



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 22 September 1999

Uncorrected Proof - Not to be Quoted or Distributed

Legislative Council

Wednesday, 22 September 1999

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

EAST TIMOR - AUSTRALIAN PEACEKEEPING FORCE

Assembly's Resolution

Message from the Assembly requesting concurrence in its resolution of support for the Australian peacekeeping force in East Timor now considered.

Motion to Concur

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.05 pm]: I move -

That this Parliament, on behalf of the people of Western Australia, endorses the participation of personnel of the Australian armed forces in the multinational peacekeeping operation in East Timor.

In doing so, this Parliament extends its sincerest appreciation to those Australian men and women who having committed themselves to the service of Australia's defence and security, continue to uphold a proud Australian tradition in their efforts to afford protection and self-determination for the people of East Timor.

We extend to the families and loved ones of Australian personnel in the multinational peacekeeping force in East Timor our best wishes and thoughts for their safety and a speedy return to their Australian homes.

We take this opportunity to reaffirm the faith and pride of the Western Australian people in the professionalism of the Australian armed forces.

Today, I seek the agreement of the House to that motion, and that we join with the Legislative Assembly in conveying this motion and the views of the Parliament to the Commander of the International Force for East Timor, the Prime Minister and the Minister for Defence. It is appropriate for our Parliament to express this support for our armed forces in East Timor, as we know they are facing a very difficult and complicated task in East Timor. Essentially, they have a peacekeeping role, but the volatility of the situation is such that they face a dangerous set of circumstances. It is appropriate that we, as a Parliament, convey a message to them that we are supporting what they are seeking to do.

The motion speaks for itself. First, it seeks to endorse the participation of our armed personnel in East Timor. We all agree that there has been an urgent need, and there is a need, for a multinational peacekeeping force in East Timor to deal with a very difficult set of circumstances that have arisen in that part of the world.

The motion expresses our sincerest appreciation to the Australian men and women who have committed themselves to this peacekeeping force. It is appropriate to extend to them our appreciation for the commitment they have made to this force. They have committed themselves to affording protection and self-determination to the people of East Timor, and this is about giving the people a chance to put into practice the results of the referendum in which they voted for independence for their part of Indonesia, which they seek to make into an independent nation.

In the motion we extend our best wishes and thoughts to the families of those people in the multinational peacekeeping force. Obviously, it is a very difficult time for the families and loved ones of armed services personnel who are deployed to a part of the world in which there is a significant element of danger. We extend our best wishes and thoughts to those people. I am surprised at the number of people I have come across who have relatives and loved ones who are part of the peacekeeping force.

The motion seeks to reaffirm our faith and pride in the Australian armed forces. There is no doubt that they have demonstrated over many decades that they are people of great professionalism, determination and dedication. Our armed forces deserve our congratulations and our pride in the way in which they go about their business, which is often so difficult.

We trust the mission will be very short and successful, and that the troops will be home very soon having achieved a successful result. A successful result will be the restoration of peace to that part of the world, which is very close to Australia's shores. It is important to acknowledge that, because it is within our region, it is imperative that the Australian nation take a real interest and be involved in the difficult circumstances that arise in the region.

I commend the motion to the House. In the event that the House supports the resolution, the intention is that the resolution be forwarded to the Commander of the International Force for East Timor, the Prime Minister and the Minister for Defence. It will give a message to our armed forces that they have the absolute support of the Parliament of Western Australia.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.11 pm]: On behalf of the Opposition I second the motion moved by the Leader of the House and indicate that by so doing we give a clear, straightforward, unambiguous expression of support for the efforts of the men and women of Australia who are participating in the defence service contribution to the United Nations mission in East Timor. It is important for those men and women involved in the peace enforcement mission from Australia to understand that they go with the good wishes and support of the overwhelming majority of the Australian community, if not the entire nation. At this time in our history it would appear that the entire nation is united in the support of the engagement of the defence personnel in this way. For each of the participants, particularly those who have been conscious of the experience of their predecessors in other disputes around the world in which Australian troops have from time to time become involved, there must inevitably be some level of apprehension as they know that the Australian community, politics and international circumstances in any part of the globe can suddenly

change and people who were the heroes of the day have suddenly received a different response as time has moved on and circumstances have become more difficult.

I hope that by the passage of the motion in the House today we can mark at this moment of our history as a State and as a nation that there is no ambiguity on the part of the Australian community about the engagement of the forces at this time. There should be no opportunity, if things get difficult for the forces, for people to try to rewrite this moment of history. I have engaged in the expression of the support of the community for the people of East Timor to the extent of joining marches in the street, as have my wife and family. That is not new; I have had a long-term interest in East Timor. I have tried to put pressure on the United Nations, as one can as an ordinary citizen. I have sent letters and email to the leadership of the Indonesian Government in the hope that those leaders would accept the referendum result and the need to introduce a multinational peacekeeping force at an early point. In that process I have recognised that there is an obligation on the part of all of us, particularly those who were engaged for so many years in trying to bring about some sense of justice and peace for the East Timorese people, to support the next step, which it has become necessary for the Australian community to take. In the marches and rallies that have been held I have observed that a young population has supported the people of East Timor, young people with whom we would not normally associate expressions of support for military action by the Australian defence personnel in the pursuit of an objective such as bringing about peace enforcement in another country. There are people like me who have a natural tendency towards pacifism, who are certainly not militarists and who aspire to keep world peace through processes ideally stripped as much as possible of the armaments which have become part of the history of the world but which have not done the world great service up to the present.

There come times in all our lives, whether as individuals, states or nations, when one realises it is necessary to do something such as this peace enforcement, which has been set up with the support and blessing of the United Nations Security Council. Peace enforcement is not a light task. It is not just about peacekeeping; it is no mealy-mouthed exercise of walking into another country as though it were a Sunday picnic. As we all now know, it is an exercise that is being undertaken at great risk to the men and women of Australia who are participating along with the forces from 12 other nations involved with this peace enforcement mission. That means that every one of the personnel is exposed to the risk of loss of life or serious injury, given that the militias have not yet been disarmed. Regrettably there is no obligation as part of the resolution for the disarming of the militias. The Australian-led peace enforcement mission has the task of enforcing the peace in that troubled country. It places all members of the multinational peacekeeping force at considerable risk.

One of the differences of situations like this which face Australia and the world compared with disputes and conflicts of the past is that it is all immediate, not just because it is so close to us as a State, and close to my own electorate in the north west, but because modern technology means that we have a ready opportunity to follow the events in East Timor. Before coming into the Chamber I went to the ABC web site and pulled up the East Timor site and I could see confirmation of the loss of life of the Dutch journalist, who appears to have been taken and killed overnight by the militias.

We saw just a short time ago the mass storming of Dili by thousands of hungry people coming down into the port area to ransack warehouses of their supplies of food. They have now moved into those warehouses and stripped them of supplies of rice and desperately needed food for the community of Dili. Those situations place an enormous burden on the peace enforcement personnel now in Dili with the task of spreading out over the country. It is no easy task by any standard. It will take all the skill and talent of the peacekeeping force and, hopefully, no tragedy will befall any Australian or international personnel engaged in the exercise. However, there can be no guarantee of that.

No matter how this mission unfolds, it is incumbent upon the nation that, on the return, hopefully safely, of the peacekeeping force, it will deal with all the troops more kindly than it dealt with their predecessors when they returned from the Gulf War, for example. Those troops now have question marks hanging over their health and are yet to have their questions and concerns adequately addressed by the nation and the nation's Government. Demands by troops who returned from other post-Second World War situations, such as the Vietnam War, have not been adequately addressed by the nation and the Government. As we send troops to East Timor, it is incumbent upon us to recognise that we have inevitable obligations to those men and women that cannot be shirked or ignored. As a community we have an obligation to require our governments, especially at a national level, to look after and respect these returning troops - however they return - for the work they will have done on our behalf. The Australian Prime Minister made a pledge to the families of the troops that they will be looked after by the nation while they are in East Timor.

Students of history and geography will understand why we in Western Australia especially, but in Australia at large, are conscious of the plight of the Timorese. Because of our geographic situation, we in Western Australia have had a long association with what were called the Kupangers. That is the nomenclature then used for the Timorese whose trips from that island into the north west of this State and across the north of this country preceded white settlement. Contact with them in the north west went on uninterrupted for centuries until recently. In the time of the early settlement of this State, the Kupangers were divers in the pearling industry in the Kimberley and Pilbara regions. The Timorese people were very skilled participants in the pearling industry. They built up a connection with our economy and our nation in the north west of this State, which, step by step, has been built on through their travels to the State for other reasons.

We are all familiar with the relationship that exists between the Australian community and the East Timorese following, I think, the second commando unit, largely raised in the south west of this State, intruding and presuming upon the independent and neutral status of East Timor as a Portuguese colony in 1942. In turn, that commando unit was vigorously looked after by the native population of East Timor. Many of us have links with men and women of the defence services who campaigned in East Timor in the war years and have told us the many stories that exist from that period of Australian history, and Western Australian history in particular. The Royal Australian Air Force was also involved in missions that flew from various parts of the north west of the State and the Northern Territory to bomb the Japanese forces in Timor.

Many Australian and Western Australian lives were lost in East Timor. My father-in-law survived many a bombing mission in Timor and tells of trying to repel the Japanese forces by participating in bombing raids in that part of the war scene.

The decolonisation process after the war was a period in which economic links were gradually built up between our country, this State and the people of East Timor. Before 1975, many men and women from the north west of this State regularly caught the plane to Darwin and made the short hop to Dili to holiday in what was then a beautiful, peaceful country in the lead-up to the decolonisation process. Those contacts built up links with the people of the north west.

We were all shocked when, in 1975, Indonesian forces invaded East Timor souring the relationship with that country, which was not dealt with appropriately at the time by the Government of the day. Australian journalists lost their lives in Balibo and for years we have been trying to find out the truth about how they died. There was a dearth of principle on the part of Australian Governments as they tried to process a relationship with our nearest neighbour after the invasion of that country. Following the Indonesian invasion, two refugees from East Timor arrived in my electorate. They settled and worked in Kununurra in the mid-1970s and still live there. They have told tales to the people of that town of how they had to flee their country to survive. The Kimberley region is just an hour and 15 minutes by plane from Dili and in various mustering camps on the stations at night where I worked, we would flick on a short-wave radio and in the stillness of the night and above the crackle of the radio we could pick up the voices of our nearest neighbours speaking in Indonesian. I remember well that from 1977 to about 1982, when I had a quiet life in the north east Kimberley on some of the mustering camps at which I worked, one could hear on radio what seemed like an enormous amount of Indonesian military activity that was so close that it was accessible by the smallest of radios. It was so loud and clear that, in a sense, the troubles, the turbulence and the gunfire could be imagined, if not heard, so close to us all.

That has meant for all the Australian community a complex web of relationships with East Timor. That country, which is so close to Australia, has the other connection with so many people in the Australian community of a Christian commitment and faith, because many East Timorese people are Catholic. With that additional link, in the case of many of us in this Parliament, we have had the opportunity to talk to Bishop Belo, as our guest in this Parliament, about the plight of the East Timorese. It seems like only yesterday that he was here. However, I guess it was a couple of years ago when former Senator Gordon McIntosh brought him to the building to talk to us about the problems facing the people of East Timor. Since then, we have seen other distinguished visitors from what I will call the East Timorese Government in exile, such as Mr Horta, who spent time with us even more recently than Bishop Belo.

On the part of the Australian Labor Party, there is a sense of political guilt and a recognition that in part this is a complex history that has never been adequately resolved. There is a complex relationship involving East Timor and its links with the Returned and Services League and the Catholic community, as well as economic links, which have meant that the Australian community has a special relationship with the East Timorese which is quite unlike that with any other section of the globe. As the travail of these people has continued in an intense way during the past 25 years, with a tale of death, destruction and massacres, the feeling has grown that this issue should be brought to a more appropriate resolution, rather than our simply witnessing the constant loss of life of the people in East Timor.

When the pressure for the independence of those people finally resulted in an agreement by the Indonesians to hold a referendum, there was some hope that this would be to the benefit of the East Timorese particularly, as well as the Indonesian and Australian communities. The Australian community has found it too hard to sit idly by and watch the ongoing travail, and worse, of the people of East Timor. The result of the referendum, however, as we all know, has been absolutely tragic, with the enormous loss of life that has been documented. The United Nations has finally been stung into action to embark upon the peace enforcement mission.

This process not only obliges us to support a motion such as this, thereby indicating our support for the participation of the Australian forces in this exercise, but also it is an opportunity for us to dwell upon some additional responsibilities that flow from the way in which this process has unfurled. There is in the Australian community a sense of international naivety. As Australian people, we aspire to innocence. We prefer to think good of all rather than ill of any. We prefer to be friends to as many as possible and enemies to no-one. We wish our nearest neighbours, including Indonesia, no ill. I am sure that we wish to live with the entire people of our neighbourhood in a way that is peaceful and prosperous for all of us, and that is the basis upon which we will continue to embark upon our future in this area of the globe. However, that does not mean that we can stand idly by and see our neighbours in the East Timorese community suffer any more than they have already suffered. Our engagement in that area is undertaken in the hope that we will soon be joined enthusiastically by the Indonesian community in guaranteeing the peace and independence of the East Timorese people, with the curtailment of the militias of East Timor and, with the support of Indonesia, a return to East Timor of the unwilling refugees in West Timor or any other parts of Indonesia.

With our naivety and innocence in the pursuit of principle and morality, we all need to be more knowledgeable about our neighbours. I hope I am speaking for others when I say that obligations fall upon us to know our neighbourhood, our backyard, our region and its people better than we do, to understand it more thoroughly and to more vigorously shape the shared future and destiny of the entire region, rather than it simply being left at the whim of the forces of fate. We all have an obligation in this regard. However, as a State, what does this mean? I hope that it means that our knowledge of the languages of nearby communities will improve. In East Timor the language is Tetum. I have seen the word written; I have never asked anyone how it is pronounced. There are also many languages spoken in Indonesia. There is a need for us to build up a wider knowledge of the languages of our neighbours so that there will be a working familiarity, not only with the economics of the region but also with the people of the region. That will create an opportunity for greater knowledge about the risks that might arise when we fail to understand each other. We should make the effort to understand our neighbours

more thoroughly. That means that our state education system and our community need to participate more enthusiastically in that process.

We should also ensure that we have a way of presenting ourselves to our neighbours for what we are; that is, a community that will not sit idly by in the face of the trampling of human dignity and principles - principles that are not simply western principles but universal principles relating to the rights of the men and women of East Timor who have been so suppressed over a 25-year period. The human dignity to which the people of East Timor aspire is a universal principle that is now supported by the political action of the United Nations, with the support of the Australian community and the people of the world. That commitment should be on display for all our neighbours at all times. We should not walk away from the obligations that flow from being citizens of the world with a respect for the territorial integrity of nations and the rights of individuals within those nations.

I am pleased that alongside the arrival of the United Nations-sanctioned peace enforcement mission led by the Australian defence personnel will be the aid organisations of the world. Many of them are streaming into that country.

East Timor has enormous geographic obstacles. A description of the country refers to mountain ranges with summits in excess of 2 000 metres, the highest mountain being 2 963 metres. These are the mountain ranges that protected Australian troops during the Second World War. It is enormously difficult terrain which has, in turn, protected the activities of Fretilin and the other independence fighters of East Timor and which can also become a sanctuary for the militia, whose nasty work to wreak havoc upon the East Timorese people must be suppressed by the Australian-led peacekeeping mission. That will be a difficult task, as will be the task of distributing aid.

The early reports from East Timor suggested that the priest in charge of Caritas, the Catholic aid organisation, had been killed in the troubles after the referendum. I am pleased to have heard only a few moments ago that Father Francisco Barreto has survived. His colleagues in the Caritas organisation in this country have seen on television reports not only Father Barreto but also the faces of a number of other people who they understood had been killed. Fortunately, it appears that in their case at least a number of the Caritas workers who had fled into the mountains have now started to return to re-embark upon the work in which they were engaged in. This will bring some level of relief for the people so seriously and severely upset by the efforts of the militias and, regrettably, some sections of the Indonesian military. In the face of the difficult task of these people and of the aid agencies of Australia and the world, I am sure all of us will recognise a demand upon us to provide support for their activities as well. It is through those aid agencies that there might be the return of peace. Peace will come initially from peace enforcement but in turn will flow when prosperity is again returned to the people of East Timor. Our good wishes are unambiguously expressed for that task in the knowledge that it may not be a short task.

The new political boundaries that have been created by the referendum result and the determination of the East Timorese, with the support and determination of the United Nations, will leave Australia with new challenges to try to maintain the new political realities that have emerged. That will be a heavy burden for the Australian community, especially for the aid organisations, and through the Australian Government upon the Australian taxpayer. They are obligations that we simply must meet and challenges to which we must rise. The alternative is simply unacceptable politically and morally to the overwhelming majority of the Australian population.

There is a new obligation on the entire Australian community to rise to the challenges that flow from the recognition that we all faced, the sense of hopelessness and despair about our impact upon the affairs of our nearest neighbour. That sense of the loss of influence upon our neighbours requires us to rise to the challenges of making new efforts to be understood, to understand and to have some opportunity to impact upon the affairs of our region. We should not shy away from the notion that our western sense of respect for human life and integrity is determined by our religious values. These are human values that need to be embraced and supported by Australians as a people and a nation in this region. We need to find ways to communicate that unambiguously through diplomacy, cultural links and opportunities of contact, and by showing as well that we will do all that is required of us to build the capacity within the defence establishment of this country to maintain peace in this part of the globe. That will become our shared obligation.

This sense of risk for our nation is made all the more obvious to us as a result of the events of recent weeks. The Government has obligations to implement the policies of which I have spoken. In addition to those is that sense of needing to build up the population of our north and to have government policies that ensure that that added population can settle in the north of this country, in regions like the Kimberley, prosperously and with the opportunity of growth, so that there is not a sense of that region that is so close to our nearest neighbours being discarded by the policy of the body politic of the nation. There is a need for policies to be implemented by Governments of whatever persuasion, State and Federal, and by the nation at large to give an unambiguous message that we are serious about our occupation of our island continent and we will implement policies that will build up the population and we will not support strategies aimed at destroying the capacity of populations to live within that region. That is part of the message of support for this motion. The motion of support is not simply to support the engagement of the Australian defence force personnel at this time but to make sure that support lives out in a plethora of ways across foreign policy, defence policy and the policies about the economic development of our region and the building up of the links between our country and our neighbours, hopefully to better reflect the ambitions for peace of each and every one of us.

HON B.M. SCOTT (South Metropolitan) [4.47 pm]: I feel moved to make a few brief remarks in this discussion this afternoon because we are facing one of the most grave and serious situations not only in the time of our Parliament but in the State and the nation. I endorse the message that has come from the Assembly in the most serious way that I can. It is important that this Parliament, on behalf of the people of Western Australia, endorse the participation of Australian personnel in the multinational peacekeeping operation in East Timor.

The history of Australia shows that the Parliament and the people of the community have not at all times been behind our efforts in war. This motion contains an important message for our soldiers in the peacekeeping operation in East Timor and for their families; a message of hope, encouragement and support that they go with our blessing. The important issue for this peacekeeping force is that its role is to protect the self-determination of the people of East Timor. That has been sufficient for the Government of Australia to commit our forces to foreign lands.

I will dwell on two very brief points that relate to me personally and to my electorate. I had a function at my home this morning at which Hon Graham Kierath was present. Members know from his speech yesterday and this morning's newspaper that his 18-year-old son, Aaron Kierath, is a member of the peacekeeping force. As members of this Parliament, we can share the concern that that family is experiencing today. I liken it to other traumas in life in that, when one knows someone very closely, the challenge, the difficulty and the reality come much closer to home. We extend to that family and to Aaron, who is a constituent of mine, our very best wishes.

