Legislative Assembly

Wednesday, 6 April 1994

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

PETITION - RETAIL TRADING HOURS, EXTENSION REQUEST

MR PENDAL (South Perth) [2.03 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request that as consumers we desire extended trading hours for retail shopping.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 18 150 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House. You may need physical assistance!

[See petition No 291.]

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Strike, Morley City Shopping Centre Construction Site

MR KIERATH (Riverton - Minister for Labour Relations) [2.05 pm]: As the Minister responsible for occupational health and safety in Western Australia, I wish to report on the findings of my department's investigation into an incident some weeks ago at the Morley City Shopping Centre construction site. Members may recall that members of the Builders' Labourers Federation and the Construction, Forestry, Mining and Energy Workers Union walked off the site, the biggest construction site in Perth, at first complaining that the area had been sprayed for cockroaches, the spray was offensive and there was a lack of toilets. Later another doubtful excuse - lack of apprentices on the site - was added. The first the main contractor knew about an apprentices issue was when he read about it in the next day's paper. Inspectors from the Department of Occupational Health, Safety and Welfare investigated the chemical spray complaint. They examined the premises, the material safety data sheets and other documentation and concluded there was no risk - I repeat no risk - to the health and safety of the employees or any breach of the Occupational Health, Safety and Welfare Act.

By going out for 48 hours, these building industry strikers voted themselves a second Easter break. Including their rostered day off, they were on holiday from Thursday until the following Tuesday, and were paid for it. This is daylight robbery. Western Australians should be made aware of the cheats in the building industry. While ordinary, decent people go to work each and every day, do an honest day's work and pull their weight in society, these strikers bludge.

We must pay for these rorts by paying higher building costs which lead to higher lease payments or rent. They are stealing from the rest of us. They are in breach of the code and we are looking into the ramifications of that walk-off. I warn Mr Reynolds and Mr Ethell that the days of daylight robbery in the building industry are rapidly coming to an end. We are currently examining a proposal which will incorporate in the code our right to publish the names of all workers who take part in illegal strikes. In this way, honest and decent Western Australians can easily identify those few who hold the State to ransom in what is nothing short of union piracy.

As a footnote to this whole ugly incident, inspectors from DOHSWA visited the site yesterday morning, which was supposed to be show day, the day on which union heavies

demand to see the union tickets of all on-site workers. The inspectors found two minor safety issues on the site which were rectified immediately. That is not bad for one of the largest building sites in the State. All work on the project was continuing as normal and although there were some union officials on site, no-one had been asked to show membership tickets.

[Questions without notice taken.]

MOTION WITHOUT NOTICE - STANDING ORDERS SUSPENSION

Joint Standing Committee on Delegated Legislation, Membership Change

On motion without notice by Mr C.J. Barnett (Leader of the House), resolved with an absolute majority -

> That so much of the Standing Orders be suspended as is necessary to enable consideration forthwith of a motion to effect a change to the membership of the Joint Standing Committee on Delegated Legislation.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Members for Roe and Perth, Discharged; Swan Hills and Northern Rivers, Appointment

On motion by Mr C.J. Barnett (Leader of the House), resolved -

> That the members for Roe and Perth be discharged from the Joint Standing Committee on Delegated Legislation and the members for Swan Hills and Northern Rivers be appointed in their place.

STATEMENT - BY LEADER OF THE HOUSE

House Sitting Thursday Evening

MR C.J. BARNETT (Cottesloe - Leader of the House) [2.43 pm]: I take this opportunity to inform members that it is intended that the House sit on Thursday evening this week.

IRON ORE PROCESSING (BHP MINERALS) AGREEMENT BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [2.44 pm]: I move -

> That the Bill be now read a second time.

Towards the end of the 1993 election campaign, the previous Government announced that it had agreed to discharge all of BHP's processing obligations under four separate agreements in return for the construction of the Pilbara energy project.

