. The issues raised in the letter are being investigated and will be given consideration during the finalisation of Perth's Bushplan.

(2) Three reports will be produced by the end of 1999.

##### An Analysis of Submissions

This will identify the number of submitters, supporters or objectors and the key issues raised during the public comment period and offer comment. Technical advice received will be of assistance in an update of the Site Descriptions and in any review of the Bushplan Site boundaries.

##### Reference Group Report

A Bushplan Reference Group has been established as an independent non-government group. The role of the Perth's Bushplan Reference Group is to advise the Ministers for Planning, Environment and Water Resources jointly on the finalisation and implementation requirements of Perth's Bushplan through a general and independent analysis of the key issues raised during the public submission period.

## Final Bushplan

The final report will focus on implementation aspects and will include an implementation recommendation for each Bushplan Site, action programs, process and decision making guidelines.

## PORT KENNEDY RESORTS, PERMANENT RESIDENCES

1670. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

- (1) Is the Minister for Planning aware that Port Kennedy Resorts have for the second time sought permission to use land at Port Kennedy for permanent residential use?
- (2) Is this request linked to the developers having insufficient funds to complete the project?
- (3) Did the Parliament require the developer to have sufficient funding to complete the project before approval was given by the *Port Kennedy Development Agreement Act*?
- (4) Is the Minister satisfied that Port Kennedy Resorts now have sufficient funding to complete the resort development as required by the *Port Kennedy Development Agreement Act*?
- (5) Has the Minister written to the Rockingham City Council regarding the proposal to use land for permanent residential use?
- (6) If so, what was the Minister's advice to the council?
- (7) Will the Minister table that correspondence?
- (8) Will the Minister allow permanent residential development in direct contravention to the intention of the *Port Kennedy Development Agreement Act*?

Hon PETER FOSS replied:

I am aware that Port Kennedy Resorts Pty Ltd made a submission to Rockingham City Council seeking approval to permanent accommodation.

- (2) I am not aware of a link between the developer's submission and funding of the project.
- (3) No. Schedule 1 of the Port Kennedy Development Agreement Act 1992 required the developer to provide evidence of the availability of finance to complete the project at the time of the first development proposal.
- (4) I am aware that the Company is renegotiating the financial arrangements for the project and am currently seeking details of progress in this regard.
- (5) Yes.
- (6)-(7) I table a copy of correspondence to the City of Rockingham. [See paper No 1134.]
- (8) I will ensure that any decision on permanent accommodation complies with the provisions of the Port Kennedy development Agreement Act 1992.

## POLICE, NUMBER RELEASED FROM COURT SERVICES

1675. Hon TOM HELM to the Attorney General:

I refer to the recent announcement in the Budget regarding the reduction in police officers to be released from court services from 200 to 100 as a part of the core functions project and ask -

- (1) When was this figure revised and who was responsible for this revision?
- (2) Were you consulted?
- (3) Why was this information not made available publicly prior to the release of the Budget papers?
- (4) In view of the set targets for the release of police officers being reduced by 50 per cent, will the Attorney General abandon the Court Security and Custodial Services Bill?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(5) The figures have not been revised. It remains the intention of the Government to release a total of 201 police officer FTE to core police duties. In the 1999/00 Budget speech the Premier stated "the equivalent of 100 police officers will be freed up to return to normal police duties". This is correct in the context of the 1999/00 budget. In the first year of the contract up to 93 police FTE will be released. The balance of approximately 107 will be released with the completion of phased in services subsequent to the first year.

**QUESTIONS WITHOUT NOTICE****TOURISM COMMISSION'S INTERNET SITE****1312. Hon TOM STEPHENS to the Minister for Tourism:**

I refer to the Western Australian Tourism Commission's new Internet site.

- (1) Have any small or micro business tourism operators expressed concerns about the upfront costs of taking space on the site?
- (2) Will the Government review the first-time upfront cost for small operators to encourage such operators to use the site. If not, why not?
- (3) Has the Government done any projections on the percentage of small operators expected to buy space on the site in its first 12 months of operation?
- (4) What number and percentage of the small operators does the Government expect to purchase space on the site by 30 April 2000?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes. As part of the Partnership 21 planning process, a suggestion was made to the WATC that there is a need to introduce a third subscription category at a level of \$150. At this level, operators can expect to have their business name, contact details and a one-line description of their business featured on the site. This was recently endorsed at the Tourism Council of Australia conference and has also been discussed with the Bed and Breakfast Association.
- (3)-(4) No projection was done based specifically on small operators as the WATC believes it appropriate to offer equitable opportunities to all operators.