When the soldiers were gathering in Townsville for their farewell, many wondered whether the people of Australia wanted them to go to East Timor. The message from this Parliament should be very clear that the action by the Australian Government is supported not only by families and communities but also by our Parliaments. That is the most serious message we can send today so that we do not repeat history. I refer to soldiers going to Vietnam feeling unsure that they were supported by people at home.

The Leeuwin Barracks are in the next street to my home. As members know, Kosovar refugees have made the barracks their home for the past couple of months. I have had a close association with them through my involvement in Rotary. It is historic that in one year we have hosted two groups of refugees from war-torn territories. Most of us would like to think we live in a peaceful place, that this is a wonderful country and that we can receive refugees, but that is not always the case. The food left over from the function this morning was taken to the Leeuwin Barracks for the refugees. On Friday, we will receive 400 refugees from East Timor.

I reaffirm this message. This is a historic moment for this Parliament. We are sending a historic message to all those who have committed themselves to the Australian peacekeeping force. It is important that every one of us shares in extending best wishes to the families - mothers, fathers, wives, girlfriends, brothers and sisters - of those people who have given their time for this effort.

HON HELEN HODGSON (North Metropolitan) [4.55 pm]: The Australian Democrats also support this motion of support for our soldiers who are serving in the peacekeeping force in East Timor. We believe that the soldiers are there because they want to help to enforce what we consider to be Australian values of democracy and fair play, and to ensure that the people of East Timor who took such a courageous step three weeks ago know that their wishes are being heard and that the world is behind them. That is a common feeling in the community. Over the past couple of weeks the message on talkback radio has been loud and clear; that is, the people of Australia believe that the people of East Timor have made a decision and that the world should support them in the steps they have taken towards self-determination.

Although this has been called a peacekeeping force, it is different from other forces that have gone overseas on United Nations peacekeeping missions. At the moment, there is no peace in East Timor. The task of this force is to restore peace, to disarm the militia and to prevent intimidation. As a result, the soldiers are so much more at risk. The country is currently in turmoil and guerilla warfare is prevailing.

We cannot be involved in military intervention lightly. Our political leaders - the Prime Minister and the federal Leader of the Opposition - have spoken on this issue and everyone has given it much thought and consideration. I have also heard the fear in the voices of parents, relatives and soldiers. I was listening to the proceedings in the other place when Hon Graham Kierath spoke yesterday. It was clear how it must feel to be the parent of a soldier going overseas for the first time in a situation we hoped would never occur. I know that the young soldiers overseas - most of whom are under the age of 20 - will be affected permanently. The memory will be with them for the rest of their lives. Whether it will be good or bad, we do not know. Much depends on what happens while they are there. My father was a professional soldier for some years, and he still has those memories and nightmares. I hope and pray that the experiences of our soldiers will be such that they can take some good memories away and that they can learn and grow from the experience, although I know they will see some tragedies.

We must remember that the United Nations forces are going into East Timor to try to restore peace and to facilitate the humanitarian aid effort. There is a crisis and at the moment the United Nations aid workers and the various other humanitarian organisations cannot enter the country safely to provide relief. Media reports last night were encouraging; we saw pictures of the refugees returning from the mountains and greeting the soldiers. It was obvious that they see the peacekeeping forces as the champions of their right to vote and the right to have that vote enforced. Today the media reports have not been so encouraging. We awoke this morning to the news of a couple of missing journalists and the discovery of the body of a journalist who has now been identified. This afternoon we have heard stories of refugees storming the Indonesian warehouse because of the shortage of food. It is clear that the refugees are in crisis and that we must get aid to them.

Journalists are currently the target of the militia. We must remember the efforts of these dedicated, professional journalists to ensure the world knows what is going on. That is one of the issues that has been confronting Australia and the rest of the world for the past 24 years. Australia's record on East Timor is not as good as I would like it to have been. I am proud to say that since its establishment the Australian Democrats have supported independence for East Timor. Former Democrat Senator Colin Mason was calling for a vote for self-determination as long ago as 1978. Australia has the distinction of being the first country to acknowledge the legitimacy of Indonesia's occupation of East Timor. I believe the Federal Parliament

was recalled to do so. However, over the past few years, Australia has at least worked actively to recognise that democracy in Indonesia has needed support. It has worked through the United Nations for, first, the Indonesian ballot and, second, the East Timorese ballot for self-determination. I congratulate the Minister for Foreign Affairs and others who have worked in that respect.

The PRESIDENT: It being 5.00 pm, under the standing orders I am required to interrupt the debate. However, because this motion is one of the orders of the day, it is not caught by the one-hour rule. As such, it stands adjourned until after questions without notice.

[Questions without notice taken.]

Hon HELEN HODGSON: Before question time I was reflecting on the fact that over the past two decades we have seen a lot of evidence of human rights atrocities in East Timor. I remember that about two years ago I attended a service for human rights held by the Uniting Church. A Uniting Church social justice commission worker talked to us about the conditions in East Timor. She had just been there talking to some church members and told us of the difficulties in getting into the country, the issues one was confronted with when walking through the streets of Dili and the armed presence - this was before any suggestion of an independence ballot. We have all seen photographic evidence of some of the atrocities. In my capacity as convenor of the Parliamentary Amnesty International Group I have held two meetings in this building over the past few months. Interested members have been able to talk to people about East Timor. At the first meeting we had some Amnesty International representatives and some representatives of Fretilin. Two weeks ago we had a meeting with Helen Creed, who has recently been in East Timor during the ballot process.

Many Australians have made a huge commitment to the East Timorese community and have worked hard to try to protect the rights of the East Timorese. There is a very strong East Timorese community in the State. I would like to acknowledge the part that these people have played in assisting the independence ballot that has been held and in supporting the refugees in their time of crisis. Some Western Australians who have been observers at different stages of the United Nations ballot include Reverend John Dunn, the Moderator of the Uniting Church, who was in East Timor during the ballot; Helen Creed; Alannah MacTiernan, who was there during a critical period; and Senator Brian Greig, who was in Indonesia during the Indonesian general election. They have all come back with different stories of events in Indonesia. While acknowledging the role of the soldiers who have just gone to East Timor we must acknowledge also the roles played by other people over the past few months. There was a contingent of Australian Federal Police in East Timor during the ballot process. I happen to have an acquaintance with one of the police officers and I recall a mutual friend talking about the email that he was receiving regularly concerning what was happening and the difficulties the East Timorese community were experiencing and some personal reactions to the situation. I know that the soldiers there now will face the same sorts of issues.

I should acknowledge some of the leaders of the East Timorese independence movement. I mention in particular Jose Ramos Horta and Xanana Gusmao, who have made enormous sacrifices over the past two decades to work to the point we have reached today. I would like to acknowledge those who have died in the cause of the East Timorese conflict. There are too many individuals to name but we have to acknowledge the large number that have died. I am aware of a number of church workers killed. I believe the general secretary of the Christian church in East Timor, Reverend Francisco de Vasconcelos Ximenes, was recently shot by the militia. These people have all played an important part in the struggle.

The United Nations is carrying the key responsibility for the peacekeeping efforts and the Australian soldiers are going in as part of a United Nations multinational force. That is in response to a promise that the United Nations made that it would not desert the East Timorese people.

The East Timorese people have displayed great courage in the circumstances of the past month or so. To begin with, in the face of militia intimidation, there was an overwhelming turnout of people registered to vote. About 98 per cent of people who registered voted. We would be proud to say we had the same turnout in our elections. The overwhelming majority of people voted in favour of self-determination in the face of the intimidation of the militia. Most of the people in East Timor knew what was likely to happen. It is disappointing that the international community may not have seen quite as clearly what would happen after the ballot. People who were working there could see the writing on the wall. An observer in East Timor said that a number of high ranking Indonesian officials left the province in the time between the ballot and the declaration of the vote. They seemed to anticipate what would happen once the vote was declared.

One hears many stories of intimidation, particularly of women. There are many, many stories of the sexual abuse of women in East Timor, not only over the 24 years of occupation, but in particular over the last month of the ballot and the turmoil that followed. One of the disturbing side effects of this sort of strife is that women and children always seem to be targets, and a lot of sexual abuse is perpetrated upon women as part of the spoils of battle. Many religious workers have also made huge sacrifices.

On the whole, Australia has a responsibility to assist the East Timorese at this stage of their battle. I am pleased that we have made the decision to send soldiers into East Timor. I have heard people criticise and say that Australia thinks it is the Police Force for the region. That is not a valid argument. We are part of a multinational peacekeeping mission. Australia happens to be the closest nation to East Timor. It is the logical jumping-off point, and we have many ties with the country. They are valid reasons for Australia to be one of the key nations participating in the multinational force.

There have been a number of conflicts in the world over the past few years where the United Nations has gone in to try to keep the peace while people sort out what is going on. In most of these significant conflicts - Kosovo, East Timor, Rwanda and other hot spots around the world - the key issue seems to be based on ethnic minorities, self-determination for those ethnic minorities and recognition of the rights of indigenous people. I note the statement of support from the indigenous

community to the East Timorese that was reported in yesterday's Senate *Hansard*. I recommend that people read that statement because it is very interesting.

I welcome the East Timorese refugees who will spend some time at East Fremantle. I hope that they will accept our hospitality. I hope that it is not for a prolonged time because I know they would rather be in their home country with the rights they have been fighting for.

I would like to read into *Hansard* a lament that was recited at a Uniting Church service in Sydney last Friday. The lament to East Timor was written by Laurel Barr. It reads -

Save them this their distress. Move in the hearts of the evildoers. Stay the hands of those who would kill.

Beat the machetes into ploughshares.

The Spirit of life flickers in the darkness.

May a flame of compassion and hope burn on the island of Timor again.

That is what everybody here hopes for the people of East Timor. We wish all the best to our soldiers who are there to help in the process.

HON E.R.J. DERMER (North Metropolitan) [5.54 pm]: In supporting this motion I do not intend to deal with every part of it. I concur with the comments made by Hon Tom Stephens in comprehensively dealing with the motion and also many of the comments made by other members of the House this afternoon. I would like to share a personal experience with the House which reflects on what is the most important opportunity open for Western Australia to help East Timor. I had the good fortune to teach a number of East Timorese students in 1983. These boys were 13 or 14 years of age. That personal experience gave me a first-hand understanding of the devastation that people in East Timor had been through. These boys were a great pleasure to teach. They were very positive, and were particularly gentle boys. Members can imagine that 13 or 14-year-old boys in years 8 or 9 are not always terribly gentle, so these boys stood out. I realised from teaching these boys that they had been through a horrific time in their childhood in East Timor.

One of their problems was difficulty dealing with the English language. The school I taught at had a keen and dedicated English as a second language team which took these boys aside to assist them as best they could, obviously with the use of the language of this State. I remember being advised by the English as a second language teachers who were helping these boys that it was difficult to teach them English because they did not have a firm grounding in any other language. These boys had emerged from East Timor with a smattering of Portuguese, Indonesian, the local dialect and English but no firm foundation in any language. That impaired their capacity to learn English, which they needed in Western Australia. To see boys who were so young, who had been through so much trouble, personalised my understanding of what the people of East Timor had been through. I remember that. I have not kept in touch with the boys in question, and I hope and trust that they are doing well today. They are young men now.

It is important that Western Australians reflect on the need for East Timor to receive every possible assistance in its development. Western Australia can have a special role in trade and development assistance to East Timor to provide a prosperous future for the people. In the same way as the Australian armed forces and those of the other countries contributing to the United Nations peacekeeping force are now working to provide them with a peaceful future, Western Australia has a responsibility to make that a prosperous future also. That is our responsibility. It is our human responsibility to the people of East Timor to do all that we can to ensure a prosperous future for them and to assist and develop East Timor. Also, it is consistent with self-interest to see a prosperous, happy and developed East Timor. It is in our interests to provide a stable political environment near Australia which does not exist at the moment. That stable environment can only be derived through prosperity in East Timor. If East Timor is to be our independent neighbour - which it will no doubt be following the referendum result and the intervention of the United Nations - and if it is happy, prosperous and developing in the same way as any good neighbour and trading partner, it will also contribute to our happiness and development. In that way Western Australia has much to gain by assisting in the development of East Timor.

We also have a responsibility to help those in need. Those in greatest need in our region are the people of East Timor. I am sure that Western Australia will do all that it can to assist in the development of that new nation.

Sitting suspended from 6.00 to 7.30 pm

HON MURRAY MONTGOMERY (South West) [7.31 pm]: I certainly wish to support the motion, particularly as it states that the Parliament, on behalf of the people of Western Australia, endorses the participation of personnel of the Australian armed forces in the multinational peacekeeping operation in East Timor. Obviously, Australian political leaders have made the decision to enter this particular theatre of peacekeeping, and the resolution of the United Nations called for stability within the region. I note it is one of the few resolutions of the United Nations that has given authority to one of its peacekeeping forces to use arms to keep the peace. That in itself shows the great concern held for members of the peacekeeping force, not only Australians but also those of other nations who regard it as a trouble spot that needs to be brought to the peaceful state we all enjoy, particularly that which we Australians enjoy.

Some families are feeling the pressures at the moment, and I venture to suggest that right now between 10 000 and 15 000 families around Australia have a family member who will be part of the peacekeeping force. Having spoken to one of those people, I might add that most of the regular armed personnel say this is what they have been trained for. They really mean they have been trained for a peacekeeping role. We need to look at what East Timor is.

Under the United Nations resolution, the East Timor situation is a military peacekeeping operation. Unless it is extended, it is intended to terminate the military side of the operation on 28 February and then the peacekeeping role of the United Nations will become exactly that. Those who are left will be asked to maintain peace and will have a different role in East Timor. A number of families, including mine, have family members who will go to East Timor. My son-in-law will go to East Timor and I am proud of him. I believe those members of the armed forces go with the support of the people of Western Australia. I trust they will all come home unscathed, although I must admit we all have some fear and trepidation. I believe it will result in a stronger Australia, and that East Timor will become a new nation in accordance with the results of the recent ballot there.

I conclude by referring to something said by my five-year-old grandson: "Daddy is going away for a time but when he comes home he will bring me a present." With that, I trust that the troops will come home unscathed. I support the motion.

Question put and passed.

ADDRESS-IN-REPLY

Motion, as Further Amended

Resumed from 21 September.

HON N.D. GRIFFITHS (East Metropolitan) [7.37 pm]: In speaking to the question before the Chair, if time permits I shall deal with a number of matters. Before I raise those, I should point out that one matter saddened me when I listened to His Excellency's speech; that is, he said it was the last time he would open the Parliament. I have had the good fortune of meeting His Excellency and Mrs Jeffery on many occasions and I have admired their sense of duty and the way they have carried out their duties. His Excellency and Mrs Jeffery have contributed greatly to the wellbeing of Western Australia, and I wish them and all the members of their family all the best in the years to come. I know that His Excellency has set a very high standard. In public life one meets people who set the barrier at a particular height. He has set it at a significant height and when one meets people such as His Excellency, without overstating it, it is somewhat inspirational. We have dealt with a motion on East Timor, and I know of His Excellency's record in the service of his country. Those of us who have had the good fortune of meeting him and seeing how he has carried out his duties have benefited from it in a personal way, just as the State has benefited from his service significantly.

Members: Hear, hear!

Hon N.D. GRIFFITHS: In my speech on the question before the Chair, I shall deal with a number of matters. First, I propose to deal with the record to date of the Government with respect to the goods and services tax and the issue of price monitoring. Secondly, I shall make observations about the amendment passed yesterday dealing with the Regional Forest Agreement and the timber industry. Thirdly, I regret to say, I shall deal with matters of slackness in the administration of the Attorney General's portfolio. Fourthly, I shall deal with a failure on the part of the Government to come clean on basic economic data; fifthly, the Government's "Joseph Goebbels" approach to the truth on the implementation of its law and order legislative program; sixthly, and last but certainly not least, the first amendment that was passed to the question before the Chair.

Hon Derrick Tomlinson: What will you do with the other 50 minutes of your speaking time?

Hon N.D. GRIFFITHS: If time permits, in light of that most dignified interjection on the part of Hon Derrick Tomlinson, I will endeavour to answer that interjection in great detail.

At page 3 of the Governor's speech, under the heading "Taxation and Competition Policy", His Excellency said -

Under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, the States will receive all the Commonwealth's GST revenues from the 1st of July next year.

A package of Bills to support this Agreement will produce the most significant change in Commonwealth/State financial relations in decades.

Reference is made there to a package of Bills to support this agreement. Two agreements were entered into. The first agreement was entered into on 9 April 1999 which was modified and has become known as the Howard-Lees GST package. However, common to both of these agreements at clauses numbered 28, 29 and 30, under the heading "Monitoring of Prices" are words relevant to my contribution to the Address-in-Reply. They state that in accordance with the Trade Practices Act 1974, as amended, the Australian Competition and Consumer Commission will formally monitor prices and take action against businesses that take pricing decisions in a manner inconsistent with tax reform. In order to ensure that these measures apply to the whole economy, the States and Territories will adopt the schedule version of part VB - that is Roman numeral five, I hasten to add, not a brand of drink - of the Trade Practices Act 1974, part 11AA of the new tax system price exploitation code to extend the measures in part VB to cover those areas outside the Commonwealth's constitutional power. All parties will work towards having any necessary legislation in place by 1 July 1999. The monitoring and prohibition of unreasonable pricing decisions will commence on 1 July 1999 and continue until 30 June 2002. Those words are contained in the agreement of 9 April 1999 and were repeated in the subsequent agreement.

The intergovernmental agreement has a requirement on the State to have legislation in place. We should all be aware of the State Government's capacity to have legislation passed quickly, particularly legislation concerning agreements of an intergovernmental nature. There were at least two pieces of legislation that were passed particularly quickly in the past session of Parliament, one relating to Federal Court decisions and the other to the conduct of financial institutions. In each

of these cases it was necessary for the legislation to be passed quickly. One related to the implementation of a regime to take effect from 1 July 1999. However, that has not occurred with this agreement. Why has that not occurred? The reason is that this Government is not running the State properly. It cannot even honour its agreements with its sibling, the Howard Government in Canberra. That is evident when the parliamentary record is looked at.

I raised this issue with the Minister for Finance shortly after this session of Parliament commenced on 11 August. I refer to the *Hansard* at page 63, question without notice 30, when I asked the minister -

- (1) Does the Government still intend to implement legislation for the purpose of monitoring prices in the lead-up to the imposition of a goods and services tax?
- (2) If so, what is the Government's target date for such legislation to be in operation?

That question is very much on point. The minister's answer was -

- (1)-(2) I think the pricing will come under federal legislation; namely, the goods and services tax. I am not aware of the Western Australian Government discussing the legislation. Perhaps the member could put the question on notice and I will provide him with the information.

That is a useful reply, "I am not aware of the Western Australian Government discussing the legislation" relating to the implementation of the goods and services tax. I thought that was a reasonable question to ask of the Minister for Finance. I next raised the issue with the minister on 17 August and I refer to the *Hansard* at page 241, question without notice 56. I asked -

- (1) Is the minister aware that the agreement between the Commonwealth and the States regarding the imposition of the GST provides for Western Australia to have a role in the monitoring of prices?

I was surprised at his first answer so I specifically asked him as follows -

- (2) Is the minister aware that the agreement specifically provides for the State to adopt legislation modelled on part VB of the Trade Practices Act relating to price exploitation to cover areas outside the Commonwealth's constitutional power?
- (3) Is the minister aware of the State's agreement to work towards having any such legislation in place by 1 July 1999?
- (4) Does the minister stand by his observation last Wednesday regarding the Government's intention to implement legislation for the purpose of monitoring prices in the lead up to the GST; namely, "I am not aware of the Western Australian Government discussing the legislation"?