Upon attaining Government, this decision was reviewed by us and we found that Cabinet had formally agreed to discharge only the Mount Newman obligations and BHP had that decision conveyed to it in writing. It was considered that the announced extension of the discharge was not binding and our review convinced us that the economic benefit to the State of the Pilbara energy project did not warrant the total discharge of BHP's processing obligations under the four agreement Acts. Accordingly, negotiations were opened with BHP to establish an agreed position on the issue, and concluded in the third quarter of 1993. By agreement early in the process, BHP continued with its work on the Pilbara energy project so that its implementation would not be delayed. This remains the case.

Members will recall that during the second reading of the Pilbara Energy Project Agreement I referred to a ministerial statement made by me to the House on 23 September 1993. This statement detailed the understandings reached with BHP, which provided for the construction of the Pilbara energy project under a new State agreement, which would discharge the steel making obligation contained in the Iron Ore (Mount

Newman) Agreement; and an obligation for BHP to enter into a new processing agreement in exchange for the deletion of processing obligations under the Iron Ore (Mount Goldsworthy) Agreement Act; Iron Ore (McCamey's Monster) Agreement Act; and the Iron Ore (Marillana Creek) Agreement Act.

I indicated at that time that these arrangements were acceptable to BHP and provided Western Australia with much greater economic benefits than were negotiated and proposed by the previous Government. I am now pleased to be able to bring the second part of the rationalisation of BHP's iron ore processing obligations under the various State agreements to Parliament.

The Government has received criticism for not introducing the BHP processing agreement at the same time as the Pilbara energy project agreement Act. This point requires clarification. The decision to introduce the processing and consequential iron ore agreement amendments at a later date was not the Government's alone. BHP advised that its priority was to conclude the Pilbara energy project ahead of the goldfields gas pipeline and processing agreements. I would, however, point out that this Government has managed to introduce the Pilbara energy project, the goldfields gas pipeline project and the BHP processing agreement and associated variations all in the first session of the 34th Parliament. This is a noteworthy achievement given that the three have involved seven separate agreements and break new ground in many places. The negotiations have been complex and, at times, exhausting. It is appropriate that I should pay tribute to the negotiators on both sides who have worked hard and long to develop the various agreements that are now before Parliament.

Turning now to the Bill dealing with the processing agreement, the purpose of this Bill is to ratify an agreement dated 31 March 1994 between the State and BHP Minerals Pty Ltd for the establishment of processing facilities or alternative investments at a cost of $400m in 1993 dollars. Consistent with my earlier ministerial statement, this Bill consolidates BHP's outstanding processing obligations under the Mount Goldsworthy, McCamey's Monster and Marillana Creek iron ore agreements, into a new separate State agreement. The processing agreement specifies a benchmark value for BHP to reach. The company has an obligation to spend $400m in 1993 dollars on the further processing of iron ore.

I made reference to the processing agreement in the second reading speech for the Pilbara energy project, indicating that the benchmark would be $400m worth of investment or a four million tonne per annum sinter plant, whichever was greater. Until BHP has fully discharged its obligation under the processing agreement, BHP will be restricted in its ability to expand the capacity of iron ore operations under the Mt Goldsworthy, McCamey's Monster or Marillana Creek agreements beyond prescribed tonnage limitations. The processing agreement itself does not provide for tonnage limitations, as they are contained in the three consequential iron ore agreement amendments. I do not intend to discuss the tonnage limitations any further, as these will be addressed by the three agreement amendments that I will introduce next. I do, however, make the comment that the tonnage limitations provided BHP with a very strong incentive to quickly establish further processing facilities within Western Australia.

The agreement contains a requirement for the company to conduct ongoing investigations into the feasibility of further processing of iron ore. The agreement also enables BHP to propose alternative investments in lieu of further processing. Such a provision has been inserted to cover future circumstances whereby processing may not be technically or economically feasible and a Pilbara energy project type of project may be an alternative. I point out, however, that before the company substitutes any alternative investments, it must first obtain the approval of the Minister for Resources Development.