I add that a number of initial subscribers to the site were small operators, some of whom have indicated that they have already covered the cost of their subscription through business generated from the site.

**TOURISM COMMISSION'S INTERNET SITE****1313. Hon TOM STEPHENS to the Minister for Tourism:**

I refer to the Western Australian Tourism Commission's new Internet site.

- (1) What level of income is expected to be achieved from the annual subscription fees in the first 12 months of operation by 30 April 2000?
- (2) What other income is expected to be achieved in the first 12 months of operation?
- (3) What amount is expected to be provided to -
  - (a) the WA Tourism Commission;
  - (b) tourist bureaus; and
  - (c) regional tourism associations
 from income generated by the Internet site?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) In September 1998, Ernst and Young developed a cost revenue model in consultation with the regional tourism associations which predicted the total revenue from PowerTOUR subscription fees. The total revenue was estimated at \$282 800.
- (2) Other income from alternative web site advertising opportunities was estimated by Ernst and Young at \$67 200.
- (3) Of the above total revenue, the following amounts are provided -
 

(a)	Western Australian Tourism Commission	\$150 160
(b)	Tourist bureaus (including metropolitan tourism associations)	\$141 400
(c)	Regional tourism associations	\$ 58 440

## FAMILY COURT ACT, MEDIATION AND COUNSELLING

**1314. Hon N.D. GRIFFITHS to the Attorney General:**

I refer to the Attorney General's media statement of 25 September 1998 advising of the coming into effect of the Family Court Act 1997, which dealt with the treatment of children born outside marriage.

- (1) Does the Attorney General recall his words that there is also a strong emphasis of solving disputes by using counselling and mediation rather than going to court?
- (2) Why has the Attorney General failed to make provision for mediation in the Family Court of Western Australia to give effect to the mediation provisions of the Act and his words which I quoted?
- (3) Can the Attorney General assure the House that the mediation of disputes involving children born outside marriage will not be dealt with in the same way as his de facto property legislation?

**Hon PETER FOSS replied:**

- (1)-(3) My understanding is that there is mediation for children but it is provided by Family and Children's Services. If the member wishes it, I can ascertain what is occurring in that regard; however, it is appropriate that Family and Children's Services be involved in the matter.

## CALM, BEAVIS-GIBLETT BLOCK LETTER

**1315. Hon J.A. SCOTT to the minister representing the Minister for the Environment:**

I ask this question on behalf of Hon Christine Sharp, who is not able to be in the House at this time.

With regard to the undertaking by the Executive Director of the Department of Conservation and Land Management, as noted in the ministerial conditions pursuant to the provisions of the Environmental Protection Act, on the northern, central and southern forest region management plan set in 1988 that Beavis-Giblett block would not be logged for 15 years from 1988, I ask -

- (1) Can the minister please table this letter from Dr Shea outlining this undertaking?
- (2) If not, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. Providing the information in the time available is not possible and I request that the member place the question on notice.

## ALBANY FORESHORE DEVELOPMENT

**1316. Hon MURIEL PATTERSON to the minister representing the Minister for Lands:**

What is the expected development schedule of the Albany foreshore development and how much funding has been allocated to it this financial year?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

The Albany Foreshore Redevelopment project has been placed on hold pending the resolution of local community issues. There is a provisional development budget of \$4.78m in the 1998-99 financial year based on the plans which had previously received statutory approvals. The delay and any resultant changes to the plan will require a new development program and budget to be prepared if it is decided by the Government to progress the project.