The minister's response was as follows -

- (1)-(4) I am trying to find the question to which the quote relates. Such legislation will come from the Treasurer or the Minister for Fair Trading. I am aware of the need for much of this legislation to be passed. I am also well aware of the problems of the Australian Taxation Office in designing the system.

We know it has problems. It seems that the Federal Government will pay the State \$81m in the first year of the implementation of the GST to reimburse the State Government for its envisaged expenses in setting it up. The minister went on to say -

Much legislation must be passed. Measures will be seen in a few weeks, and they will be introduced when available.

One cannot criticise someone for not introducing something that is not available. It is pretty difficult to introduce something when it is not available. The fact of the matter is that this was in August; it was an agreement to have something done by 1 July, and the matter was not available at that time. It seems something is about to happen. I refer to pages 44 and 45 of the uncorrected *Hansard* of 21 September. Hon Tom Helm raised the issue from another angle. When he did so, he brought home the fact that this is an important issue; that is, the Government's neglect in carrying out its obligations is already causing difficulty. It has great potential to cause difficulty to what otherwise would be the wellbeing of the State. The heading in *Hansard* is "Goods and Services Tax, Building Costs". The question asked by Hon Tom Helm stated -

I refer to the warning by Archicentre, a national architect's advisory body, that a pre-GST building rush is inflating domestic building costs by as much as 20 per cent compared with those costs six months ago.

He is referring to an enormous increase; the sort of increase in pricing which we have had on only two occasions post war - circa 1974-75, and before that the really nasty period of inflation during the earlier Menzies years of 1951, 1952 and 1953, which were associated with the timing of the wool boom when we had an inflation rate in excess of 17.5 per cent in one year. Hon Tom Helm went straight to the point. He asked -

- (1) What measures are in place to monitor these types of prices to ensure the impending goods and services tax is not being taken advantage of to inflate current prices?
- (2) What benchmark exists to assess the impact of the GST next year?
- (3) What body in Western Australia was carrying out these checks?

Then, again raising the question of the legislation, he asked -

- (4) Can the minister confirm that the Government still has to introduce the necessary legislation to allow price monitoring, as agreed to in the intergovernmental agreement on the reform of the tax system?

Hon Bob Thomas: You are right; he went straight to the point.

Hon N.D. GRIFFITHS: Absolutely, and in getting to the point, Hon Tom Helm, with proper precision, pointed out the sorts of things that this legislation could do and what needed to be done, and again highlighted the inadequacy of what has taken place so far. The Minister for Finance responded, as the question was asked of him, albeit in a representative capacity because he was representing the Minister for Fair Trading. It seems that this legislation will be dealt with under the portfolio of Fair Trading, but it is a governmental matter. The Government as a whole is responsible for it. Reference was made to the commonwealth legislation, which was an amendment to the Trade Practices Act, and which was passed some months ago now. It referred to the commencement of work by the Australian Competition and Consumer Commission and indicated that it would continue to conduct price surveys until the full introduction of the GST on 30 June 2000 to establish benchmarks. The body in Western Australia carrying it out is the Australian Competition and Consumer Commission. The intergovernmental agreement points out that there are gaps in terms of what work it can do. In any event, we are talking about surveys, but it comes under monitoring. Then there are words of hope. In part the answer states -

The relevant legislation has been drafted and is likely to be introduced into the Legislative Assembly this week.

It may well be; I do not know. It may have been introduced today; it might be introduced tomorrow. However, the fact of the matter is that if it is introduced today or tomorrow, it will not pass through Parliament this week. One quarter of the financial year will have passed before this legislation realistically comes anywhere near seeing the light of day in this House. It is not legislation which has been given any priority by the Government. The Government certainly has not demonstrated any priority. It enters into an agreement with the Commonwealth, and it gives its word. It is not as though it is difficult legislation. Even the failed Kennett Government in Victoria has legislation in place to deal with it, and that legislation was in place well prior to 1 July 1999. I regret to say that there is no good reason for the Government not to have the legislation in place. It did not have the legislation in place by 1 July 1999. It seems to me that there is no commitment to giving it any priority whatsoever. The Government has introduced a number of Bills; it has many Bills on the Notice Paper. I await with some interest the sort of priority this Government will give to its commitment to having something in place by 1 July 1999 before too much of this financial year passes.

I will leave that issue because I foreshadowed that I wanted to speak about a number of issues, and I also wanted to leave myself sufficient time to deal with Hon Derrick Tomlinson's learned interjection.

Hon Simon O'Brien: You are just trying to get us to stay to the end.

Hon N.D. GRIFFITHS: I thought I would cure something which is incurable on the part of Hon Simon O'Brien, but I will have a friendly discussion with him outside the Chamber.

Yesterday, the House, in its wisdom, passed an amendment to the Address-in-Reply. That amendment, which was moved by Hon Bob Thomas, stated -

And further advises His Excellency of the Legislative Council's concern with the failure of the Liberal National Party coalition Government to properly handle the RFA process and, in particular, its failure to meet the needs of timber industry workers, their families and their communities who are adversely affected by the outcome.

Some weeks ago, when Hon Bob Thomas first moved the amendment, there were displays of protest outside Parliament House. A number of trucks and people who had an involvement with the timber industry were present. On one of the evenings - I think it may have been the second last day of the demonstration - I left at a fairly late hour. I went to my car and found a note on my windscreen. I have kept the note because it is a very effective message. It is in red marker pen and says, "I have a mortgage 105 000".

I did not need to be told that what the Government of Western Australia had decided in a real sense and what the community as a whole had decided was having an adverse effect on real, decent people who were supporting their families. These people are an important part of our community. They have a strong and proper sense of grievance, and they perceive that the community has taken, or is about to take, their livelihoods away from them to destroy their way of life. I know that Hon Bob Thomas has similar views to those I have expressed in this matter, and I know from discussions with him that that is the reason he moved the amendment.

A number of members have already dealt with the Regional Forest Agreement process in detail from many perspectives. I do not think it is necessary that I do that again. However, I register my concern that the community as a whole has caused an adverse outcome for timber industry workers, their families and their communities. Therefore, the community as a whole has an obligation to those people. That obligation makes it incumbent on government to do what it can to provide real jobs and not just make, if I may put it this way, pious declarations of concern. I suppose whenever people say they are concerned, it might sound a bit pious. However, it is incumbent on the Government of the day - hopefully it will not be those opposite for too much longer - to do what it can to ensure that real jobs will exist for those adversely affected by the RFA decisions.

The next area that I foreshadowed concerns slackness in administration on the part of the Attorney General. That slackness to some extent goes back a long way. It hurts me having to point this out to the Attorney General, because I know he does not like people to be too critical of him. However, he has this penchant for having people in acting positions. It may be because he is the Minister for the Arts that he enjoys acting so much. However, it seems that from time to time many people

have held significant positions in areas under the administration of the Attorney General, and these positions have been held in an acting capacity. This seems abnormal.

Hon Peter Foss: I appoint only one person, and that is the chief.

Hon N.D. GRIFFITHS: The Attorney General has an important interest in ensuring that those areas for which he is responsible -

Hon Peter Foss: I see, it is not I who have not appointed them; it is the chief executive officer who has not appointed them.

Hon N.D. GRIFFITHS: The Attorney has had, and continues to have, many important areas under his purview, which are presided over -

Hon Peter Foss: Do you know that under the Public Sector Management Act I am now not allowed to interfere?

Hon Derrick Tomlinson interjected.

Hon N.D. GRIFFITHS: I will deal with Hon Derrick Tomlinson's interjection shortly.

Hon Peter Foss: We changed the Act so I am not allowed to do that.

Hon N.D. GRIFFITHS: Yes, I know the Act was changed. I am referring to slackness in administration of the Attorney General's portfolio, and I am reflecting on the Government as a whole. However, knowing the Attorney General's form -

Hon Peter Foss: I have two chief executives and they are both in substantive positions, and the member knows that.

Hon N.D. GRIFFITHS: The Attorney is so sensitive.

The PRESIDENT: Order, members!

Hon N.D. GRIFFITHS: I am referring to slackness in the administration of the Attorney General's portfolio relating to the number of significant people who hold acting positions for long periods. I am well aware of the Public Sector Management Act. I sometimes think that the Attorney's colleagues are not as well aware of the Public Sector Management Act as they should be. If one runs an administration properly - I do not want to single out the Attorney because I know he is sensitive - one should fill positions, particularly those of some significance, within a reasonable time. I do not know whether the Attorney General's portfolio has been singled out by those who deal with the process. I will refer to a number of these positions about which I am concerned. No doubt there is a good explanation for all of them. I am not saying that those positions to which I will refer have not been filled as of today because I do not check on a daily basis.

Hon Peter Foss: Only one person fills them, and that is the Premier.

Hon N.D. GRIFFITHS: I am pleased that the Attorney acknowledges that the Premier, as the head of this Administration, is the person responsible for the slackness of the administration of the Attorney General's portfolio.

I will refer to a number of these positions, some of which have now been filled. However, it is the period during which some positions are vacant which concerns me. I do not want the Attorney to be too sensitive, and I am not being personal, but this matter concerns me greatly.

Hon Peter Foss: How about mentioning a name?

Hon N.D. GRIFFITHS: The Attorney should wait one moment. These matters should be mentioned, and I will go through them by way of summary. The first position of Deputy Chief Stipendiary Magistrate has been filled. Mr Martin ceased in that position in January. It took until July to replace him with Mr Heath. That seems to be a long time. Something is going wrong.

Hon Peter Foss: I should have interfered with the process. I will make a point of interfering with the Solicitor General next time.

Hon N.D. GRIFFITHS: Now it is the Solicitor General's fault. Irrespective of whose fault it is, we are talking appointments which should be made by the Government within a reasonable time. Six months to replace the Deputy Chief Stipendiary Magistrate is a bit weak.

Hon Peter Foss: I will pass on your comments to the panel and tell the members they are slack.

The PRESIDENT: Order! The Attorney General should let Hon Nick Griffiths make his comments, and in due course no doubt he can respond if necessary.

Hon N.D. GRIFFITHS: Whether the Attorney responds is a matter for him.

The PRESIDENT: I do not want a running commentary between Hon Nick Griffiths and the Attorney General. If they conduct themselves like that, they may as well go outside so that we can get on with the debate.

Hon N.D. GRIFFITHS: Quite so. Thank you, Mr President. I have no desire to engage in a running commentary. However, when members interject, sometimes one should take the interjections and endeavour to answer them.

Hon Simon O'Brien: I want to ask one question but you probably would not answer me.

Hon N.D. GRIFFITHS: Maybe I would not. There are relatively minor matters. For example, the Court of Petty Sessions has an acting manager of court operations. I refer to extracts from the *Law Almanac*, and it seems so many positions are acting. I know the almanac is historic as it was printed some time ago. No doubt the information was provided and some positions were filled and some were not. The supervising officer is acting.

Hon Peter Foss: Does the member know why this is?

Hon N.D. GRIFFITHS: The Attorney General will tell the House when it his turn to speak, because I have only 26 minutes remaining. There is an acting sheriff in the Sheriff's Office. The Attorney General appears to be greatly concerned about the Office of the Director of Public Prosecutions. Justice McKechnie left that position in February. Mr Cock was appointed this month. That is an extremely long time to have somebody acting in position. It smacks of maladministration. Of course, there are consultative processes, panels and people who make appointments. I know that others have criticised the delay as threatening the administration of justice. I do not go that far, but I think it is slack administration to have someone in the position of Acting Director of Public Prosecutions from February until September. The Equal Opportunity Commission has, according to the *Law Almanac*, an acting registrar. A person's name is listed here, but I am advised that a new acting registrar was appointed as of 2 August 1999. I have been further advised there has been an acting registrar for around two years. A number of people have held that acting position. It seems the position is one of significance. Why, therefore, would someone be acting in it - albeit a number of different people - for around two years? The Guardianship and Administration Board has an acting executive officer. The position may have changed but the acting officer referred to in the *Law Almanac*, Mr Bradley, has been in the position for years. I would have thought that executive officer of the Guardianship and Administration Board was a significant position. One of my favourites is the Office of State Corporate Affairs. I know what has happened to the office, and there is probably good reason for that, but Mr Peter Richards has been the acting director for around six years. His position and a lot of his functions may be going - this House dealt with one of those in June - but having someone acting in a position for around six years does not seem to be reasonable administration.

I now know we have a Director of Legal Aid, but there was no Director of Legal Aid for two years. There was an acting director during that period. I do not want to revisit the Attorney General's role in that, because he would find it somewhat sensitive. I do not want to upset him and infringe the rules of debate and have the President tell me I have done the wrong thing.

Hon Bob Thomas: Your presence in the House upsets him.

Hon N.D. GRIFFITHS: I do not think so. I investigated the Offender Management Division of the Ministry of Justice. I know that there have since been changes. The acting executive director listed here is Mr Athol Jamieson, and he has been replaced by Mr Robert Harvey. Mr John MacColl is the acting director of prisons operations. In August he had been in that position for about 12 months. I refer to the Ministry of Justice and its track record in matters to do with the Attorney General. It may be that not everybody gets along with everybody else. However, the Director General of the Ministry of Justice is fascinating. When the Attorney General assumed his portfolio he had Mr Grant as his director general. Mr Grant left and Mr Byron took over. He was replaced by Mr Piper, but he was in that position in an acting role for 12 months. Mr Piper was yet another person who acted on behalf of the Attorney General for 12 months. I find that an unhealthy set of circumstances. There cannot be good government management if people are acting in significant positions for long periods.

I am close to dealing with Hon Derrick Tomlinson's interjection, but before that I make reference to the Government's failure to come clean about basic economic data, particularly with the imposition of the goods and services tax. The GST marks a radical change in taxation and has particular significance to commonwealth-state relations because it involves the States giving up their capacity to tax a number of areas in return for the Commonwealth providing revenue from the GST. Of course, instead of merely being bound to the financial wheels of the commonwealth chariot - as former Prime Minister Deakin quite accurately said would occur - the GST chains the States to the chariot wheels of the Commonwealth. The Commonwealth controls this tax, its collection and the flow of money.

Hon Derrick Tomlinson: That is not true. The States control the result.

Hon N.D. GRIFFITHS: I can assure the member that it is true. I suggest the member read the intergovernmental agreement. The States do not control, they receive.

Hon Derrick Tomlinson: I read the agreement. I suggest the member read it and he will then find that they do control.

Hon N.D. GRIFFITHS: I have read it. I assure the member he is wrong.

Hon Simon O'Brien interjected.

Hon N.D. GRIFFITHS: Perhaps not. Perhaps the member might deliver a speech. I look forward to hearing from him tomorrow. The Leader of the Opposition, Dr Gallop, has been seeking from the Premier, for some months, the Treasury Department analysis of the package. When the first package, prior to the Howard-Lees deal, was entered into, the Treasury Department provided an analysis. The Premier says it was only a preliminary analysis. He has refused a number of requests from the Leader of the Opposition to provide the analysis. It has to be asked: What is he hiding? What is the Premier's purpose in not providing that analysis? As members of Parliament, we have an obligation to make ourselves reasonably informed and to get as much information as we can on matters of great importance to the State, irrespective of people's points of view. There is a strong public interest in having the Opposition informed on matters as significant as a change in the taxation regime and its ramifications for the long-term interests of the State.

Though the Premier in an offhand way has refused to provide that, it seems to me to smack of, at best, indifferent government. Last week I raised matters to do with the intergovernmental agreement leading to the GST with the Minister for Finance. I must say that he was most forthcoming and provided a tabled paper in answer to a question I asked on Thursday, 16 September. His answer set out in summary form what was said to be the impact of tax reform on Western Australia's finances. The paper contained an interesting reference. It said-

Source based on analysis prepared by the South Australian Treasury on behalf of all jurisdictions. Subject to revision particularly due to parameter changes.

It seems to be that the Government either has in its possession or should have that particular analysis. I asked the Minister for Finance yesterday to table the analysis. I did that by way of a question without notice, of which I gave some notice. It would have been unreasonable not to do that. I wanted him to table the document. He provided me with a rather enlightening response -

I thank the member for some notice of the question, and I ask that this question be placed on notice.

I felt enlightened when he told me that. It led to other questions in my mind. Did he say that because he did not have the document? If so, there is something wrong with the way the State is being governed. Or did he say that because he just did not want the Opposition to have it? I cannot think of any good reason why he would not have the document. I cannot think, given the period of notice provided, why he would not have been in a position to say that it was on its way, or here it is. It seems he did not provide it because he has something to hide. There must be something about the parameters in the paper which are a matter of concern to the Government and may potentially blow it out of the water when its members carry on with their electioneering antics in the very near future. To my mind that is somewhat consistent with the way the Minister for Finance approached the next question I asked dealing with matters of economic data. I asked the minister a question in these terms -

I refer to the current state budget and ask -

- (1) Have the actual major economic aggregates year average percentage changes for the 1998-99 financial year been determined? Will the minister table these?

The financial year ended some three months ago. I would have thought any Government that had any pretence whatsoever of being a reasonable manager would have been able to provide those figures. No doubt this is not a reasonable Government. I see that Hon Derrick Tomlinson is indicating that he is prepared to agree to that, because he wants me to move to the next area of debate so that I can answer his very learned interjection of some 45 minutes ago. I was referring to the 1998-99 financial year. After-dinner interjections are not always as helpful as one means them to be. Good practice would have meant the minister had the information available. It is not difficult. Either incompetence or arrogance has caused a failure to provide.

The next question was -

What are the current forecasts for the major economic parameters for 1999-2000 upon which expenditure and revenue estimates are based? Will the minister table these?

It is an important question. If it is the case that the forecasts have not changed since the budget, it would be a simple matter for the Minister for Finance to say so. If there has been a change in forecasts, it is important that the Government inform the Parliament, because the way the Opposition approaches issues must be dependent on the economic fortunes of the State. The economic forecasts, I would have thought, have a relationship to how one looks at the economic fortunes of the State. How the Government proposes and how the Opposition counter-proposes at the end of the day is dependent on the relative economic wellbeing of the State. If the Government is putting forward something that is an absolute nonsense because of the economic factors which may make something unworkable, I should think it would be in the public interest for the Opposition and other members of Parliament to be informed so that they could debate the matters. Knowledge is not a bad thing; it is a good thing. The Government is either incompetent or arrogant, or possibly both. I am coming very quickly to the point when I can deal with Hon Derrick Tomlinson's interjection.

Hon Derrick Tomlinson: The member keeps promising. I wait with bated breath.

Hon N.D. GRIFFITHS: I think that the bait has been taken.

The Government has a Goebbels-like approach to the issue of law and order. In June I heard the member for Nedlands say something patently untrue. I do not want to allude to debate in another place, but it has been put to me that the Minister for Police is seeking to put in the public mind a fictional account of what has taken place with respect to legislation before the House. I would remind members by reference to the "Progress of Bills introduced into the Parliament of Western Australia" for the third session of the thirty-fifth Parliament that the Court Security and Custodial Services (Consequential Provisions) Bill 1998 and the Court Security and Custodial Services Bill 1998 had their second readings agreed to on 29 June 1999. The Government controls the Notice Paper. Those pieces of legislation have not advanced because of the priority the Government places on them and the grubby deal relating to prison privatisation that has been done with the Australian Democrats. We are in some way blamed for the Criminal Code Amendment Bill 1999 not going through the Parliament.