As with all State agreement Acts, the company is required to submit development proposals. However, unlike other agreements, the processing agreement does not contain a date by which further processing or alternative investment proposals are to be submitted or implemented. The rationale for not including a specific time frame is the tonnage limitations which exist under the three separate BHP iron ore agreements. If BHP does not meet the investment benchmark, the capacity levels under the agreements can be frozen at approved levels. It is considered that the requirement to obtain State

approval before any expansions can occur beyond approved tonnages is a much stronger requirement than an arbitrary date which can be continuously extended. The agreement has been structured to facilitate the construction phase of a project or projects but provides flexibility to be used as an operating agreement if that was required. No construction activities can occur until the Minister for Resources Development has approved proposals, subject to the Environmental Protection Act and the laws relating to traditional usage.

Matters to be addressed under proposals include -

the construction of iron ore further processing facilities or alternative investments;

an environmental management program as to measures taken in respect of the company's activities; and

the use of local labour, professional services, manufacturers, supply contractors and materials.

I now turn to the specific provisions of the agreement scheduled to the Bill before the House. The company under clause 5 must continue its ongoing investigations into the economic and technical feasibility of further processing. The clause also enables the State to undertake its own studies, with the assistance of BHP, if required. Clause 5 also enables BHP to propose alternative investments. Clause 7 provides for the consideration of proposals submitted pursuant to clause 6. Upon receipt of proposals, the Minister, subject to the Environmental Protection Act and laws relating to traditional usage, may -

approve the proposals wholly or in part; or

defer a decision until such time as the company submits further proposals; or

require a condition precedent prior to the giving of approval.

The company is to be notified by the State of a decision in respect of the proposals within two months of compliance with the requirements of the Environmental Protection Act and laws relating to traditional usage.

Clause 8 provides for the grant of leases, licences and other titles for the project, provided such grant is in accordance with the Environmental Protection Act, laws relating to traditional usage and the approved proposals. Under clause 9 BHP, at the request of the Minister for Resources Development, is required to submit reports on the rehabilitation, protection and management of the environment. The Minister may, within two months of receipt of such a report, request amendment to the report or environmental program. In addition, the Minister can require the submission of additional detailed proposals for the rehabilitation, protection and management of the environment.

Clause 27 provides for the determination by the State and BHP of the costs involved in an approved project. The purpose of this clause is to enable the State and the company to establish the amount of any outstanding remaining obligation and to determine when the obligation has been discharged in full. Clause 28 states that the term of the processing agreement will be either the date on which the last dollar of the $400m has been spent or 60 years after the first grant of any lease or licence, whichever is the later.

Other provisions within the processing agreement are of a standard nature to those contained in other existing State agreements and do not require any additional comment. I commend the Bill to the House.

Debate adjourned, on motion by Mr Grill.

ACTS AMENDMENT (MOUNT GOLDSWORTHY, McCAMEY'S MONSTER AND MARILLANA CREEK IRON ORE AGREEMENT) BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [2.54 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify three separate agreement amendments dated 31 March 1994. The first is the Mount Goldsworthy agreement amendment. This agreement is between the State, BHP Iron Ore Pty Ltd, BHP Australia Coal Pty Ltd, CI Minerals Pty Ltd and Mitsui Iron Ore Corporation Pty Ltd. The second is the McCamey's Monster agreement amendment, which is between the State and BHP Iron Ore (Jimbelbar) Pty Ltd. The third agreement amendment contained in the Bill is the Marillana Creek agreement amendment. This agreement is between the State and BHP Minerals Pty Ltd.

In September 1993 the Government announced a complete rationalisation of BHP's processing obligations under various State agreements. This restructure has taken the form of -

> the establishment of the Pilbara energy project under a new State agreement;
>
> a consequential amendment to the Iron Ore (Mount Newman) Agreement which provides for the deletion of processing obligations under that agreement in exchange for the establishment of the Pilbara energy project; and
>
> the removal of processing obligations from the Mount Goldsworthy, McCamey's Monster and Marillana Creek iron ore agreements in exchange for the imposition of a new processing obligation contained in a new State agreement.

The three agreement amendments before the House complete this restructure.

The key feature of all three agreement amendments is that each has a new provision which provides for limits upon mining. The tonnage limitation provision contained in each agreement is quite complex because of the interrelationships between each other and the iron ore processing agreement. To assist in explaining how the tonnage restrictions will apply, I table a flow diagram.