## STATE GOVERNMENT INSURANCE COMMISSION, "COMPO CHEATS" FOOTAGE

**1317. Hon J.A. COWDELL to the Minister for Finance:**

- (1) Has the State Government Insurance Commission provided footage of so-called "compo cheats" to commercial television outlets as a part of its "Dob in a Cheat - Insurance Fraud Line"?
- (2) Has the SGIC verified that persons depicted in these videos have been found guilty of insurance fraud?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The persons depicted in the videos have not been charged or convicted of criminal offences relating to fraud in relation to the activities depicted in the videos, nor has the Insurance Commission at any time suggested that the persons depicted have been charged or convicted of criminal offences.

## DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES, WELSHPOOL DEPOT GOODS

**1318. Hon LJILJANNA RAVLICH to the minister representing the Minister for Works:**

I refer to the State Supply Commission's guidelines for the disposal of goods.

- (1) In disposing of equipment, tools or furniture at the Department of Contract and Management Services' Welshpool depot, did CAMS -
  - (a) transfer the goods to another public authority;
  - (b) invite competitive offers;
  - (c) publicly auction the goods;
  - (d) trade in surplus goods; and/or
  - (e) dispose of the goods by other means?
- (2) If yes to (e) -
  - (a) did CAMS obtain approval from the appropriate authority; and
  - (b) was final approval established in line with the disposal of goods policy?
- (3) Will the minister table a schedule of the equipment, tools or furniture purchased by Radock Pty Ltd showing the market value and the price that Radock paid for each item?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) (a)-(c) Yes.  
(d)-(e) No.
- (2) Not applicable.
- (3) I do not see a need to table the schedule but I am happy to provide a copy of the document to the member.

WESTERN POWER, EMPLOYEE AGREEMENT NEGOTIATIONS

**1319. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:**

- (1) Who within the management of Western Power is responsible for the negotiation of any new certified agreement with Western Power employees?
- (2) To what extent is human resources manager Garry Gillies responsible for such negotiations?
- (3) How many times has Mr Gillies, or, if he is not responsible, the person who is responsible for such negotiations, met personally with union representatives in the past two years to negotiate a new certified agreement?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) The manager of human resources strategic services.
- (2) Garry Gillies, general manager human resources, is a member of the executive responsible for human resources matters, including negotiation of a certified agreement.
- (3) The manager of human resources strategic services has met with representatives of the unions on approximately 70 occasions in the past two years to negotiate a new certified agreement.

RADIOACTIVE SPILL, COOLGARDIE

**1320. Hon GIZ WATSON to the minister representing the Minister for Health:**

I refer to the spill of radioactive material three kilometres from Coolgardie on Saturday, 29 May 1999. The drum that leaked is reported to have contained low level uranium ore soaking in a weak solution of sulphuric acid.

- (1) Were the drums labelled to indicate that they contained radioactive material?
- (2) Was the material being transported of sufficient radioactivity to require such labelling?
- (3) Was this labelling in compliance with Western Australia's dangerous goods regulations?
- (4) How much radioactive material is transported on roads in Western Australia and what are the levels of radioactivity?
- (5) How often are loads of radioactive material checked by the minister's department for compliance with the dangerous goods regulations?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) Yes.



- (3) No. The appropriate legislation is the Transport of Radioactive Substance Regulations. It complies with these regulations.
- (4) Radioactive material is transported daily on roads in Western Australia and records of all such movements are not retained by the regulatory body.
- (5) Radioactive materials may be transported only by a person licensed under the Radiation Safety Act or by a person under the direction or supervision of a licensed person. Responsibility for compliance with the transport regulations is with the licensed person.

#### WATER RESTRICTIONS, DOMESTIC BORE WATER

**1321. Hon RAY HALLIGAN to the minister representing the Minister for Water Resources:**

Owing to the current low water levels in the dams, would any potential water restrictions this coming summer include limits on the use of domestic bore water?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. No, it would not include limits placed on the use of domestic water bores. Any additional restrictions this coming summer would be due to the lack of high-quality drinking water in the dams, not of ground water resources.