I note that the Bill was introduced on 24 March 1999. On that date the Bill was first read and the minister made his second reading speech. The Government hung around for a couple of months before it brought on the second reading in May. It was passed without fuss on 27 May in one day's sitting - a Thursday, from memory. The Government then sat on the matter and did not bring on the committee stage until 15 June. The committee stage was dealt with in one sitting day and the Bill

was third read on 17 June. It went to the other place on 23 June. Not only does the Government control the Notice Paper in the other place, but also it has the numbers. How dare the Government criticise the Australian Labor Party for its own slackness, its lack of a proper sense of priority, and its own delay?

Other matters dealing with law and order include the Juries Amendment Bill 1998 - there is a message pending on that Bill. These are matters of priority for the Government. As members all know, the Labor Party goes out of its way to help the Government get its legislative program through and I am doing that tonight.

Hon N.F. Moore: I hope *Hansard* records loud laughter from the government benches.

Hon N.D. GRIFFITHS: One thing I must say about Hon Norman Moore is that he has a sense of humour and is very appreciative of the cooperation he gets from the Opposition in passing his legislative program. The problem is, his colleagues keep arguing about what sort of priority Bills will get. One that strikes me is the Sentence Administration Bill 1998. By reference to the Progress of Bills document I will make some observations about the priority the Government affords this Bill. It came out of the Legislative Assembly in December 1998. The Bill was first read and the second reading speech made by the minister on 8 December 1998. It did not go any further in 1998. It was brought on for debate in May this year. The second reading was agreed to on 27 May. It is now September and the committee stage has not been brought on because the Government has other priorities. It controls the Notice Paper.

Hon N.F. Moore: One can control the Notice Paper only if one can control other people's talking habits.

Hon N.D. GRIFFITHS: I regret to say that the Leader of the House has no control over his own talking habits. As much as I enjoy listening to him, I have listened to him for three days on a particular motion. The way he is going I will probably end up listening to him for another three days, but I will sit here and enjoy it. However, here is a Government which is embarrassed by the fictional accounts of the Minister for Police blaming the Opposition for the fact that the Government, which has control of the Notice Paper, has not brought on the committee stage of this Bill even though the second reading was agreed to on 27 May. I know the Government has to do its deals with the Australian Democrats, but that has nothing to do with the Australian Labor Party, nothing at all. The simple fact of the matter is that the Government does not treat its legislative law and order program seriously. We have endeavoured to properly debate it and may I say we have expedited it on many occasions. However, in doing so we have not forsaken our obligation to provide appropriate scrutiny.

I am very worried that I will not be able to answer that very learned interjection of Hon Derrick Tomlinson because I may not have time.

Hon Bob Thomas: You could get an extension.

Hon N.D. GRIFFITHS: No, I want to have supper, but when Hon Derrick Tomlinson gets up to speak I will interject on him.

The last matter on which I want to touch briefly is the first amendment to the Address-in-Reply, moved by Hon John Cowdell. Hon John Cowdell is seeking, and the House agreed in its wisdom, that people be informed - again, knowledge is a good thing, ignorance is to the contrary - that some realistic proposals be forthcoming regarding those issues to which he referred in his amendment. The issue of the republic and the parliamentary selection or popular election of a State Governor is an interesting point, although I do not know that it is one on which we should spend much money. Nevertheless, it deserves to be discussed and seriously considered. With reference to assent to legislation, all of us who sit here have seen interesting occurrences, particularly those regarding the Minister for Labour Relations when she was the Minister for Fair Trading, concerning matters of assent. The issue of a Bill of rights has been with us since the Americans adopted one 200 years ago. It is always worth considering. The Swiss have an interesting arrangement concerning constitutional amendment that is worthy of discussion and consideration. Preambles have been discussed at length. Again, a Western Australian perspective should be put on that. The notion of the power of Parliament to recall Parliament is interesting. I remember reading about events of the 1640s, but I will not go into that. The issue of prorogation has caused difficulties. My time has expired so I regret that I cannot answer Hon Derrick Tomlinson's learned interjection.

Debate adjourned, on motion by Hon Bruce Donaldson.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL 1997

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the further amendment made by the Council as an alternative to the Assembly's substituted new amendment No 3, subject to amendments made by the Assembly.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL (No. 2) 1999

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the Bill without amendment.

RAIL FREIGHT SYSTEM BILL 1999

Second Reading

Resumed from 21 September.

HON KIM CHANCE (Agricultural) [8.38 pm]: The process of the second reading debate is quite broad, and although I appreciate that this is not usually an occasion on which a report of a standing committee is referred to, I want to remind members of the situation that caused the referral to the Standing Committee on Public Administration of this Bill. This debate will be an occasion on which the fourteenth report of the Standing Committee on Public Administration will be referred to on a number of occasions by members. In that respect, and because that report has yet to be noted by the House, I will make some brief comments about the report. Firstly, I convey my thanks to the staff of the committee, whom we put under enormous pressure to get the report published in the limited amount of time that we had before this debate began. I think we just fell over the line, because this report was tabled yesterday and the first speech in the second reading debate occurred last night. I also convey my thanks to both the formal members of the Public Administration Committee and the substitute members who stood in for colleagues who for one reason or another preferred to be substituted by another member. The pressure that was placed on the staff was equally placed on those members of the committee as constituted. It effectively meant that the winter break for members of the committee evaporated and they had to work extremely hard to meet the deadline.

The **PRESIDENT**: Order! I take this opportunity to make a comment to the House. Hon Kim Chance has noted that the Public Administration Committee's fourteenth report in relation to an inquiry into government proposals for the sale or lease of Westrail freight operations is currently the subject of an entry on the Notice Paper. Some members may anticipate that that matter will come up on Thursday and that will be the appropriate time to discuss it. In fact, in this case, we have almost the reverse situation, where this is the appropriate time to discuss the report at whatever length members wish, because it will not come up on Thursday because it is the subject of a Bill. I am aware of that and Hon Kim Chance is aware of that, but I want other members to know that they will not be breaching standing orders if they refer to Hon Kim Chance's report - which is what it is, because he is the chairman of that committee - and that this is the appropriate time to raise the issue, or in Committee, or whenever, and that they should not expect it to come up on Thursday.

Hon **KIM CHANCE**: Thank you, Mr President. I was aware of it, but not as a result of this Bill. In fact, I became aware of it as a result of my question about where the reference to the committee's report on the Labour Relations Legislation Amendment Bill had gone, and it was then that I found out that because that PAC report touched also on the Labour Relations Legislation Amendment Bill (No. 2) - the Hodgson labour relations Bill - which is still on the Notice Paper, it in effect could not be discussed. In any event, it did not really matter. All that mattered to me at that stage was that we would fall over the line in terms of timing to get this report into the Parliament and hopefully give members at least one night to look at it before the debate began in earnest.

I have acknowledged the willing participation by committee members.

The structure of the report is somewhat unusual. I do not think I have seen a report structured in quite this way before; there may well have been one, but I am not familiar with such a report. The structure of this report reflects a number of the circumstances that were involved. It reflects, firstly, the balanced nature of the Standing Committee on Public Administration, which has three government and three non-government members. It became apparent early in the committee's procedure that had we attempted to bring down a report which contained recommendations about, for example, whether the sale should proceed, the time of the committee would have been wasted in a futile attempt - or in what would probably have been a futile attempt, because we did not try it so we do not know whether it would have been futile - by one side to grind down the other side and come up with some kind of definitive recommendation.

The report also reflects the fact that the committee recognised that its role was not to make recommendations unless recommendations presented themselves easily. This view was adopted because the House is about to make its own decision on the matter, and the committee's role is not to pre-empt that decision; rather, it is to assist the House to understand the complex arguments and to try to identify the key points on which this debate turns. A decision must be made on probably only four or five of those critical points. The committee also attempted to outline the facts to enable members, whichever side of the debate they may choose to argue, to make their decision on those four or five key points. To that extent, the committee consulted widely, and the appendix of the report indicated the parties with whom we consulted. We sought in particular the assistance of the Rail Freight Sale Task Force, which not only made a submission to the committee, but was also on hand to provide advice to the committee on the numerous times it was requested.

It is not very helpful to go through the report to find recommendations - one will not find any - nor to expect to read the findings and come out with a balanced finding. The committee did not attempt to do that. The committee made a number of findings which pointed to the key components and issues before members. Sometimes the facts were presented side by side in an entirely contradictory fashion, but the argument is built on contradiction. At the end of each chapter bar one, the committee included a table setting out argument or counterargument. Following that is the finding relative to that chapter. I will leave the structure of the report for now, although I will touch on that aspect later. I thought the House was entitled to an explanation of why the report takes the form it does. Ultimately, I could describe the report as a document designed to assist members in their contribution to the debate and no more.

I now take off my hat as committee chairman, and replace it with that of an opposition member with carriage of this Bill. The Australian Labor Party will oppose the Bill, and will do so absolutely; that is, it is not interested in finding any accommodation by way of amendment. The ALP will vote against the Bill at every stage of its passage. Its reasons for opposition to the sale are manifold, but all stem from a common view. That view is that we have not been convinced that the sale is in the best interests of the Western Australian public, of industry in Western Australia or, indeed, of Westrail itself. It has always been our view that the outcome of the Government's proposition would be that a public monopoly would be swapped for a private monopoly. There is contention on that matter and, indeed, that identifies the first real turning point of the debate. Competition of course is often, if not always, a good thing. I can think of a few examples of its probably not

being a good thing. Competition, and the competition we are likely to see in the Western Australian rail network in the future, is a function of open access to the rail network. It is not a function of privatisation. That provision of open access will happen anyway. One way or the other, we shall see a form of competition on the Western Australian rail network. Indeed that is pointed to by the Government as one of the reasons justifying the sale.

Hon M.J. Criddle: How will you get open access without private operators?

Hon KIM CHANCE: Of course, there will be private operators on the above-line operation.

Hon M.J. Criddle: You have contradicted yourself.

Hon KIM CHANCE: No, I have not. I said competition is a function of open access; we shall have open access anyway. There will be, or can be, above-rail operators operating in competition with Westrail. That is one of the reasons the Government has given to justify the sale. The Government has identified the possibility of Westrail losing perhaps only one of its seven key contracts when it is exposed to the open-access regimes.

Hon M.J. Criddle: How do you have open access when you must obviously have someone who subsidises it?

Hon KIM CHANCE: That is a difficult issue.

Hon M.J. Criddle: Yes it is, for you.

Hon KIM CHANCE: It is a difficult issue for us, but we did not introduce the open-access regime and the Government had no choice with it. It was forced upon the State Government, and the minister personally, by a function of the Commonwealth. It is interesting and I will be interested to hear the minister's views on it as it develops.

Hon M.J. Criddle: You have probably gathered my views. You cannot have open access when one side is subsidised.

Hon KIM CHANCE: We shall have open access and that open access will occur whether we have a government-owned Westrail or a privately owned Westrail. The fact of privatisation or otherwise is irrelevant in the matter of open access. Indeed, the concept of competition within a privately held monopoly seem to be two mutually exclusive concepts. Some terms that will be used in the context of this debate require definition at this point.

The effect of the Government's Bill will be that the new private owner of Westrail will, as a single entity, both control and manage the rail asset and will also be the operator of the Westrail freight business; that is, it will be both track manager and above-rail operator. That synergy is termed vertical integration, and honourable members will hear that phrase frequently in the conduct of this debate. Members should take my word for it, by the end of this debate they will be so sick of that term, they will wish they had never heard of it. It is a very important term. Vertical integration is the synergy of those two functions. The effective obverse of vertical integration is vertical separation. In the separated model the controller and owner of the track is not an above-rail operator. This is a common model both in Australia and overseas, particularly in Europe. Perhaps in every case the vertically-separated model is associated with a government-owned and controlled network on which the above-rail operations are competitive and open access.

Hon M.J. Criddle: And subsidised.

Hon KIM CHANCE: Perhaps. The Minister for Transport makes the point that there is also an association between vertical separation and subsidy, which is probably true. The committee has received evidence on that point without weighing that evidence. However, the association between the two is not necessarily linked by fact, because there are other associations which run in tandem. One of those associations is the obvious one that I have identified; that is, almost always in a model of that nature there is partial or complete government ownership of the rail network. It could be that association which points to the subsidised nature.

Hon Greg Smith: I think that is definitely subsidised.

Hon KIM CHANCE: I am not necessarily being critical of government ownership being associated with loss making, because it could be that the government ownership of the network is a function of the Government's commitment to cop those losses, for example, to aid in the country's development.

Hon Greg Smith: That is the basis of the whole debate. It is an ideological debate. Business should run business and, largely, government should run its business.

Hon KIM CHANCE: Some of it is ideological and we will get to that. However, I will not become hysterical about ideology; I will build that into the debate because it is something we must recognise. We must consider the cold, hard business factors, and if the Government can knock our argument down on that basis, that is fine; we will then argue about ideology. However, it is an extremely complex issue.

Hon Greg Smith: Vertical integration is recognised as one of the more efficient ways of operating a business.

Hon KIM CHANCE: Is it? The member is right in a sense, but there are parameters around that statement. He is right in respect of the vast bulk of the Western Australian rail network; that is our official position and we agree with him on that.

That, Mr Deputy President, begins to define the second turning point of this debate. A less common term in this debate is "horizontal separation", which means that the above-line operators are separated on one base or on a number of bases. They may be separated by commodity, by traffic type or by geographic factors. However, for one reason or another, the above-rail operators are separated. They may even be separated by regulation.

The rail system in the United Kingdom, since the breakup of British Rail, is an example of horizontal separation. The committee report in chapter 4 provides a more complete explanation of these terms. It also relates the models to current practice in Australia and worldwide. It explains to some extent how the United States railroad system works, which is unique, although Canada has a very similar operation. I cannot say that we spent a huge amount of time seeking examples worldwide, but we did spend as much time as we could and sought external advice on the matter. As the Government proposes a model which is a combination of vertical integration and open access, the committee tried to find an example of that as a precedent anywhere in the world. It found only one, not far away, in Victoria. However, it has been in operation for such a short time that it is difficult to use it to try to predict what might occur here.

Worldwide, where open access occurs, it tends to be within a vertically-separated model and usually on government-owned hardware. The classic example of that is Europe's railways, which have developed over the years as government-owned railways. Then, the onset of the European Union - I guess that was the trigger, although it might have happened earlier - triggered an open-access regime almost by default. That gave rise to the classic set-up of vertical separation with open-access operations. There are other examples in Europe, because I am referring to the European Union in particular, where different routes have been taken. Britain is one of those and Sweden has another model.

Hon M.J. Criddle: Britain is not a good example.

Hon KIM CHANCE: No, but it is different from Europe. Britain is a good example of horizontal separation. Sweden has a different -

Hon M.J. Criddle: It is not a good example on which to win the argument.

Hon Greg Smith: It is very hard to draw comparisons between those countries and Australia. Australia has large distances with small populations and those countries have small distances with large populations. The equations are totally different.

Hon KIM CHANCE: It is, but we went searching for a model. We went searching for something to which we could relate. That is a fairly human thing to do. When one wants to know the outcome of something, one goes looking for something which is comparable and one tries to relate to it. We also tried to relate to the United States, and that is why I referred to chapter 4. Towards the end of chapter 4, the US model is explained better than I will ever be able to explain it. The United States is different again. It has similar distances to those which we encounter in Australia. Indeed, it operates on much longer distances, because it has the extremely long hauls out of the mid west to the river systems, the lake systems or the sea ports. The difference between the United States and Australia is that the railroad system in the United States began and remained as a privately-owned system.

Hon Greg Smith: It is vertically integrated.

Hon KIM CHANCE: It is very much vertically integrated, but without open access; that is the difference. It is similar to that which is proposed for Australia in respect of its model; that is, it is generally a vertically-integrated model. However, it is entirely dissimilar in respect of the other half of the component - the open-access component.

Hon Greg Smith: Like BHP's or Hamersley Iron's railway lines.

Hon KIM CHANCE: That is an even more interesting example. In the rail industry in the United States, open access is regarded as some kind of terrible form of creeping socialism. The United States railroad companies have long worked on the principle that they own the railroad, and they control what happens on that railroad absolutely. If a railroad company decides to let a retail operator operate on its railroad or if it decides to do a deal with another railroad to use its line, it will do a deal, but it will remain in control. To the extent that a combination of operators are running on a particular line, it is always in the control of the line owner. One good example of that was given to the committee in respect of operations between San Diego and Mexico City where there is a huge amount of traffic. It is a long-haul operation in which two major railroad companies - one of which was the Burlington Northern Santa Fe Railway - were operating on their own lines between San Diego and Mexico City. Between them, they could do about 30 unit movements a day on those single-line operations. Those companies are bitter competitors. The two companies got together and said, "If we make your line the northbound line, and our line the southbound line, we can run 200 units a day." They entered into a deal on that basis. That cannot be described as open access. It can be described as a marriage of convenience, but not as open access. Nonetheless, the American railroad system allows that kind of flexibility to occur. However, it is always a matter which lies in the control of the rail owner, and that is a reflection of United States railroad history.

The other example the committee was given involved a situation in upstate New York in which two parallel lines were serving a traffic volume which warranted only one line. The two railroad operations got together and closed one line, but they both operated on the other line. Again, that is a marriage of convenience.

Hon Greg Smith: It is commercial rationalisation.

Hon KIM CHANCE: Yes, exactly. Because of that long history of private railroad ownership in the United States and perhaps its somewhat chequered history - this is where the robber barons came from in the United States' commercial history - the concept of open access is regarded as anathema. To those in the United States, it is a socialist concept. I know that we do not regard open access as a socialist concept because we have been brought up with a culture of public ownership of rail. We do not have the sense of ownership of rail in other than a community sense; that is, the people own the railroad line. Hon Greg Smith prompted me a while ago when he talked about the Pilbara lines, which are established on the American system. They are private structures. Hon Greg Smith is more aware than I am of the difficulty which has been involved in introducing any concept of access on those lines, and that is very similar to the situation in the United States.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Perhaps I will interrupt at this stage and recommend that instead of taking a journey of the great railways of the world we focus on the debate and, to use the railway analogy, get back on track.

Hon KIM CHANCE: I thank the Deputy President for that reminder. I do not believe that my straying was wasted, provided not too many people do it, because there is a necessity for people to understand how railroad systems worldwide are structured. What is proposed in this Bill is a unique proposition, apart from the newly fledged operations in Victoria. We must not get taken away with the idea that we are instituting a system in Western Australia which is in any way similar to that which operates in the United States. We may well import an owner from the United States, but we will not import its system. In saying that, I remind members that the outcome of this Bill will be a system which is not repeated anywhere in the world, other than perhaps in Victoria.

Another term that members will encounter in this debate is ring fencing, or its alternative of Chinese walls. These terms refer to the mechanisms which need to be employed by a vertically-integrated operation to ensure that its above-rail activities do not gain any unfair advantage over other third party competitors by virtue of the knowledge obtained by the arm of the same company which is the track manager. This concept becomes important in the debate that we are beginning as it is one of the pillars, along with the access regime itself, which is relied on by proponents of the sale to support the view that fair competition can exist in the context of a vertically-integrated structure. As I identified before, it is one of the key turning points of the debate. If honourable members can be convinced by the Government -

Hon M.J. Criddle: Or by the National Competition Council.

Hon KIM CHANCE: I will go into the National Competition Council, and the ministerial statement, later. I will not hold back anything. Perhaps it is more accurate to say that if honourable members can be convinced by the Bill's proponents, whoever they might be, that the access regime can be sufficiently robust in practice to guarantee fair and open competition within a vertically-integrated regime, then they should feel more comfortable about voting for the Government's proposition. They should not feel entirely comfortable, because there are other issues. This is one of the key turning points of the debate.

Hon M.J. Criddle: The regulator is not a key point?

Hon KIM CHANCE: I will go into that.