[See paper No 979.]

Mr C.J. BARNETT: Members should note that the flow diagram does not form part of any of the three agreement amendments, but is used merely for explanatory purposes.

As the flow diagram shows, at point (1) BHP must inform the State of its intention to expand any of the iron ore mines. If the processing agreement is discharged at point (2), BHP may proceed directly to submit proposals, see point (3). If not, BHP must be in compliance with the processing agreement to proceed further, refer point (4). If BHP is in compliance then, depending on the capacity involved, it may be able to go directly to additional proposals, point (5), or may trigger point (6), a review by the Minister of its performance under the processing agreement, see point (7).

The tonnage limits are set at 15 million tonnes per annum for each individual agreement and 30 million tonnes per annum for the three agreements in aggregate. Approval to increase output beyond 15 and 30 million tonnes is at the sole discretion of the State. In considering any request by BHP for expansion, the State will take into account the company's performance under the Iron Ore Processing (BHP Minerals) Agreement. The State has been adamant, and BHP has accepted, that the Minister for Resources Development has the sole discretion in determining whether the company may expand output beyond approved levels. To remove any doubt, the agreement explicitly states that any decision by the Minister for Resources Development in relation to tonnage levels is not subject to arbitration.

The opportunity has been taken to undertake some minor changes to the agreements, including provisions to allow for the purchase of power from the Pilbara energy project. Agreements do not generally contemplate power purchase from third parties and reflect the SECWA monopoly on power generation and supply. With the movement to remove the SECWA monopoly in this area, there will need to be changes to most agreements over time. However, given the Pilbara energy project's expected role in supplying the BHP operations, an immediate change was required. Finally, I should note that the variations provide for the deletion of the existing provisions for processing.

I now turn to the specific provisions contained in each agreement amendment. Clause 4(1) of the Iron Ore (Mount Goldsworthy) Agreement amendment enables the Mt

Goldsworthy joint venturers to purchase electricity from the Pilbara energy project. The Mt Goldsworthy agreement comprises three distinct iron ore deposits, mining areas A, B and C. Area C is the only deposit yet to be developed.

Under the Goldsworthy agreement, the outstanding processing obligation is attached only to mining area C. Consequently, clause 4(2) of the agreement amendment seeks to introduce the tonnage limitations only upon mining area C, in recognition that the processing obligation is directly linked to that deposit. Clause 4(2) also serves to update the proposals mechanism in the principal agreement, requiring the submission of development proposals for mining area C by 31 December 1999. Clause 4(2) also specifies the procedure if the joint venturers seek to expand iron ore production beyond the approved production limits. Clause 4(3) deletes the mining area C processing obligation from the principal agreement.

Clause 4(4) of the Iron Ore (McCamey's Monster) Agreement amendment introduces the "limits upon mining" provision and also specifies the framework in which the State can approve new production levels. Clause 4(5) enables the McCamey's Monster participants to purchase electricity from facilities established under the Pilbara energy project agreement. Clause 4(6) deletes the processing obligation contained in the principal agreement.

Iron ore (Marillana Creek) Agreement amendment: The Marillana Creek project is distinct from the Mt Goldsworthy and the McCamey's Monster agreements, in that the principal agreement already contains a tonnage restriction provision. In addition, the existing agreement also contains an approved work force limit. Consistent with the principal agreement, the agreement amendment does not seek to link the approved work force limits to BHP's processing obligations under its new agreement. As with the other two agreement amendments, the Marillana Creek agreement will now enable the joint venturers to receive electricity from operations the subject of the Pilbara energy project agreement.

In summary, the three agreement amendments finalise arrangements in relation to the BHP processing agreement. I believe the whole package of these variations, the processing agreement and the associated Mt Newman variation represent the most wide-ranging changes that have ever been undertaken to any set of agreements. They contain many innovative provisions and show why agreements play such an important role in the development of this State. As a package they represent a vastly improved set of arrangements over those announced by the previous Government in the heat of an election campaign. I commend the Bill to the House.