#### HEALTH DEPARTMENT, FOCUS

**1322. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:**

- (1) Is the Government altering the focus of the Health Department away from that of a service provider and towards that of a purchaser as a matter of policy?
- (2) If so, does this policy shift have equal application in rural areas?
- (3) Is it expected that the various district health services will assume the role of the providers of support services?
- (4) Is it considered that the Country Hospital and Health Boards Council might be the alternative provider of those services?
- (5) Is the Commissioner for Health considering granting "in-principle" approval of the proposition in (4)?
- (6) Has a discussion paper already been drafted to give effect to the proposition?
- (7) If so, when can the Opposition expect to be consulted on the matter?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes. Since the time of the previous Minister for Health, Hon Peter Foss, the department released, in June 1993, a policy statement titled "Western Australian Government Health Policies". This paper identified the separation of the roles of funder, purchaser and provider of health and hospital services.
- (2) Yes. Since the introduction of the above policy.
- (3) It is increasingly desirable that operational services, including support services, be managed with a provider regime. Such functions will be transferred from the Health Department if and when efficient and workable management solutions, which suit the needs of providers, can be found.
- (4) A number of options are being discussed and no decisions have been made.
- (5) Not applicable.
- (6) There may be various models being documented but none has been brought to the attention of the minister for discussion or approval.
- (7) Stakeholders will be kept informed when options have been developed and fully considered.

#### BUS COMPANIES, FINES DURING INDUSTRIAL ACTION

**1323. Hon KEN TRAVERS to the Minister for Transport:**

Yesterday the minister advised that he would not fine private bus companies for failing to provide services during the recent drivers' strike, although two weeks ago he said that he was considering fining them.

- (1) Can the minister now tell us whether the contracts allow fines to be levied in the event of industrial action?
- (2) If so, why does the minister consider it inappropriate to use that power in this instance?

**Hon M.J. CRIDDLE replied:**

- (1)-(2) I indicated a couple of weeks ago in an answer to a question that we have fined bus operators for missing trips and

for being late - and for being early. It is a standard procedure. With regard to this strike, when two sides are negotiating there can be problems on both sides. In this case negotiations have been taking place for some time. The negotiations are currently with the Western Australian Industrial Relations Commission. Yesterday I pointed out the situation which had resulted from that process, and that is a fair and amicable way to resolve the situation.

#### WOMEN'S PRISON, PYRTON

#### 1324. Hon JOHN HALDEN to the Minister for Justice:

- (1) Is one of the reasons for the Government locating a minimum security women's prison at Pyrtton in Eden Hill that it is within the area that the majority of female prisoners are from?
- (2) Is the Government publicly stating this view as one of its primary reasons for locating the prison in Eden Hill?
- (3) If yes to (1) and (2), what evidence has the Government or the Ministry of Justice gathered to support this assertion?

#### Hon PETER FOSS replied:

- (1)-(3) I am not aware of that assertion being made and I am not aware whether that is a fact or otherwise. Obviously, if it is the area from which many of the prisoners are from, it would be convenient, but there are many other reasons that Pyrtton is a suitable place for a minimum security prison which far outweigh that reason for importance.

#### FORMER MILK VENDORS, NUMBER IN DAIRY ADJUSTMENT ASSISTANCE SCHEME

#### 1325. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:

- (1) Why did the Minister for Primary Industry advise the Legislative Assembly Estimates Committee B on 25 May that the number of former milk vendors who were involved in that part of the dairy industry adjustment scheme, which was subject to the third and sixth reports of the Public Administration Committee, was 250, when this number contradicts the answer he gave to question on notice 2494 in the Legislative Assembly in 1998, in which he said that only 53 assistance payments had been made under DAAS and that only 26 of these had been appealed?
- (2) Is the Minister for Primary Industry aware that the Public Administration Committee's reports and the recent resolution of the Legislative Council dealt with events resulting from the Court Government's deregulation of the industry in late 1994, and not with matters prior to that time?
- (3) If he is so aware, why did he introduce the number 250 into a debate which he knows has nothing to do with that number of people?

#### Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) The deregulation of the milk distribution sector was started by the previous Labor Government. It introduced scheme A of the distribution adjustment assistance scheme. The Dairy Industry Amendment Bill 1994 was enacted on 2 February 1995, at which stage the number of distributors was 255. As at 31 May 1999, 64 assistance payments have been made under DAAS and a total of 35 appeals lodged. Any major changes to DAAS may involve all milk distributors at the time of the deregulation since a decision to remain in the industry or to accept a DAAS payment may have been influenced by the DAAS conditions agreed to at the time.