Hon M.J. Criddle: I am just reminding the member.

Hon KIM CHANCE: The Opposition's point of view is that, despite what it has heard, it is not satisfied.

Hon M.J. Criddle: The Opposition was not satisfied with the NCC's letter or the independent regulator. What will it be satisfied with?

Hon KIM CHANCE: I am not sure that the Opposition can be satisfied on that point.

Hon M.J. Criddle: Does the Opposition look to the future and see that Westrail's prosperity is diminishing and that there is no possibility it can return to a viable state?

Hon KIM CHANCE: I will go into that. I personally have an open mind on that matter. I have an open mind on most of it.

Hon M.J. Criddle: One cannot have an open mind without going broke.

Hon KIM CHANCE: I can still be convinced on that matter. That is something for the minister to convince me of. At the moment I do not agree with the minister.

Hon M.J. Criddle: That they are going broke?

Hon KIM CHANCE: That is not the point.

Hon M.J. Criddle: It is the point.

Hon KIM CHANCE: It is not the point I am trying to make. At the moment I do not agree that the Minister for Transport's proposition will improve the situation.

Hon M.J. Criddle: The member does not have a proposition that goes anywhere near the Government's proposition.

Hon KIM CHANCE: We will get to that in due course.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): That is an excellent point. To enable Hon Kim Chance to get to the point, perhaps the minister will cease his interjections. That way there will not be a dialogue but an address on the second reading.

Hon KIM CHANCE: Thank you, Mr Deputy President. Obviously the Deputy President has a point of view in maintaining order.

The DEPUTY PRESIDENT: And I have the Chair. Therefore, my point of view will prevail.

Hon KIM CHANCE: I acknowledge that. The comment that I was about to make is that I welcome the minister's contribution because it marks, from time to time, where the House is in the debate and where those turning points might be. The Opposition is not yet convinced that the proposed access regime can be sufficiently robust to give those guarantees of

competition. However, at this point, I acknowledge that the Government has made one-and-a-half significant changes underpinning the robustness of the regime. The first of those is the intention to appoint an independent regulator. That is the subject of the amendments on the Supplementary Notice Paper. The other half a point is contained in the ministerial statement the minister made yesterday. When I say it is only half a point, I am not denigrating it. However, it is not a new point but something the minister had already announced - although, it was the regulator that the minister had already announced in the media statement.

Hon M.J. Criddle: The announcement by the regulator was that the NCC indicated that they were relatively happy with it.

Hon KIM CHANCE: The Government had already indicated that even though it was not bound to take the access code to the NCC it was going to do that. What completes the cycle of that point is in the ministerial statement yesterday. The key component of that is the following -

I am pleased to advise the House that the National Competition Council has now released a draft recommendation that the Western Australian regime will be certified as an effective regime for up to five years.

The Opposition acknowledges that and appreciates the efforts the minister and the Government have made to provide the antagonists on that point with some comfort. It is a concept which is extremely important because the issue relied upon by the proponents of the sale - that they support the view that fair competition can exist in the context of a vertically-integrated structure - is something that needs to be proved and that the Government will make every effort to prove. The Opposition finds that not proved. In Western Australia we employ both systems; the vertically integrated and the vertically separated. I am talking about the Westrail network in southern Western Australia. The vast bulk of operations, indeed all our intrastate freight operations, operate as a vertically-integrated model in which Westrail is both track manager and above-rail operator. Interstate operations are currently vertically separated. Westrail controls the track but does not operate as an above-rail carrier for interstate traffic, that being the function of a range of competing national freight operators. The vertically-separated component of our system is intensely competitive. There is no competition on the vertically-integrated component of our system.

When we consider competition we need to be quite specific about that also. There are essentially two elements of competition in this context. The first is that which exists between rail and other modes such as road or shipping, which is called intermodal competition. The second element is the competition that exists between two or more different rail operators. That is called intramodal competition. Both forms exist in our present system and the concept lies at the heart of the debate.

In the part of the Westrail network which is deemed to be regional low volume, no potential for intramodal competition seems to exist. I say "seems" to because I think it is a matter for speculation. The industry advice indicates there is no potential for intramodal competition on the low-volume regional lines. That is not to say there is no competition. The real competition comes from road. That is intermodal competition. There is intense competition between the interstate operators on the east-west standard gauge line, and that is intramodal competition.

It is important to understand what those terms mean and that is why I spent some time on them. In its draft report the Productivity Commission made the point that our intermodally-competitive, low-volume regional network is probably best administered under a vertically-integrated model. That is why I responded to the interjection by Hon Greg Smith. He was quite right and the Opposition does not have a problem with accepting that that is the case.

Hon M.J. Criddle: Everybody has said sell it, like you blokes are saying today.

Hon KIM CHANCE: Everybody with the exception of the Western Australian Farmers Federation and the Public Transport Union.

Hon M.J. Criddle: Yes, but all the industry has said it.

Hon KIM CHANCE: All of the clients and all of the rail operators have said it.

Hon M.J. Criddle: They have also said sell it vertically integrated. The only discussion is about the east-west line.

Hon KIM CHANCE: I can say that is largely true. There were some who had a slightly different prescription but largely that is a correct statement.

Hon M.J. Criddle: And that only happened, even on the east-west line, because of the independent regulator and the access regime. That is the basis of the argument.

Hon KIM CHANCE: No, I think it is a bit broader than that. We should develop that point because the minister may have raised an issue that we would need to check with the people who gave the evidence - we as members, not we as the committee.

Hon M.J. Criddle: On the reading of your report, that is pretty accurate.

Hon KIM CHANCE: Let us develop that because it is an interesting point.

Hon M.J. Criddle: I will.

Hon KIM CHANCE: The Productivity Commission went further than that. It said that most of our network is probably best operated under a vertically-integrated model. It went on to say that vertical separation may even impose additional costs on operations such as those low-volume regional networks. In respect of that type of rail operation, the Productivity

Commission was certainly no fan of vertical separation. As I have said informally, the Labor Party agrees that in all probability that is the case in respect of the regional low-volume network. However, from that point we begin to differ from the Government in our view of what constitutes the logical outcomes. I believe our view is supported by the Productivity Commission's draft report. In the draft report the Productivity Commission holds that the high-volume lines need to be separated from the low-volume regional lines. It holds that vertical separation is consistent with competition and that vertical integration is consistent with monopoly. When this matter was debated in the other place it drew an exchange between the Deputy Premier and the member for Armadale in which the Deputy Premier seemed to argue that the east-west standard gauge line was not a high-volume line. Whether that is true or not is irrelevant; in fact, the whole argument was irrelevant. Whether a particular line is above some hypothetical level which defines a high-volume status does not matter one iota. What is of importance is whether the traffic on a line is, or may be in the future, of a type that can support intramodal competition. That is the point which becomes clear as we go to the issues raised in the report. At this point, it is important to note that the lines that could support intramodal competition are not necessarily limited to the east-west standard gauge line.

It is true that that is probably the most obvious example by virtue of the fact that it is already intramodally competitive. However, it is by no means the only line that could potentially benefit from competition. The line from Bunbury, for example, carries very large volumes - in the order of 10 million gross tonnes per annum. It is a line that is clearly competitive, at least potentially. The nature of the mineral traffic on that line is such that it is probably beyond road transport's capacity to compete. That again puts the line into another category in that there is no effective intermodal competition.

The Government's proposal for a standardised vertically-integrated model across the whole State recognises none of that. It makes the assumption that it can overcome the issues identified by the Productivity Commission in its comments about the higher volume lines, by its reliance on the access regime. This is a matter that we will examine as we get further into the committee's report. However, for now it is sufficient to say that the Opposition does not share the Government's confidence in the capacity of the access regime to deliver the intended outcomes. As I identified, that is a key turning point in the debate.

At this stage it is important to note that we are being asked to take a great deal on faith with this proposal. One of the first things the Public Administration Committee sought was a working example of a model the same as that proposed by the Government. As I have said, one does not exist. Nowhere in the world can an operation of that kind be identified. I have already noted that the operations in Victoria are of that kind, but are so recently established they are of no use to us.

I should add at this point that the Western Australian Farmers Federation, which it will be clearly understood later is an opponent of the sale, recently introduced me as a private member to Mr Roger Mould, who is an executive officer of the Victorian Farmers Federation and a former V-line executive. It was refreshing that the WA Farmers Federation was prepared to do that because Mr Mould is very much pro sale and has no objections to the form of sale proposed by the Government. Certainly Mr Mould reported favourably on the new Victorian structure as far as it has worked to date.

Victoria aside, we have no precedents; we are dealing with brave-new-world stuff here. That alone might not be a reason to reject the sale, but it is a reason to be very careful about accepting generalisations. It is also a reason to take very careful note of what industry has to say about how it believes it will be affected by the proposed changes. That is what makes the absence of a comparable working model worldwide of such importance. Without a model of that nature with which to compare, we are flying blind or we certainly look as though we are being forced to accept matters on trust. That is perhaps a little too brave.

Hon Dexter Davies interjected.

Hon KIM CHANCE: That is pretty unfair, I think.

Hon M.J. Criddle: It is not a bad thing that when you put in a crop you must work out a new way of doing it.

The PRESIDENT: The honourable member is not in his seat.

Hon KIM CHANCE: If the member were not in his seat he would not have said it. I take the point. I could not quite hear who made that interjection -

Hon Derrick Tomlinson: A member in his place!

Hon KIM CHANCE: It must have been a member in his place, because it would be against standing orders for a member to be otherwise than in his place.

That is a good point. It is a harsh judgment to say that because there is no precedent anywhere in the world, to be cautious about that lack of precedent shows some lack of initiative. The usual response to a new concept that we intend to introduce is to try to find some benchmark against which that concept can be measured; and in the absence of such a benchmark, we need to make judgments when we do not have anything to measure the concept against, and in that way we can make mistakes. I am suggesting to members that this is such a big step to take that we should be extremely careful about how we proceed. I do not know how we can compare one privatisation with another. Obviously bigger privatisations have been carried out in Australia, and bigger elements of privatisation have been carried out by State Governments. The South Australian Government's privatisation of its water corporation at around \$2.5b was obviously bigger. I do not know what this sale will be worth. When I have been asked to speculate on the sale price, I have suggested that it will be in the order of \$800m, but I have always been very careful to note that it is nothing more than speculation. To give members an idea of how big this operation is, publicly available information in a Westrail submission to the Productivity Commission has

indicated that the replacement value of the Westrail freight asset is in the order of \$5b. This is a very big corporation. Tasrail is one rail privatisation that has been put before us as a good example of a privatised vertically-integrated operation. It was sold for peanuts.

Hon M.J. Criddle: It was a very small operation, to be fair, and the same amount of money was spent on it.

Hon KIM CHANCE: Perhaps it was, but from my recollection, the price paid for Tasrail was \$US15m, or about \$A22m. It really was peanuts. We are talking here about an operation of a much larger scale. The price paid for Australian National, which I will not try to quote here, was peanuts compared with what we are talking about in Western Australia.

Hon M.D. Nixon: It could have been a liability rather than an asset.

Hon KIM CHANCE: It probably was. It has been suggested to me that Tasrail certainly was.

Hon Dexter Davies: That is a bit misleading, because the \$5b that you are talking about is not what is up for sale.

Hon KIM CHANCE: No, because that was an identification of the value, but the member has raised another point. We are talking about a lease of the major part of the asset and the sale of certain parts of the asset, in particular the contracts and the rolling stock which is owned, not the rolling stock which is leased, obviously. In respect of the major part of the asset, which is the track, the permanent way and the real estate assets which attach to the permanent way, we are talking about a lease of 20 years, plus options for 15 years and 14 years, or a total potential lease, with options, of 49 years.

I ask members to consider being presented with two options regarding their house or any other substantial real estate asset: Option one: "Will you sell me your house, and what is your price for it?" Option two: "Will you lease me your house for 49 years, and what is your price?" What is the difference between the two options? I suggest the difference is not great at all.

Hon M.J. Criddle: The house in 49 years' time might be worth \$40m.

Hon KIM CHANCE: I would like to ask a real estate agent whether some such comparison has been considered.

Hon M.J. Criddle: Values never go down.

Hon Bob Thomas: Tell that to people in Manjimup!

Hon KIM CHANCE: Quite.

Hon M.J. Criddle: In 20 years' time, I will.

Hon KIM CHANCE: It is interesting to put that proposition because you, Mr President, are aware that housing in Britain, and London in particular, is normally traded on such terms: One does not buy the freehold of a house in London, but buys what is remaining of a long-term lease.

Hon M.J. Criddle: You are now contradicting yourself.

Hon KIM CHANCE: No. One buys a long-term lease, and the difference between the long-term lease and the price of freehold property in London is not that great. It is said that we will only lease the line, but I respond: What is the difference between 50 years' use of the asset and buying it?

Hon M.D. Nixon: There is a big difference between 50 years of the life of a person and 50 years in the life of a Government. One presumes that the Government will not be there in 50 years.

Hon KIM CHANCE: One sincerely hopes so. When one is 40 years down the track, and has 10 years to go on the lease, one can say, "Whoopee do - we will get our railway back!" Do we think in 50 years' time the railway will have any value?

Hon M.J. Criddle: I do.

Hon KIM CHANCE: Do we not believe that the transport system will have sufficiently evolved to make a railway system, which is already 60 years old, plus another 50 years, of any value? We probably will not be using railroads at all in 50 years. On the other hand, everything could be transported by rail. Little difference exists in the price expectation for the sale of the below-rail asset, and the price for a 50-year lease of that asset.

Several members interjected.

The PRESIDENT: Order! Hon Kim Chance has the call.

Hon KIM CHANCE: Thank you, Mr President. I allowed myself to be sidetracked. Members should consider that aspect. As representatives of the owners of Westrail - namely, taxpayers - we should be very careful in our consideration of what the transaction will involve when we talk about the arrangements for the below-rail asset. Is the transaction for the ownership or the 50-year use of the asset, and is there really any difference? A difference exists, but it is not huge. I do not know; members can tell me more as the debate proceeds.

We must be very careful about accepting generalisations and what the industry - that is, both the client-based industry and the rail-operations industry - says to us about how it will be affected by the proposed changes. In that context, the absence of a comparable model worldwide is a difficulty in our considerations.

The Labor Party specifically denies that bundling up the low and high-volume lines in a single sale package, as the Government proposes in this Bill, is an effective way of operating the network in the future. We believe vertical integration and intramodal competition are mutually exclusive concepts. The Government argues, of course, that this is not the case and it is free to do that. The argument is based on its confidence in the ability of the access regime to so effectively ring fence the owner's track management function from its above rail operations, that open competition is not in any way impeded. I have a note for me to refer at this point to the ministerial statement but I have already done that, and I have recognised that the Government has gone some way towards underpinning the quality of the access regime.

At this stage I refer to pages 28 and 29 of the report, at which are reported two comments of the General Manager of the National Rail Corporation, Dr Fred Affleck. In his oral submission to the committee, Dr Affleck said, when referring to the vertically-separate model -

It is our preferred model, but as I said in our submission, I think the jury is still out, so to speak, on whether that is a necessary precondition for competition. It is sufficient but is it necessary? What I said in our submission is that because it is proposed to have a vertically integrated sale by means of sale and lease, that means that the access regime that ensures that adequate competition will take place needs to be particularly strong to ensure that occurs.

Dr Affleck is saying perhaps it is possible to do that, provided one has confidence in the regime put in place. On the next page of the report, he begins to illustrate what some of the problems can be without the effective ring fencing. In that short quote, he says -

. . . the potential for leakage of information across the boundaries between above and below-rail portions of the organisation is the greatest threat to competition.

At this point we can challenge the Government's confidence in the access regime.

Hon M.J. Criddle: You are also challenging the NCC.

Hon KIM CHANCE: No, I do not think I am. I am qualifying the view of the National Competition Council by reference to the words of people who actually operate in the industry. It can be argued that in each case where those persons have made those points, they have a vested interest.

Hon M.J. Criddle: Absolutely.

Hon KIM CHANCE: I accept that argument and I will even pre-empt it. We should be aware of where the advice is coming from. Nonetheless, I will be attempting to argue that the NCC's view is true in a theoretical sense and I can accept that in this access code the minister and the Government have done everything humanly possible to make the code as theoretically robust as it is possible to do. However, the minister and the Government cannot - and the rail industry operators are telling us this - make it so robust in a practical sense that it can overcome human nature. It cannot do that. It gets as simple as this, Mr President: Let us assume we have a perfect access regime in a vertically-integrated operation where two divisions of the company which owns the operation operate entirely separately. A third party access competitor advises the track management division of Westrail Private - I will call it that - that it intends, for purposes which can be clearly connected with a potential bid that the company will make for a resource project near Leonora, to provide information to the track manager which indicates to the track management division that the bid will be made, for example, to negotiate timetables as to when the rail might be available to them. It may ask questions about speed limits and turnaround times which could indicate to the track management division exactly what the third party access provider intends to bid. All it takes, despite the perfect Chinese wall which is established between the track management division and the Westrail Private above-rail operations division, is one sentence to be exchanged between an executive of one division and an executive of the other division.

Hon M.J. Criddle: Are you saying the regulator will not have any influence on that?

Hon KIM CHANCE: He cannot because that one sentence exchanged over a beer after work one night in the staff canteen completely blows away the Chinese wall because the executive of Westrail Private can learn from that one sentence exactly what the competitor intends to do. That is enough for Westrail Private to undercut that operator. The regulator is really no more than an arbitrator. The regulator never has to do anything if the system works.

Hon M.J. Criddle: Are we getting back to the Trades Practices Act now?

Hon KIM CHANCE: I am saying that it is not possible and not practical to do it. It is theoretically possible to create a perfect access code.

Hon M.J. Criddle: You are saying that business and competition throughout the world cannot function at all because people will have a beer at the pub and will exchange views.

Hon KIM CHANCE: No, I am saying that competition cannot be guaranteed in private business if one business can consistently get an advantage over the other. As soon as one potential competitor has the inside running on the other, it will always use that competitive advantage. That is the nature of business; indeed, corporate law requires it.

Hon M.J. Criddle: You used the word "if".

Hon KIM CHANCE: Yes. I am suggesting in practice that "if" will become a reality. I have referred to the theoretical notion that total ring fencing is a possibility. I have also suggested that there is a logical inconsistency about the Government's proposal. On one hand the Government is saying there are advantages for the owner in a vertically-integrated concept; on the other hand it is saying the ring-fencing mechanism can completely separate its above-rail operations from

any competitive advantage that its operational division might obtain from the information which is available to the track management division. The Government is probably right; it may be possible to do one or the other. However, we say that it cannot have it both ways. Yes, it is possible to gain efficiencies from the integration of operations and track management; yes, it is theoretically possible to totally ring fence one division from another in a single company; but no, it cannot do both at the same time. We will be able to observe further on in the committee's report the thoughts of the leading clients of Westrail on the vertically-integrated model. Almost universally they favour vertical separation. They may be in favour of privatisation in one form or another, but they are telling us that this is not the way to do it. If rail clients such as those represented by the integrated supply chain have that view, it is strongly supported by the rail operators who would have to compete with a vertically-integrated owner for business on the Western Australian network. Those operators clearly do not share the Government's confidence that the rail access regime can protect the spirit of competition. On the contrary, they specifically deny it. Very simply, for these operators to enter a new market, they are required to begin negotiations with the track manager. Those negotiations involve commercially sensitive information which is so explicit that the client is very easily identified. From that point I have already referred to the possibility of leakage between one division of the company and another.

Hon M.J. Criddle: The access code will prevail under the present system, the same as it will under the old system. What is your argument?

Hon KIM CHANCE: My argument is that if that commercially sensitive information -

Hon M.J. Criddle: We have the code in place at present and we will put in a private operator. Are you saying that it will not work under this system and it will not work under the private system?

Hon KIM CHANCE: In the only system in Western Australia which has competition above rail, the below-rail operator - the track manager - is not one of those competitors. There is no potential for competitive advantage.

Hon M.J. Criddle: Westrail owns the track and it runs on it.

Hon KIM CHANCE: Westrail does not operate on the track in respect of interstate traffic.

Hon M.J. Criddle: In this State it does.

Hon KIM CHANCE: The minister means within Western Australia. So far we do not have any competition above rail, so the question has not arisen.

Hon M.J. Criddle: You are saying that it will not work if somebody wants to come in here with Westrail as the owner of the track. You cannot have it both ways.

Hon KIM CHANCE: I am not trying to have it both ways.

Hon M.J. Criddle: You are.

Hon KIM CHANCE: All I am saying is that if a private corporation has control of the track and is an above-rail competitor -

Hon M.J. Criddle: If Westrail maintains the control under your system, and somebody else wants to come in, you will have the same situation.

Hon KIM CHANCE: The minister should let me finish, because this will not make sense otherwise. The minister has not been able to show that, in a practical sense, he can prevent that private operator from gaining unfair competitive advantage from its track management role passing onto its operational role, which will break the spirit of competition on the above-rail operations.

Hon M.J. Criddle: Overnight you should think about what I said.

Hon KIM CHANCE: I have thought about it and the minister raised an interesting question much earlier. This is the same point: What will be done about ensuring competition and the absence of unfair advantage once the open-access regime extends into above-rail operations intrastate? However, that issue will occur whether or not we have privatisation.

Hon M.J. Criddle: So what is the argument?

Hon KIM CHANCE: The argument is that you are probably better off having a separate below-rail operation in any case, but it is not relevant to this Bill.

I want members to consider the issue that Dr Affleck raised; that is, the leakage of information across the boundaries between the above-rail and below-rail portions of the organisation is the greatest threat to competition. Dr Affleck probably knows more about the operation of railroads than anyone in this country.

Hon M.J. Criddle: That is not an argument about railroads; that is an argument about leakage.

Hon KIM CHANCE: It is an argument about leakage, and leakage can occur only when one organisation is the track manager and an above-rail operator. The proposal that the Government is bringing to us in this respect will put that position of potential monopoly power and potential leakage in the hands of a private corporation. That is the issue.

Hon M.J. Criddle: Or Westrail.

Hon KIM CHANCE: Does the minister mean Westrail as a public corporation?

Hon M.J. Criddle: It will be either a private operator or Westrail.

Hon KIM CHANCE: Yes. However, let us concentrate on what the minister is saying to us. He is saying that we can put those two roles and that potential economic power - the potential for monopoly rent - in the hands of a single private corporation. I will concede to the minister, if he wants me to, that if Westrail is not privatised it will be in the hands of a single public corporation. A judgment will then be made about whether the Government wants this power in the hands of American stockholders or Western Australians, and the argument in favour of Western Australians will win every time. It is as simple as that.

Hon M.J. Criddle: No, it is not. That is rubbish.

Hon KIM CHANCE: That is the issue. However, what neither of us can ignore is Dr Affleck's warning that the greatest single threat to competition is that leakage. The minister can show me how the access code can in theory prevent that leakage from happening, and he can even convince me of that. However, he cannot convince me that in practice it will work, and that is the issue.

The next question we should ask is, if leakage can occur in theory, will it occur in practice? I have already argued that the answer is yes. The answer from the rail industry, however - the people who actually know how this industry works - is unequivocally yes.

Hon M.J. Criddle: Hon Kim Chance would never go into business.

The PRESIDENT: Order! The minister will get his chance.

Hon KIM CHANCE: I can rely only on what has so far been the unanimous advice of those persons who operate in this industry at that level; that is, if there can be leakage, there will be.

Hon M.J. Criddle: They are people with a vested interest.

The PRESIDENT: Order!

Hon KIM CHANCE: The minister knows as well as I do what the effect of Corporations Law is in this matter. Directors are bound, as a duty in law, to maximise the benefit to their shareholders of the information that is available to them. There may well be a Chinese wall between the two divisions of a company. The commercial reality is that advantage will be taken of every leak that it is possible to squeeze through that wall. That is human nature; it is the nature of corporations.

The committee heard compelling evidence from rail operators that there are as many options available to a track manager to find legitimate ways around the regulations as there are options to find less legitimate ways. Indeed, we were told by one person who gave us a briefing that he could speak to us all day about legitimate ways in which he could get around these Chinese walls; however, if we wanted to know what the less ethical and less legal options were, it would take another day.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.00 pm]: I move -

That the House do now adjourn.

Community Sporting and Recreation Facilities Fund - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [10.01 pm]: I will comment briefly upon an answer given by the Leader of the House this afternoon during question time to a dorothy dixer from Hon Ray Halligan concerning comments made yesterday by the Leader of the Opposition, Geoff Gallop, about the use of the community sporting and recreation facilities fund to build the swimming pool at Barrack Square as part of the belltower and Barrack Square redevelopment project. When I first heard the opening comments by the Leader of the House, I thought he was suggesting that that fund would not be used in any way, shape or form to fund the Barrack Square redevelopment, and that that was the matter on which he was attacking the Leader of the Opposition in the other place. It then became clearer that he was saying that the Leader of the Opposition had implied that the money would be used to fund the pool in totality; that the whole of the pool costs would be paid out of the community sporting and recreation facilities fund.

Hon Greg Smith: Is the member saying that the Perth City Council should not provide any funding?

Hon KEN TRAVERS: Hon Greg Smith should stay in his monkey cage.

Several members interjected.

The PRESIDENT: Order! Members, one at a time.

Hon KEN TRAVERS: I thought it was a highly unlikely situation for the Leader of the Opposition to put to this place. He is a man who has integrity. I made a point of obtaining a copy of the press release the Leader of the Opposition put out yesterday. Members should remember that the Leader of the House suggested that Dr Geoff Gallop had misled the people of Western Australia. I quote from the press release -

Over the years, this fund has helped build community centres, aquatic centres, sporting clubrooms, playing fields and other facilities throughout the length and breadth of our State.

This is the key part -

It operates on the basis of the State Government providing one third of the total cost, local government providing one third and local communities raising the remainder of the funding.

Hon Greg Smith: Does the member know what the question was? The question was that Dr Gallop claimed money will be taken out of the community sporting and recreation facilities fund to fund the Barrack Square redevelopment.

Hon Kim Chance: It is not what Geoff Gallop said.

The PRESIDENT: Order! Hon Ken Travers is trying to make his point.

Hon KEN TRAVERS: I am enjoying it too, I might add. I am still a bit confused. There is a situation in which the Leader of the Government in this place attacked Dr Geoff Gallop by suggesting he misrepresented the situation, when his press release clearly outlined the situation. I am sure the next comeback will be that it was misrepresented by the media.

Hon N.F. Moore: That was not what he said on television.

Hon KEN TRAVERS: Can Dr Geoff Gallop be held responsible if it was the case? If Dr Geoff Gallop put out a press release and misrepresented it to the media, I am sure the media would have picked up on it. It was in black and white. It was in the Leader of the Opposition's press release. It must be asked if this Government intends to use that fund to assist paying for the pool in the Perth central business district.

I want to know, if the City of Perth does not want to put in the other two-thirds, who will fund it? Have we got another case of this Government running around promising things to people, suggesting that there will be a swimming pool at Barrack Square, when it is really saying that someone else must pay for it? The Government has a record in this area. Specifically with swimming pools, the Government goes around the State and tells people that they can expect to get a swimming pool, but when it comes to the crunch what it really meant was that the local authority should build it.

Hon Murray Montgomery: Look at the Port Hedland incident in 1991-92 and find in the budget an amount of \$1m promised to the Port Hedland local authority. Who was in government then?

Hon KEN TRAVERS: The member can give his own adjournment speech. I will give the example tonight. If the member wants to get on the high ground, he should make sure the Government follows through. Two years ago, leading into the summer of 1998-99, I brought into the House a number of petitions about the Yanchep Park swimming pool, which the Government closed and refused to renovate for the people of Yanchep. The Government would not let the member for Wanneroo go up there on his own; it sent a minder, the Minister for the Environment, who ran around and led the community to believe that the Government would look at an option of a swimming pool at the district high school. The heat died out of the issue. Summer passed and what the Government was really saying was that the local community could have a pool at the local school as long as the local council paid for it. The Government has a track record in this area.

I am sure Hon Ed Dermer would like to raise the situation in the Scarborough area where the Government promised the people of Scarborough that when the high school was closed, the swimming pool would remain as part of the facilities for the local community. We do not get that commitment today - another promise now forgotten.

Hon Greg Smith interjected.

Hon KEN TRAVERS: I am glad Hon Greg Smith raised the issue. I made a point of getting my street directory because I wanted to see how close swimming pools were to different people in Western Australia. From the Causeway, which is the furthest point from Beatty Park, yet still in the CBD, one is no more than four kilometres away.

The PRESIDENT: Order, members! Again, this is a limited-time debate. A number of members may speak, but only one at a time.

Hon KEN TRAVERS: One is four kilometres away from the pool in the Town of Victoria Park, which was originally all part of the City of Perth until the Government got its hands on it. In the northern suburbs people are more than four kilometres from a swimming pool. There are lots of places in the northern suburbs that are more than four kilometres from a pool. I would have thought that Hon Greg Smith would have lots of towns in his electorate that do not have a swimming pool but would want to get access to funding.

Hon Greg Smith interjected.

The PRESIDENT: I will give the next call to Hon Greg Smith.

Hon KEN TRAVERS: Do not worry, the electors will sort him out after the next election as they did with the country members in Victoria. They forgot about the regional areas and started to support a Government that put the CBD ahead of the regional areas and the suburbs of the State.

The Leader of the Government in this House clearly misrepresented the view of the Leader of the Opposition, Dr Gallop. It is clear that if the Leader of the House had bothered to read the press release -

Hon N.F. Moore: I spoke to the journalist he spoke to.

Several members interjected.

Hon KEN TRAVERS: Then why does the Leader of the House not have a go at the journalist for not reading the press releases and getting it right?

The PRESIDENT: Order! Will the Leader of the House desist interjecting as we are about to run out of time.

Hon KEN TRAVERS: Obviously the Leader of the House expects the journalists to work on the same process of not doing their homework that he does. I argue very strongly that the money should not be used to prop up the Premier's pet project in Barrack Square. If money is to be spent on swimming pools, they should be put where people need them in the regional areas of Western Australia and in the northern, southern and eastern suburbs of Perth. That is where the money should be spent, not to prop up the pet projects of the Premier.

Carers Pension - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [10.10 pm]: I am not here tonight to complain about anything this Government has done.

Several members interjected.

The PRESIDENT: Order! This is a serious debate and I do not need any interjections. Hon Ken Travers has just had an opportunity to speak and Hon Greg Smith did not take up my offer so please do not interject.

Hon TOM HELM: I am using the Chamber as a forum to express my disgust at some of the bureaucrats and bureaucratic nightmares that I have put up with on behalf of a person I know in Perth. A lady who lives in Atwell is a patient of a doctor friend of mine and she is dying from motor neurone disease. She was diagnosed in May 1998 and last year she was totally incapacitated by this disease and her husband gave up work to look after her. A social worker at Fremantle Hospital advised the man that he was entitled to a carers pension because he could not work anymore. The social worker said she would take care of that matter but did not do it. As a result, the husband did not receive the carers pension. This matter was brought to my attention by the doctor and I made some inquiries. After I spent some time talking to the Health Department and Aged Care in Perth that lady and her husband began receiving that pension. I then realised that through no mistake of their own but through a professional's mistake - a person who has admitted to the mistake - the form did not go in last year and in anyone's language these people should be entitled to some back pay amounting to about \$1 000; it is \$57 a fortnight. I dealt with Aged Care in Perth who put me through to Centrelink and I managed to get the payments started. When I looked into the back pay situation, I immediately contacted the federal Minister for Health and Aged Care in Canberra to see whether his office could help. I was put through to the ministerial office of Senator Jocelyn Newman and after a series of inquiries I found that that was the wrong office. I was then put through to Senator Bronwyn Bishop's Aged Care department. I was told this morning that there is no way back pay can be paid even though the carer and the doctor will sign statutory declarations to say that this lady's husband was entitled to this payment in 1998 as he had given up work to look after her.

Time is of the essence. This lady is not only dying a particularly unpleasant death - if any death is pleasant - but she is also concerned that the family is suffering financially because of her illness. She would like to see her husband receive some money before she passes on. I asked about the minister making a payment of grace and favour and we all understand what that means. However, I was told categorically that that was not possible either. I have been to the Administrative Appeals Tribunal to see if there is some way that we can challenge that decision and I have been advised that there is no way to appeal the decision.

I know this is not in my electorate and it certainly is not within any of my shadow portfolio responsibilities but as a member of Parliament I think I am obliged to use this forum to advise the House and have entered in *Hansard* the distress caused by those public servants in Canberra.

I cannot believe that any minister of any political persuasion could make a decision of that nature. I firmly believe that bureaucrats are making these decisions. We should be concerned about that. A mistake was made by someone on whom we should be able to rely to do the right thing. I was less than impressed when I spoke to a person in Aged Care Services in Perth who said, "I have names, phone numbers, addresses, etc which I will not use in this circumstance, but I will if necessary." That person said that having the lady complete the form and witness it to authenticate the information, which they are obliged to do, is like leaving one's grandmother to fill in a form. We are talking about a family which is going through real traumas, and irrespective of whether the wife or the husband must fill in the form, they would have been focused on the circumstances with which they were faced at the time. Is this an example of the society into which we are developing?

I do not think I am a particularly important person as a member of Parliament, but I have learnt on which doors to knock. After all the inquiries and research I made as a member of Parliament, with the help of my wife Debbie, my electorate officer and the doctor, I was told that there was no way that family would receive the back pay to which it was entitled, nor could that lady's remaining time on this earth be made somewhat easier by receiving an act-of-grace payment of \$1 000. They are not rich people; they are battlers. I thank members for their time; I hope they understand why I used it in this way.

Scarborough Senior High School, Closure - Adjournment Debate

HON E.R.J. DERMER (North Metropolitan) [10.17 pm]: I express my pleasure that Hon Ken Travers was able to extract a straight answer from the Leader of the House. I am impressed that he clearly indicated that two-thirds of the cost of the pool proposed to be built adjacent to the belltower will be met by the ratepayers of the City of Perth. That was a good achievement. It is not always easy to extract straight answers from the Leader of the House.

Hon N.F. Moore: Rubbish. Give me one example.

Hon E.R.J. DERMER: I refer to two examples yesterday when we did not receive straight answers from him when he was representing the Minister for Education.

Hon N.F. Moore: That is a bit rough.

Hon Kim Chance: Even I agree with that.

Hon E.R.J. DERMER: The Minister for Education has demonstrated time and again that his word and his commitment to the people of Western Australia are worth nought. I do not envy the Leader of the House having to represent such a character in this Chamber.

Hon N.F. Moore: It gives me much pleasure.

Hon E.R.J. DERMER: I am sure it does. Hon Ken Travers referred to the swimming pool at Scarborough Senior High School. Members will recall that one of the most appalling decisions by the Minister for Education last year was to close the Scarborough high school. It was a poor decision and one that greatly angered the people in the community. When the minister made the declaration in his press release in June 1998, he was clear and unequivocal that the community facilities, being the pool with the gymnasium and some of the open space of the school, would be preserved for public access by the community.

Hon Ken Travers: He does it with every pool in Perth except for the belltower.

Hon E.R.J. DERMER: Yes. The Minister for Education knew that the people of the Scarborough area would be very angry so he chose to sweeten the decision by throwing a few crumbs and saying that the facilities would be maintained. I have made the point very clearly on more than one occasion in this House that the establishment of the pool, the gymnasium and the other facilities at Scarborough Senior High School was made possible through the good work of the P & C Association of that school, which encouraged and received great support from the local community. When the minister made this appalling decision, he thought, "These people will be angry" - they were angry then, and they are still angry - and he thought, "I will throw in a few sweeteners and promise that the pool and the gymnasium will remain available to them." However, a little over 12 months later, the minister has reneged on that promise. When I asked the Leader of the House representing the Minister for Education questions about this matter in this House, the best the Minister for Education could say was that those facilities were unsuitable and he was having discussions with the City of Stirling about other facilities. When I asked what proportion of the money raised from the sale of the school would go towards providing those facilities in the local area, the minister said he would not specify what proportion of the money would be provided.

The Minister for Education and other ministers in this Government make a basic and fundamental error in their political performance: They believe that people will forget if they make a commitment one year and deny that commitment the following year.

Hon M.J. Criddle: That has never happened to me! They always remember!

Hon E.R.J. DERMER: They will not forget.

Hon N.F. Moore: Of course they will not forget.

Hon E.R.J. DERMER: If ministers want to inflame the anger of the electors and work out a strategy which will maximise their desire for revenge at the next poll, they could not work out a better strategy than that exercised by the Minister for Education. He dangled before that school a false consultation process. When he made his educationally poor decision in the face of the white-hot fury in that electorate, he thought he could appease it by offering access to those facilities, when most of the resources for those facilities had come directly from that local community. One could not have a more effective formula for bringing the temperature of anger in a community to its absolute peak - not red-hot fury, but the white-hot fury to which I am referring - than to wait for this period of time and then backslide from that commitment. The people of Scarborough have had their important institutions torn away from them. They were given a secondary promise that access to those facilities would be maintained, when the minister was quietly slipping away from and was not willing to back up that promise. When the Minister for Education was called to account by questions in the House, he refused to give a straight answer. The minister's answers could not have been more carefully designed to enrage the people of the Scarborough community than if that had been his intention.

I am pleased that the Leader of the House could at least give a straightforward answer to Hon Ken Travers' question, and I congratulate Hon Ken Travers for that question, and the minister, on this occasion, for giving a straight answer. I also commiserate with the Leader of the House for having the misfortune of representing the Minister for Education in this Chamber.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.24 pm]: I need to quickly clarify the situation for the benefit of the last speaker. This afternoon during question time, I was asked a question about some comments made by the Leader of the Opposition, Dr Gallop. It might be helpful for members if I gave a brief history of this issue. I was telephoned the day before yesterday by a journalist from *The West Australian* who said Dr Gallop was alleging that we would use the community sporting and recreation facilities fund to fund the swimming pool. I then explained to her how the CSRFF works and that we put in only one-third and on most occasions it is an initiative of a local authority, but that on some occasions the Government and the local authority sit down and work out how a facility will be funded through this program. I said also that no funds had been set aside for it, and the proposition with regard to the CSRFF was raised as a potential source of revenue for this pool by Shane Crockett from the Western Australian Tourism Commission when he gave Dr Gallop a briefing about the whole Barrack Square project.

Having explained this to the journalist, the story did not appear in the newspaper. Perhaps that was because it is a good news story, but that is another story in itself. I watched television last night and saw Dr Gallop speak to a journalist, and I went away with the distinct impression that we would use the community sporting and recreation facilities fund to build the belltower. I was a little irritated, as I thought somebody should have asked the Minister for Sport and Recreation whether that was true. It did not happen. I was advised today that someone's father rang up and said, "Why are you using this sports money to build a bloody belltower?" Excuse my language. It occurred to me that I needed to look at the impression created by what Dr Gallop said -

Hon Ken Travers: You said that in an answer today.

Hon N.F. MOORE: That was the question asked, not the answer given - if the member thinks about it seriously.