#### HOMESWEST, PROPERTY SALES

#### 1326. Hon TOM STEPHENS to the minister representing the Minister for Housing:

How many Homeswest properties have been disposed of in each of the following population centres since 1993: Kununurra, Wyndham, Derby, Broome, Port Hedland, Karratha, Exmouth and Carnarvon?

#### Hon MAX EVANS replied:

I thank the member for some notice of this question. This data is not readily available, and it will take some time to collate. The Minister for Housing is investigating this matter, and I undertake to provide the information to the member by the end of June.

#### AIR SERVICES, REGIONAL AREAS

#### 1327. Hon TOM HELM to the Minister for Transport:

I refer to the recent cuts by Ansett to air services in the Kimberly. When the minister speaks to the Federal Minister for Transport, will he seek a guarantee that the existing air services in regional areas will be maintained, and will he take steps to ensure that they are maintained?

#### Hon M.J. CRIDDLE replied:

The member would know that some additional services have been put on by Ansett from Broome-Kununurra to Darwin, and return, by a prop jet Brasilia aircraft. I understand from Ansett that that will lift the service by 13 per cent in that area. I am concerned about the loss of some of the services into the north west, and I understand the situation.

Hon Tom Stephens: That was the loss of a jet service and its replacement by a prop service.

Hon M.J. CRIDDLE: Yes, it was. I said it was a prop jet service.

Hon Tom Stephens: That is hardly an additional service. It is the loss of one service and its replacement by another service.

Hon M.J. CRIDDLE: The information I get from Ansett is that the service in that area, albeit a prop jet service, will be increased by 13 per cent. I am concerned, as I have said, about the loss of some services into that area, and I will be talking to the Federal Minister for Transport about that issue in the near future. I understand he is coming to Perth within a month. I will contact his office about it.

#### WELLINGTON WEIR, REPORT ON FAULTY SCOURING VALVE

#### 1328. Hon BOB THOMAS to the minister representing the Minister for Water Resources:

- (1) Has Geo Engineering provided the Water Corporation or the State Government with a report on the faulty scouring valve at Wellington Weir?
- (2) If yes, when was this report received?
- (3) What problems did the report identify?
- (4) What were the recommendations?
- (5) What has been done to implement those recommendations?

#### Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Report - May 1999.
- (3)-(4) The report identified that the main irrigation-scour outlet valve and regulator was in need of replacement.
- (5) Investigation and design have been completed. The project is now in its construction phase.

#### SENTENCING ACT, SECTION 80

#### 1329. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the decision of the Court of Criminal Appeal in the matter of Legg, delivered in June 1998 and dealing with section 80 of the Sentencing Act, and ask -

- (1) Does the minister recall his concession reported on 21 July last year that the section is badly worded, with the effect that suspended sentences can be served only at the same time as a new jail term and not on top of it?
- (2) When will the minister introduce legislation to deal with this anomaly?

#### Hon PETER FOSS replied:

- (1)-(2) Cabinet approval has been given for that legislation and it has gone for drafting. I have a large amount of legislation coming through, and I would need to check the whereabouts of that to find out the precise situation.

#### JERVOISE BAY PROJECT, COMMERCIAL POTENTIAL OF INDUSTRIAL LAND

#### 1330. Hon J.A. SCOTT to the minister representing the Minister for Lands:

- (1) Has the Department of Land Administration provided advice to the Department of Commerce and Trade about the commercial potential of industrial land at the Jervoise Bay project?
  - (a) If so, what was that advice?
  - (b) Will the Minister for Finance table that advice?
- (2) On what dates did DOLA provide advice?
- (3) Which subdepartment of DOLA provided this advice?

#### Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
  - (a)-(b) Not applicable.
- (2)-(3) Not applicable.

## WESTERN POWER, CHAIRMAN'S RESIGNATION

**1331. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:**

- (1) Was the minister provided with reasons for the resignation of the Chairman of Western Power, Malcolm Macpherson, either in writing or any other form?
- (2) If so, what were the reasons provided?
- (3) Did any reason provided include disagreement within the board about the industrial relations policy of Western Power management?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Due to increasing business commitments.
- (3) No.