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers had his opportunity. Other honourable members manage not to interject. Hon Ken Travers should talk to members who have been here a little longer than he has, and learn some of the rules. One does not add anything to debate by continually interjecting and sniping. There is a way to interject, and a way not to interject. I will give the member a few tips later on the way to interject as he clearly is being coached the wrong way at the moment.

Hon N.F. MOORE: I again watched what was said on television, and the impression created was that the money from the CSRFF was to be directed to the belltower. My understanding of Dr Gallop's comment was that the CSRFF would be used in totality to fund the swimming pool. If the member opposite said Dr Gallop put out a press release, unfortunately the media did not understand that either.

Hon Kim Chance: It is a bit rough to blame Dr Gallop for all of this.

Hon N.F. MOORE: Did I blame anyone?

Hon Kim Chance: I think you did.

Hon N.F. MOORE: I blame him for what he said on television. He clearly went out of his way to ensure an impression was created that the community fund was to be used for some Barrack Square development project which had nothing do with sporting and recreation facilities, which it has. I made the point this afternoon that many people live in the city, and we are encouraging more to do so. These people are as entitled to facilities as anyone else in Western Australia. Apart from people who live in the city, hundreds of thousands of people work in the city. An emphasis is placed on keeping oneself fit and healthy these days, and members may recall that I launched a program to encourage people to walk more often - a program of which I should take more note. However, people use lunchtime and other work breaks to undertake physical activity such as jogging and walking, and people would love to swim laps in an easily accessed pool. A reason for the swimming pool project was to enable city workers to swim laps during work breaks, and to provide a recreation facility for people who live in the city. As Minister for Sport and Recreation, I consider it to be a very good idea. I will encourage the Perth City Council to sit down with the Government to make a deal with the CSRFF to build that facility. If the Perth City Council does not want to be involved, the Government will make a decision about whether to pay for the facility itself. That decision will be beyond the first stage of the project which has been budgeted for.

I am surprised the member is critical of this Government regarding swimming pools, as it has built more swimming pools than I can remember. I seem to be opening a swimming pool every time I go anywhere. Hon Tom Helm would agree that the pool in Kalgoorlie is a magnificent facility, and one is being built in Hon Ken Travers' electorate at Joondalup.

Hon Ken Travers: The council had to pay more for it to meet your election promise.

Hon N.F. MOORE: Not at all. We agreed with the council that it would pay a percentage of the project. I cannot recall the exact figures. However, when the ultimate price of the facility came in greater than the initial estimate, I sought a further contribution from the council to match the further contribution from the Government. This was agreed to by the council. No-one said it had to do so. We are building a very good swimming pool in your electorate, Mr President, which I look forward to seeing open as it will be a magnificent facility for the northern suburbs.

The CSRFF program has increased from \$5m a year when we came to government to be an \$8m-a-year fund. Also, the Government allocated an extra \$10m from the sale of the gas pipeline as a one-off top-up for the CSRFF program, which went a long way to ensuring that vast numbers of Western Australian communities have access to excellent sport and recreation facilities. For members gloating about the Victorian election result, most of that money is being spent in regional Western Australia. I am pleased because most country communities are very keen to be involved in the provision of sport and recreation facilities for their communities, and the Government is happy to help them in that endeavour.

Question put and passed.

House adjourned at 10.30 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

154. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Planning's portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon PETER FOSS replied:

- (1)-(8) Please refer to the answer given to question on notice 152.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

155. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Heritage:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Heritage's portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon PETER FOSS replied:

- (1)-(8) Please refer to the answer given to question on notice 152.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

160. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Regional Development:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Regional Development's portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?

- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon N.F. MOORE replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

161. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Small Business:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Small Business' portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon N.F. MOORE replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

295. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Commerce and Trade:

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Commerce and Trade's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon N.F. MOORE replied:

DEPARTMENT OF COMMERCE AND TRADE

- (1) \$9 477.
- (2) Yes. The change in the average cost of leave liability per average FTE from June 30, 1998 figure represents a reduction of 11.01 per cent.
- (3) Not applicable.
- (4) The Treasury target requirement relates to a 10 per cent reduction in the dollar value of total current leave liability not a reduction in the average cost of leave liability per FTE. The department expects to achieve the target reduction by 30 September 1999.
- (5) The dollar value of a day's leave varies with the salary level of the employee. It is therefore not possible to give a definite answer as to what a total dollar value equates to in days leave per FTE.
- (6) Department of Commerce and Trade has no plans to offer payout in lieu of leave. However under the department's Workplace Agreement staff have the option to apply for leave buyouts.
- (7) No.

INTERNATIONAL CENTRE FOR APPLICATION OF SOLAR ENERGY

- (1) \$4 694.
- (2) Yes.
- (3)-(6) Not applicable.
- (7) The agency will close down between Christmas and New Year because it is a quiet period.

HAZELMERE, AIR POLLUTION

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

- (1) Is the Minister for Planning aware of the recent Supreme Court decision by the full bench of the court on July 30, 1999 in the case of Saracen Properties P/I v Swan Shire, regarding the Tower Brick proposal in Hazelmere?
- (2) If yes, then does the Minister intend for the Hazelmere area to accommodate a noxious industry zone anywhere within its boundary?
- (3) If yes, will the Minister give details?
- (4) Is the Minister aware of the existing air pollution problems in Hazelmere from existing noxious industry situated in general industry zones ?
- (5) If yes, will the Minister give details?

Hon PETER FOSS replied:

- (1) Yes.

- (2) No. Under Town Planning legislation, it is the responsibility of the Shire of Swan having jurisdiction over planning control in the Hazelmere area to prepare and/or amend a Town Planning Scheme to allocate land into various zones and make provision for various uses in each zone. The present provisions of the Shire's Town Planning Scheme No 9 preclude the establishment of noxious industries in any zone within its Municipal District.
- (3) Not applicable.
- (4) There are various industries in the Hazelmere area which may have been approved by the Shire or which are non-conforming uses pre-dating planning control. With the interpretation now placed on the term, some of those industries may be capable of characterisation as noxious industries. It will be a matter for the Shire to consider what action it wishes to take in light of the Supreme Court's decision. One course may be to promote an Amendment to its Town Planning Scheme to define noxious industry differently or to provide opportunity for such uses to establish, with appropriate approvals in the Hazelmere area.
- (5) Not applicable.

WASTE CONTROL SOLVENT RECYCLING PLANT, BELLEVUE

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

- (1) Is the Minister for Planning aware of the recent pollution accident at the Waste Control Solvent Recycling plant in Bellevue?
- (2) Is the Minister aware that this noxious industry is located in a general industry zone, in close proximity to the Midland markets, Bellevue Primary school and Bellevue residential area?
- (3) If yes, can the Minister explain the reasons why?
- (4) Can the Minister explain why such an industry was allowed to set up in such a highly public area?
- (5) What action will the Minister take in response to this planning mistake?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The plant is located in a General Industry zone.
- (3)-(4) The plant operates with the necessary approvals of the local government authority and is licensed under the Environmental Protection Act. The Minister for Planning had no role in the approval of this industry in this location.
- (5) The Minister for Planning has no jurisdiction to intervene as the incident and waste management practices of the plant are managed under the provisions of the Environmental Protection Act.

BUILDING CODE, AMENDMENTS FOR WIND-DRIVEN RAIN DAMAGE

454. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

I refer to the study by Professor Geoffrey Boughton from Curtin University on behalf of the Department for Local Government into how houses in Exmouth stood up to *Cyclone Vance* and his findings that more properties were damaged by water than the extreme winds and ask -

What steps is the Department of Local Government taking to ensure that the Building Code of Australia and building practices are amended so that modern buildings are not damaged by wind-driven rain entering wall and roof cavities?

Hon M.J. CRIDDLE replied:

While Professor Boughton's report identifies certain areas for possible improvement in building performance, it cannot be concluded that revisions to the Building Code of Australia (BCA) is the only way to achieve these improvements. However, the Department of Local Government is now examining the report and developing a response which may include proposals to amend the BCA. In addition, the Department has run two seminars concerning Tropical Cyclone Vance and has sought written comment from the 90 professional attendees. These comments are now being analysed and will also be used with other information to develop a fully considered response.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

487. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Have any departments or agencies under the Minister for Commerce and Trade's portfolio awarded any contracts to -
- (a) Australian Property Consultants; and
- (b) Ross Hughes and Company,
- since January 1, 1999?
- (2) If yes, can the Minister state -
- (a) the name of the contractor;

- (b) the project the contract was awarded for;
- (c) the date the contract was awarded;
- (d) the value of the contract;
- (e) whether the contract went to tender; and
- (f) if the contract did not go to tender, why not?

Hon N.F. MOORE replied:

- (1) (a)-(b) No.
- (2) (a)-(f) Not applicable.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

489. Hon TOM STEPHENS to the Leader of the House representing the Minister for Small Business:

- (1) Have any departments or agencies under the Minister for Small Business' portfolio awarded any contracts to -
 - (a) Australian Property Consultants; and
 - (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Minister state -
 - (a) the name of the contractor;
 - (b) the project the contract was awarded for;
 - (c) the date the contract was awarded;
 - (d) the value of the contract;
 - (e) whether the contract went to tender; and
 - (f) if the contract did not go to tender, why not?

Hon N.F. MOORE replied:

Small Business Development Corporation

- (1) (a)-(b) No.
- (2) (a)-(f) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

555. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

Can the Minister for Local Government provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon M.J. CRIDDLE replied:

- (a)-(b) The Department of Local Government has not been involved in any land sales since 1 September 1998.

QUESTIONS WITHOUT NOTICE

ROAD TRAFFIC ACT, AMENDMENTS

268. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the minister confirm that Liberal Party backbenchers have challenged proposed new owner-onus amendments to the road traffic legislation?
- (2) Given that the need for these provisions was identified by the Auditor General in 1996, how does the minister justify further delays in introducing this important road safety measure?

The PRESIDENT: Order! In respect of the first part of the question, I do not know whether that is within the minister's portfolio. However, I suggest the second part is.

Point of Order

Hon TOM STEPHENS: Mr President, I contend that the first part of the question is framed deliberately and an answer is sought, and I seek your ruling.

The PRESIDENT: Order! Tell me why it is within the portfolio area.

Hon TOM STEPHENS: Because this minister has responsibility for bringing before this Parliament road traffic legislation that has been delayed, and I am seeking to have him place on the record what is delaying it, and whether it is simply that the Liberal Party backbenchers are challenging proposals contained within that legislation -

The PRESIDENT: Order! The Leader of the Opposition does not need to debate the matter with me. In my view, the minister's ministerial responsibilities do not extend to any party room discussions; but obviously the minister will be able to make his way through the question.

Questions without Notice Resumed

Hon M.J. CRIDDLE replied:

- (1)-(2) The Government is finalising its views on the legislation that will be brought before the Parliament with regard to the Road Traffic Act. I am very serious about the state of road safety in Western Australia, and it appals me that again yesterday and in recent times we have had a spate of road deaths. As I have just said to some other people, there is a real responsibility in road safety for those people who get behind the wheel and control a vehicle to have respect for other people on the road. That is an issue we will deal with in terms of looking at the speed at which they travel, the alcohol that they consume, the fact that they wear seat belts, and that they are aware of the fatigue from which they may be suffering when they drive.

Hon Tom Stephens: When will you bring forward the legislation?

Hon M.J. CRIDDLE: We will bring the legislation to the Parliament when it is ready and well and truly available to come here.

PUBLIC TRANSPORT FARES

269. Hon TOM STEPHENS to the Minister for Transport:

Given that stated government policy has been to continue to increase Transperth fares until the fare box reaches 40 per cent of total costs, does the recent announcement of free transport for seniors on Sundays mean that fares for the other days will need to be increased even further? If not, can the minister explain what the Government's public transport fare policy now is?

Hon M.J. CRIDDLE replied:

The announcement on Sunday and in recent days of concession fares for seniors and free travel on Sundays and public holidays is a very good initiative and has been welcomed by seniors throughout this State. I am sure the initiative will be well and truly appreciated.

Hon Ljiljanna Ravlich: After the \$300 in increased taxes that they will have to pay!

The PRESIDENT: Order! Is that Hon Ljiljanna Ravlich's first question?

Hon Ljiljanna Ravlich: No, sir.

Hon M.J. CRIDDLE: With regard to our policy on fares, we will make the decisions about fares when the budget process commences in the near future and will announce them at that time.

ROAD TRAFFIC ACT, SENTENCING OPTIONS

270. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) When did the minister obtain cabinet approval for a change to the Road Traffic Act to allow some form of community service as a sentencing option for a second driving-under-suspension offence?
- (2) When will the minister introduce legislation to give effect to this change?
- (3) Why was the matter not referred to in His Excellency's speech at the opening of Parliament?
- (4) Has the minister conferred with the Attorney General with regard to the effect that this lack of a sentencing option is having on prison numbers?

Hon M.J. CRIDDLE replied:

- (1)-(4) The Attorney and I have had some conversations with regard to this matter, and we are working our way through the process.

Hon N.D. Griffiths: You are still covering up!

Hon M.J. CRIDDLE: Covering up for what?

Hon Tom Stephens: Incompetence!

Hon M.J. CRIDDLE: I do not think anyone would expect me to remember a particular date which may have been quite some time ago.

PORT KENNEDY RESORTS PTY LTD, REQUEST FOR PERMANENT RESIDENTIAL ACCOMMODATION

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

Has the Minister for Planning received a request from Port Kennedy Resorts Pty Ltd or the City of Rockingham to allow up to 25 per cent of the freehold lots at Port Kennedy to be used for permanent residential accommodation? If yes -

- (1) Does the minister intend to grant this request?
- (2) Will the minister be seeking a new environmental assessment to protect the scientific park from domestic animals?

Hon PETER FOSS replied:

- (1) The minister is aware that Port Kennedy Resorts Pty Ltd made a submission to Rockingham City Council seeking approval for permanent accommodation.
- (2) Not applicable.

YOUTH LEGAL SERVICE, FUNDING

272. Hon HELEN HODGSON to the Attorney General:

- (1) What funding has been allocated to operate the Western Australian Youth Legal Service for this financial year?
- (2) How much was allocated in the 1998-99 budget?
- (3) What was the actual expenditure in the 1998-99 financial year?
- (4) Have alternative methods of representing Western Australian youths in the justice system been put into place to cater for those young people who will no longer be able to access the Youth Legal Service due to this cut in its budget?

Hon PETER FOSS replied:

- (1) \$115 000.
- (2) \$115 000.
- (3) \$115 000.
- (4) There has been no cut in the budget. The Youth Legal Service will receive \$230 000 over the next two financial years to provide a legal information and advice service to young people and their parents. The contractual arrangement for this service will come into effect on 1 October 1999. The Legal Aid Commission, through the youth law unit, provides duty lawyers in the Children's Court. If the youth pleads not guilty to the charge/s and the matter is to proceed to a hearing, the youth then makes application to the Legal Aid Commission for representation. The Aboriginal Legal Service also provides legal representation for all Aboriginal youth.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND

273. Hon RAY HALLIGAN to the Minister for Sport and Recreation:

I understand that the Leader of the Opposition, Geoff Gallop, claimed yesterday that money will be taken out of the community sporting and recreation facilities fund to fund the Barrack Square redevelopment. Can the minister provide details on how the CSRFF works and what link, if any, it has to the Barrack Square project?

Hon N.F. MOORE replied:

I thank the member for the question, because it is important that we get this clarified.

Hon Cheryl Davenport: How much will we have to pay to get in?

Hon N.F. MOORE: It is a pity that the Leader of the Opposition, Dr Gallop, makes statements which are not correct. He was not correct yesterday when he suggested that the community sporting and recreation facilities fund would be used as part of the Barrack Square redevelopment.

Hon Ljiljana Ravlich: He was briefed!

Hon N.F. MOORE: If the member would let me answer the question, she could then ask one herself. This is question and answer time. The Leader of the Opposition suggested that, somehow or other, the CSRFF would be used to fund in its totality the swimming pool part of stage 2 of the Barrack Square redevelopment.

Regrettably, a couple of television stations implied that the CSRFF will pay for the belltower, which indicates how stupid things can become when people do not bother to find out the facts. The Leader of the Opposition was provided with a thorough briefing by the Premier and the project director on the Barrack Square development. Regrettably, since the

briefing, the Leader of the Opposition has put out stories which are not correct. I suspect that the provision of briefings in future will have to be reconsidered very seriously.

Hon Kim Chance: It is secret government!

Hon N.F. MOORE: It is not secret government.

Several members interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will come to order.

Hon N.F. MOORE: The briefing was provided to the Leader of the Opposition so he could understand how the Barrack Square development would proceed. Part of the briefing was to explain that stage 2 of the development - stage 1 will be fully funded by allocations already made in the budget - will involve a swimming pool. When the matter of how it was to be funded was raised, one suggested avenue was the CSRFF.

Hon N.D. Griffiths: Caught out again!

Hon N.F. MOORE: Not at all. The Leader of the Opposition was implying that a swimming pool would be built totally from allocations from the CSRFF. However, that fund operates on the basis of government putting in one-third of the cost of the project, and the local authority putting in the other two-thirds. That is what would happen with this swimming pool. The City of Perth does not have a swimming pool in its municipality, and probably has no recreation facilities either. Those are now in other local municipalities.

Hon Ken Travers interjected.

Hon N.F. MOORE: We will discuss with the City of Perth whether it wants to be part of the project to provide a swimming pool within the boundary of the municipality.

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers does not seem to understand that every time he interjects, he adds a couple of minutes to the answer. If the question is so important that we waste the rest of question time on it, that is his choice. However, other members have questions they want to ask.

Hon N.F. MOORE: I thought that the Opposition would enthusiastically support the provision of some recreational and sporting facilities in the Perth CBD, as members opposite support any government move to encourage people to live there. A positive inner city development program is taking place in Perth which is being supported by all sides of politics.

Hon John Halden interjected.

Hon N.F. MOORE: That is ridiculous. Why should people in the CBD not have access to sport and recreation facilities? If the Perth City Council, on behalf of its ratepayers and people who live in the city - those we have encouraged to live in the city - wants to be involved in a CSRFF project to build a swimming pool by the river, it can put in an application which will be considered like all other applications under the CSRFF. A decision will be made in the normal process. Any suggestion that somehow or other the CSRFF will pay for the belltower is ludicrous, as everyone who can read the budget knows it is already budgeted for. Any suggestion that the swimming pool will be funded entirely by the CSRFF, with no contribution from elsewhere, is wrong. Under the CSRFF, applications are made by local authorities, and government provides a maximum of one-third to the project. If the Perth City Council wants this facility for its constituents, it must provide the other two-thirds of the cost.

METROBUS DRIVERS ON REDEPLOYMENT

274. Hon JOHN HALDEN to the Minister for Transport:

How many MetroBus drivers are still on redeployment, and what is the current monthly cost of their wages?

Hon M.J. CRIDDLE replied:

I am not sure of the exact number, but it is in the region of 220 drivers. I do not know the exact amount of money they receive every week or month, but I will obtain the information if the member puts the question on notice.

KALGOORLIE-KWINANA RAILWAY LINE

275. Hon MARK NEVILL to the Minister for Transport:

(1) Has Westrail or the Government received an offer to purchase or lease the Kalgoorlie-Kwinana railway line?

(2) If yes, what is the nature of the offer and when was it made?

Hon M.J. CRIDDLE replied:

(1)-(2) I had a telephone call about 10 minutes before question time. I understand that this afternoon the Acting Commissioner of Railways received an offer from the Australian Rail Track Corporation Ltd for the Kalgoorlie-Kwinana railway line. I have not had an opportunity, obviously, to read the letter.

Hon Mark Nevill: Was it a letter or a telephone call?