## RADOCK PTY LTD, TRAINEESHIP FOR GENERAL CONSTRUCTION

**1332. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:**

I refer to the practice of Radock Pty Ltd in delivering the construction worker grade 1 traineeship for general construction and representing it as a new apprenticeship stage 1 wall and ceiling fixer workplace agreement.

- (1) Can the minister confirm whether this use of the traineeship is appropriate and ethical, and does it comply with both the state and federal vocational education and training legislation and state and territory and Australian National Training Authority resource agreements?
- (2) Will the minister direct the Western Australian Department of Training to demand an explanation from Radock Pty Ltd for its use of the traineeship in this manner?
- (3) Will the minister provide the details of state and federal subsidies provided to Radock for each apprentice and trainee?

**Hon N.F. MOORE replied:**

I have three questions from the member about the same issue, but none which bears any resemblance to the question that has just been asked. The member may tell me which one it is.

Hon Tom Stephens: Give the answer to all three!

Hon N.F. MOORE: The answer to the second two is: Put it on notice. However, I do have an answer to one of the questions.

Hon Ljiljanna Ravlich: The first part is can the minister confirm whether this use of the traineeship is appropriate and ethical?

Hon N.F. MOORE: I do not have that question.

## GOODS AND SERVICES TAX, FARM LEVIES

**1333. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:**

- (1) Has the Government obtained from the Federal Government clarification as to which of the levies on the farming sector will attract a goods and services tax?
- (2) If not, why not, and when will he do so?
- (3) If so, will the minister table the list of those levies?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)-(3) The minister is not in a position to table a list of levies that will attract a GST until the Federal Treasurer makes a final determination. This is expected to be by July.

## RADIOACTIVE MATERIAL SPILL, COOLGARDIE

**1334. Hon GIZ WATSON to the minister representing the Minister for Police and Emergency Services:**

With regard to the spill of radioactive material three kilometres from Coolgardie on Saturday, 29 May 1999, the drum that leaked is reported to have contained low level uranium ore scalding in a weak solution of sulphuric acid.

- (1) Were measurements of acidity and/or radioactivity of the solution taken at the spillage site?

- (2) If yes to (1), what was the acidity and radioactivity of this solution as measured at the spill?
- (3) If no to (1), how was the acidity and radioactivity of the solution known?
- (4) Who provided this information?
- (5) If no to (1), was the acidity and radioactivity verified after the spill?
- (6) If yes, please give details.

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3)-(5) Information on the hazardous material involved was gained from the truck manifest and verified with the company. Required containment and personal protection information was gained from the "Chem Data" and action guide which provided all details for containing the spill. This information includes details such as -
  - action that responders need to take
  - maximum exposure time
  - type of reaction by chemical
  - necessary personal protection
  - whether breathing apparatus needs to be worn
  - whether to contain or dilute the chemical
  - type of decontamination
  - what neutralising agents are needed to render the chemical neutral.

In addition, the specialist departments were contacted for technical advice.

- (6) Not applicable.

**ABORIGINAL BUSINESS DEVELOPMENT, STORES**

**1335. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:**

I refer to the proposed end to the assistance provided to the Aboriginal Business Development to deliver the community stores program and ask -

- (1) Is it correct that during the currency of ABD's involvement a number of Aboriginal communities have asked ABD to manage their stores rather than handle the management of the stores themselves to ensure their financial security?
- (2) Will the minister accede to the representations from Aboriginal communities and community stores seeking the continuation of the services this program provided through the ABD?
- (3) Is it not the case that the proposed alteration of the community stores program and the ABD will result in the same problems which resulted in ABD being asked to take over management services in the first place. If not, why not?
- (4) Will the minister table the expected costs to the department of the computer support service, the outsourced management support and the recruitment service? If not, why not?
- (5) What is the anticipated increase in cost of the ABD service to the communities if the ABD contract is allowed to lapse?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes, the Aboriginal Business Development has entered into management agreements with a number of stores. The Arnhem Land Progress Association offers communities a similar service.
  - (2) No, an alternative program is being developed.
  - (3) No, the alternative program will assist communities with store management, including mentoring and training.
  - (4) Yes. The initial estimate to provide the revised program to 10 stores for the nine months from October 1999 to June 2000 is \$130 000.
  - (5) This is a matter for ABD. I am unable to comment.
-