Hon M.J. CRIDDLE: A letter has been sent to my office from Barry Murphy. My office also has a copy of the letter sent to Wayne James, and I am interested to read the content of the letters when I get the opportunity.

METROBUS REDEPLOYMENT CASE MANAGERS, PAYMENTS

276. Hon KIM CHANCE to the Minister for Transport:

Some notice of this question has been given.

- (1) How much has been paid for services provided by the MetroBus redeployment case managers?
- (2) To whom have the moneys been paid in the period 4 July 1998 to the present?
- (3) How much has been paid for other services provided to redeployees since 4 July 1998?
- (4) How are the case managers selected for the task, and how is their performance assessed?

Hon M.J. CRIDDLE replied:

- (1) The amount paid for the services provided by MetroBus redeployment case managers is \$400 800.
- (2) Case managers who have been paid this money are Ms A. Jones, Ms I. Woods, Mr M. Goff, Ms K. Leithbridge, Ms K. Stanick, Ms M. Bailey, Ms J. Walsh and Ms S. Windsor.
- (3) Other services provided to redeployees are a range of training activities, uniforms, protective clothing, financial advice, an information line, rehabilitation services and an employee assistance program. The amount paid for these services is \$186 000.
- (4) Case managers were selected for the task by extensive advertising in *The West Australian* and the *InterSector* magazine, and by using the approved public sector guidelines for selection and recruitment. Case managers are assessed by their ability to apply case management principles and methodology to their caseload.

METROBUS REDEPLOYEES, VOLUNTARY REDUNDANCY PACKAGE

277. Hon TOM STEPHENS to the Minister for Transport:

Why will the Government not offer MetroBus redeployees a voluntary redundancy of four weeks' salary a year for each year of service, as it did with Western Power workers?

Hon M.J. CRIDDLE replied:

I think the Opposition Leader is well aware of cases before the Federal Court. I understand that a request has been made to both parties to go back to the Federal Government by October, which is very soon. There will be some guidance towards the completion of the cases.

ACIL ECONOMICS, REVIEW OF STATE AGREEMENT ACTS

278. Hon GIZ WATSON to the Leader of the House representing the Minister for Resources Development:

With reference to the indicative review of state agreement Acts conducted by ACIL Economics on behalf of the Department of Resources Development, as directed by the National Competition Council, to assess compliance with national competition policy -

- (1) When did ACIL Economics commence its review?
- (2) Has the review been completed; and if so, when?
- (3) When was the draft review presented to Cabinet by ACIL Economics?
- (4) How and why were the particular Acts chosen?
- (5) Who was informed that the process was taking place?
- (6) Who was invited to make submissions?
- (7) Was any effort made to find out whether the community had concerns about the application of other state agreement Acts?
- (8) Will the report be available for public scrutiny; and if yes, when?

Hon N.F. MOORE replied:

- (1) 30 January 1998.
- (2) Yes. 29 May 1998.
- (3) The conclusions from the ACIL review were endorsed by Cabinet in August 1998.
- (4) The Acts were nominated by the National Competition Council. No reasons were provided as to why the specific Acts were chosen.

- (5)-(6) The parties to each of the agreements.
- (7) The process is a legislative-based review and compares agreement provisions with specific and objective criteria set out in the Trade Practices Act. The National Competition Council has agreed that it is not necessary to review other state agreement Acts.
- (8) The report has not been made public.

INTERNATIONAL SOCIAL SCIENCE SURVEYS AUSTRALIA, SURVEY OF WESTRAIL EMPLOYEES

279. Hon NORM KELLY to the Minister for Transport:

In regard to the ISSSA survey of Westrail employees -

- (1) How many companies tendered for this contract?
- (2) Did any Western Australian companies tender for the contract? If so, which ones?
- (3) How many employees were surveyed?
- (4) Were any non-employees surveyed? If so, how many?
- (5) When is ISSSA required to provide a final report of the survey to Westrail?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Tenders were not called. The University of Melbourne, in association with ISSSA, was chosen to undertake the survey based on its unique expertise and resources in the specific area of professional advice sought.
- (2) Not applicable.
- (3) 1 647
- (4) 1 453 non-employees of Westrail were surveyed.
- (5) The final report is due imminently.

KWINANA FREEWAY, EXTENSION TO MANDURAH

280. Hon B.K. DONALDSON to the Minister for Transport:

Does the Department of Transport, as part of its long-term planning, plan to extend the Kwinana Freeway south from its present limits through to Mandurah and then as a bypass around the Peel Estuary?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

Yes, a contract is expected to be awarded in November 1999 for the extension of the Kwinana Freeway from Thomas Road to Safety Bay Road. The contract will include replacing traffic lights at five signalised intersections north of Thomas Road with full interchanges and upgrading of Safety Bay Road.

A planning study on the next section of Kwinana Freeway from Safety Bay Road to north of Mandurah is currently in progress and will be completed in October 1999. The study will determine the scope of the project and provide preliminary cost estimates so that the project can be considered for future funding.

The Serpentine and Peel deviations are proposed as a future dual carriageway route for the Perth-Bunbury highway, extending from the future extension of the Kwinana Freeway north of Mandurah around the east side of the Peel Inlet and the Harvey Estuary to join the existing Old Coast Highway near Lake Clifton. The proposed alignment is currently being finalised and land acquisition is in progress. The project is currently unfunded. Ongoing monitoring of traffic growth in the Mandurah road network will assist in determining the timing of construction.

LOFTUS BRIDGE TENDER PROCESS

281. Hon LJILJANNA RAVLICH to the Minister for Transport:

I refer to the comments made by the Acting Commissioner of Main Roads on the Loftus bridge tender assessment process and ask -

- (1) On what date was Main Roads' in-house tendering panel formed?
- (2) When was the extension of Evans and Peck Management's consultancy contract considered?
- (3) Who was on the panel at the time?
- (4) What documentation was provided to the panel to support Main Roads' proposal to award the tender without tendering?
- (5) Will the minister now table that documentation? If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Main Roads' tenders committee first met on 23 February 1999.
- (2) 17 March 1999.
- (3) Executive Director of Corporate Services, Mr Des Warner; Acting Executive Director of Standards and Audit, Mr Derrick Fitzpatrick; and Acting Chief Executive Officer of the State Supply Commission, Charles Vinci.
- (4) A memorandum from the Acting Executive Director of Major Projects seeking approval to extend the contract and outlining the need for the services and a copy of the original approval to engage Evans and Peck Management were considered by the committee as part of the report.

I seek leave to table those documents.

Leave granted. [See paper No 196.]

LEIGHTON MARSHALLING YARDS REDEVELOPMENT

282. Hon BOB THOMAS to the Minister for Transport:

- (1) Will the minister confirm that a new rail link to Fremantle will be required to be built as a result of plans to redevelop Westrail's marshalling yards at Leighton?
- (2) If so, will it be possible to build such a rail link?
- (3) Does the minister have any costings for such a project?
- (4) Has the minister consulted the Minister for Planning in relation to the Leighton redevelopment?

The PRESIDENT: Is that question without notice?

Hon M.J. CRIDDLE: It is without notice.

The PRESIDENT: Because of a bit of interference, I do not think the minister heard the whole question. Can the member give a copy of the question to the minister?

Several members interjected.

The PRESIDENT: Order! Members. The minister should have a look at the question first.

Hon M.J. CRIDDLE replied:

- (1)-(4) A new rail link into the port on the northern side is being discussed at the present time. In fact, today I formed a committee which will be headed by the Acting Director General of Transport and will include the Acting Commissioner of Westrail, the Chief Executive Officer of the Fremantle Port Authority and the Acting Commissioner of Main Roads. That committee will develop the required plans for the new loop; there are a number of options. The committee will work on the proposed financial requirements and I hope in the near future to have an idea of what will be required. I hope that in the next three to four months we can develop a proposal to ensure the rail loop into Fremantle is maintained. At the present time the rail link itself accounts for only about 2 to 3 per cent of the containers moving into the northern side of the Fremantle port. We hope that in the future, with double-stacked trains 600 metres long, that will increase to about 30 per cent, which will alleviate the problem of so many trucks going into that area. It is my intention to get as much of that traffic onto rail as quickly as possible.

LEIGHTON MARSHALLING YARDS REDEVELOPMENT

283. Hon CHERYL DAVENPORT to the Minister for Transport:

I have a supplementary question to the question that has just been asked.

- (1) Do the plans that the minister is planning relegate Fremantle to minor port status?
- (2) Are the plans consistent with all the other efforts aimed at justifying government proposals for a private port at James Point?
- (3) Given that the sale of the marshalling yards is to help reduce Westrail's debt, what will be the cost of maintaining rail links to the port and from where will this money come?

Hon M.J. CRIDDLE replied:

- (1)-(3) I can assure the member that this Government has every intention of maintaining the Fremantle port well into the future. To that end we published draft plans for the port recently which give indications of the development in the port for the next 10, 20 and 30 years. We have therefore every intention of maintaining that port. In addition, we have a study in progress of the buffer area of the Fremantle harbour. Ports and harbours are very necessary for our exports. One of the biggest problems with harbours around the State as we look into the future is the ability to maintain access into those ports, whether that be to Fremantle, Geraldton, Albany, Esperance or anywhere else.

There is a real concern about the maintenance of rail and road access in the handling of our cargoes. Certainly, as an export country, we must ensure that those corridors are maintained. There are several ways we can fund the project. As I said in answer to Hon Bob Thomas, a group is looking at it and I hope that over the coming three or four months I will have a report back from the committee, chaired by the Acting Director General of Transport, which will give an indication of the requirements and how we can fund the necessary improvements.

INDEC CONSULTING, CONTRACTS

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

Earlier this year the Government advised the Opposition that Indec Consulting had been awarded 23 contracts by Westrail between 1995 and 1998. I ask -

- (1) Is the Minister for Transport prepared to table the documents relating to the awarding of these contracts to Indec Consulting?
- (2) If yes, when?
- (3) If not, why not?

Hon M.J. CRIDDLE replied:

I was asked that question yesterday and I asked that it be put on notice.

The PRESIDENT: If it was asked to be put on notice yesterday, it certainly was out of order today.

PERTH PARKING MANAGEMENT REGULATIONS, EXEMPTIONS FOR GUESTS AT HOTELS AND MOTELS

285. Hon KEN TRAVERS to the Minister for Transport:

- (1) Is the minister aware of representations by the Australian Hotels Association seeking exemptions from the licence fees payable under the Perth parking management regulations for parking bays provided for residential guests at hotels and motels?
- (2) Does the minister support such an exemption and will the Government support the motion moved by the Opposition in the Legislative Assembly yesterday to give effect to such an exemption?

Hon M.J. CRIDDLE replied:

- (1)-(2) I understand that this is the basis of the disallowance motion moved yesterday. Following a conversation with the Leader of the Opposition, I understand that is the intent of the disallowance motion that was moved. I am sure that when that motion comes up we will debate it.

Points of Order

Hon TOM STEPHENS: A question was asked today by Hon Ed Dermer - it was the second last question - which was in these terms -

Earlier this year the State Government advised the Opposition that Indec Consulting had been awarded 23 contracts by Westrail between 1995 and 1998.

- (1) Is the minister prepared to table the documents relating to the awarding of these contracts to Indec Consulting?
- (2) If yes, when?
- (3) If not, why not?

In reply, the Minister for Transport rose to say, on a point of order, that that question had been asked yesterday.

Hon M.J. Criddle: It was a similar question.

The PRESIDENT: He did not rise on a point of order; he just rose.

Hon TOM STEPHENS: He rose to suggest that the question had been asked yesterday, and therefore it was suggested that the question would be out of order.

Hon M.J. Criddle: No, I said to put it on notice.

Hon TOM STEPHENS: Yesterday, a different question was asked, and the minister insisted that it be put on notice.

Several members interjected.

The PRESIDENT: Order, members! This is an important matter, so let us get our facts straight. I want to listen to the Leader of the Opposition to see if his facts are right.

Hon TOM STEPHENS: In respect of the reply that was given by the Minister for Transport, the President advised the House that if the question had been asked yesterday, it was out of order for that question to be asked today. That question, having not been asked yesterday and a different question having been asked now -

The PRESIDENT: Order! Hon Tom Stephens should be addressing me. I do not know why he is looking over to the other side of the House. Is the Leader of the Opposition saying the question was or was not asked yesterday?

Hon TOM STEPHENS: It was not asked yesterday.

The PRESIDENT: That is all he has to say to me.

Hon TOM STEPHENS: In that case, is it now possible for the House to have an answer -

The PRESIDENT: Is the Leader of the Opposition speaking to me or to the minister?

Hon TOM STEPHENS: To you, Mr President.

The PRESIDENT: Perhaps the Leader of the Opposition would do me the courtesy of at least looking this way.

Hon TOM STEPHENS: The other side is sometimes friendlier, Mr President. The question I now ask the President is: Is it possible, in view of that confusion that the minister raised with the President that led to the mistaken belief that the question had been asked yesterday and, therefore, was out of order, for the minister to now be faced with the question fairly put to him during question time and to be asked to answer it?

The PRESIDENT: In respect of the point of order, a question was asked today by Hon Ed Dermer of the Minister for Transport. As I recall, the Minister for Transport indicated to me that he believed the question asked was the same question that was asked yesterday, to which he had answered yesterday that the member should put the question on the Notice Paper. I replied that if that was the case, the question today was certainly out of order, and that is in accordance with the standing orders. The Leader of the Opposition asked whether, because it would seem the Minister for Transport was mistaken in his belief, someone can now have another go and ask today's question again. The answer is no on two counts: First, the Leader of the House has indicated that he wishes to proceed with the business of the House; however, secondly, there is a question which I believe is in exactly the same terms - I will check in a moment - in the name of Hon Tom Stephens to the Minister for Transport on today's Notice Paper. There is no doubt that if a question is already on the Notice Paper it cannot be asked in questions without notice. Therefore, let us go through it and ascertain if we are talking about the same question.

The Leader of the Opposition has just recited a particular question. I will now read a question that I have in his name to see whether it is the same one. It is question 612 in the name of Hon Tom Stephens to the Minister for Transport and it states -

- (1) Can the minister confirm that Indec Consulting was awarded 23 contracts by Westrail between 1994 and 1998?

Is that part (1) of the question that was asked today?

Hon TOM STEPHENS: No. It is the question that was asked yesterday. This raises a good point. Without any consultation with me, it would appear that the processes with regard to the Notice Paper in this place have been changed so that I do not have today's Notice Paper and, therefore, I do not know what is or is not on the Notice Paper.

The PRESIDENT: Does the Leader of the Opposition know where to get it from?

Hon TOM STEPHENS: It used to arrive on our desks.

The PRESIDENT: Does the Leader of the Opposition know where to get it from now?

Hon TOM STEPHENS: No, I do not.

The PRESIDENT: Later on I will tell the Leader of the Opposition where he can get it.

Hon TOM STEPHENS: There was a time when it was here and one therefore had the opportunity to read what was placed on the Notice Paper on any day. Without reference to me, we no longer have that opportunity. Therefore, Mr President, you may be under the mistaken impression that yesterday's question was today's question when it was not, and the minister might have the mistaken impression that the question asked of him yesterday was the same as the one being asked today. Steps are taken around the place that regularly change things, which makes it difficult for all of us. There are ways of extending courtesy to the Opposition concerning the way things might operate in the future. Changing arrangements and leaving us without Notice Papers do not help.

The PRESIDENT: Order! The fact is that the Leader of the Opposition does have a Notice Paper. I will show him what it looks like. Does the Leader of the Opposition have one of these? That is a Notice Paper, is it not? The Leader of the Opposition is referring to the Supplementary Notice Paper, is he not?

Hon TOM STEPHENS: Which you were referring to, Mr President, which is the Notice Paper on which the questions are placed.

The PRESIDENT: I know the book; it is the former red book. Every question that is in the former red book is available if one of the Clerks is asked. One reason that the system was changed was that every night we collected at least 34 red books, many of which had never been read during the day, and put them in a big blue bin. It seemed an absolute waste of money doing this every day of the week. Sometimes the books were half an inch thick.

Hon Greg Smith interjected.

The PRESIDENT: Order! I do not want to enter the debate, but I am more than happy to if I must. The system was changed, first, to try to save the taxpayers' money; secondly, to try to protect the environment; and, thirdly, to recognise that a number of members in this place apparently did not have any interest whatsoever in the red book, if I may refer to it as that. That is the situation.

In respect of the questions, I understand now what the Leader of the Opposition said about what is now question 612. That is the question that was asked yesterday. I do not know by whom it was asked. Was it asked by the Leader of the Opposition?

Hon TOM STEPHENS: No.

The PRESIDENT: In any event, that is on the Notice Paper, and it would not have been proper to ask that question today. I have just been given a copy of the question asked today. I can certainly understand why there is some confusion, because the question that is on the Notice Paper reads -

- (1) Can the minister confirm that Indec Consulting was awarded 23 contracts by Westrail between 1994 and 1998?

Today, as I understand, Hon Ed Dermer asked of the Minister for Transport -

Earlier this year the State Government advised the Opposition that Indec Consulting had been awarded 23 contracts by Westrail between 1995 and 1998.

- (1) Is the minister prepared to table the documents relating to the awarding of these contracts to Indec Consulting?

Although the question on the Notice Paper is worded differently from the question asked today, given the similarity in the years listed and the requests to table documents I do not think it was unreasonable at all for someone to assume that it was asked yesterday. I make the point that a particular question cannot be asked one day and the same question the next day. I can see that that did not happen as it has been shown to be a different question, but the question is so close to the one asked yesterday that it is not surprising that there was some confusion.

Hon TOM STEPHENS: I want to make sure that the question asked of me has been correctly answered.

The PRESIDENT: Just ask the question and I will tell the honourable member.

Hon TOM STEPHENS: If I am asked as to whether question 244, which begins "Can the minister confirm Indec Consulting was awarded 23 contracts", was the question I asked yesterday to which I replied no, I must say that, as I now understand the question, the answer should have been yes.

Also, perhaps as a personal explanation, in reference to the red books which I always used when available to me, is it possible to ask the House through the President for a red book that gives me the Supplementary Notice Paper to be supplied to me each day so that there can never be confusion on my part as to what has landed on the Notice Paper? Could a copy land on my desk each day? It would be put to good use.

The PRESIDENT: I am not sure whether that was a personal explanation. Perhaps it was an attempt to clear some of the confusion. I am prepared to say there has been some confusion. I do not know whether the answer to the questions is yes, no or I do not know. Perhaps when members read *Hansard* they will understand that framing questions as closely as these two questions appear to have been framed will only lead to continued confusion. They might like to reflect on that in due course when they frame other questions.

In respect of the red book, I can see no problem if members want their own copy of it; the system can be started again. However, previously, almost every day there were books that were never opened that were put in the bin, which was an absolute waste of money. However, if the Leader of the Opposition requires a book I am sure it can be organised.

Hon PETER FOSS: While the Leader of the Opposition is making personal explanations, I am sure he omitted to make another one about the fact that he inadvertently reflected on the Chair instead of the Leader of the Government when he made remarks about not being consulted in the change of practice.

Hon TOM STEPHENS: I never did.

The PRESIDENT: Order! All I can say is that it is a good thing that we do not have a gallery full of members of the community, because if they saw the way we are carrying on some would question whether or not members were abusing the process of Parliament. I sit here and put up with a fair bit, giving members as much latitude as I can in the interests of conducting the business of the House. At times some members want to push the envelope just that bit further. I can even accommodate that. Let us not waste the time of the House, because it costs thousands of dollars an hour to keep the House going. I think the confusion of today's question has been sorted out. Due to some of the interjections I certainly did not think that anyone was reflecting on the Chair, and the Leader of the Opposition has confirmed that. Let us all grow up - we are all getting older every day.