Debate adjourned, on motion by Mr Grill.

BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.02 pm]: I move -

That the Bill be now read a second time.

Late last year, the Government twice enacted amendments to the Business Franchise (Tobacco) Act to reduce the potential revenue losses faced by Western Australia in the event of the High Court ruling that State business franchise licence fees were constitutionally invalid. Included in the amendments was a measure to bring forward the due date for licence fee payments from the 15th day to the sixth day of the month following the sales period on which the fees are based. Furthermore, the penalty for selling tobacco without a valid licence was increased from two times to four times the licence fee evaded. Both these measures were considered necessary to ensure that the licence fee due and payable in December 1993 was received prior to the High Court decision which was brought down on the seventh day of that month. Ultimately, the High Court ruled that tobacco licence fees were constitutionally valid.

Since that time, a number of submissions have been received by the Government from

the tobacco industry indicating that the requirement to pay the licence fee by the sixth day of the month is causing licensees severe administrative difficulties. Moreover, the 400 per cent penalty in respect of licence fees evaded was considered excessive in comparison with other penalties of this nature. As the risk to tobacco licence fee revenue which necessitated the 1993 amendments has significantly diminished, this Bill seeks to restore the previous arrangements in respect to the required payment date and the sanction for licence fee evasion which existed prior to the 1993 amendments. Accordingly, it is proposed that -

the due date for licence fee payments will be restored to the 15th day of the month following the sales period on which the fees are based; and

the penalty to be imposed for selling tobacco without a licence shall revert to a fee equal to twice the fee that would have been payable if the seller had applied for and been issued a licence in accordance with the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Leahy.

MOTOR VEHICLE (THIRD PARTY INSURANCE) AMENDMENT BILL

Third Reading

MR BROWN (Morley) [3.05 pm]: I rise to make a number of concluding comments on the Bill before the House. I do so because during both the second reading and the Committee stages of this Bill important facts needed to be placed on record for future reference. During the debate a great deal was said by Government members that the purpose of the Bill was to provide savings to offset the losses from the WA Inc years. In the Treasurer's second reading speech reference was made to losses incurred. In examining the equity rationale for this Bill it is important to question whether its motivation is for the purpose of initiating savings to make up losses, or reducing third party premiums. Those two matters are quite distinct. What has been said in this place over the past two to three days indicates that this Bill is primarily motivated to reducing third party premiums. Its introduction is not concerned with the losses incurred from WA Inc and the debate has been confused by that matter being discussed. It is deliberate confusion on the part of the Government. The Government wishes to ensure that the public of Western Australia does not fully understand what is being attempted by this Bill.

The Treasurer in his second reading speech noted that this Bill was designed to lower the costs of third party insurance premiums. The second reading speech also referred to the losses incurred during the WA Inc period. It can be stated that the purpose of this Bill is to reduce the premiums. When the Minister was asked during Committee whether the changes proposed by this Bill were to be of a temporary or permanent nature, the Minister indicated they were to be of a permanent nature - that is, the thresholds contained in this Bill will not last for a set period, until such time as the insurance fund is able to balance the liabilities of its assets, nor until the losses of the WA Inc period are recouped. Rather they will become a permanent feature of third party insurance arrangements in Western Australia. When one examines the purpose of this Bill, considering what the Minister said, it is clear that the Bill is designed to lower premiums rather than recouping WA Inc losses. One needs to examine the equity of that approach. Is it equitable in Western Australia for accident victims to have probable compensation and damages payments reduced so that premiums are lowered? Is it equitable that the losers will be the accident victims and the winners will be the policy holders? Is it equitable that the losses are uneven - that is, who suffers the greatest loss? Who will lose the most from these changes? If premiums were increased those people who seek to use a motor vehicle would be required to meet the insurance obligation. However, this Bill proposes that that obligation will not be met equally across the board. Some members of the public will be required to contribute a lot more than others. What is the equitable basis upon which it will be approached? It will be a lottery. If a person is fortunate

enough not to be involved in an accident he will be better off, but if a person has an accident which is the fault of another person, he will meet the cost. It is a way of re-jigging the insurance funds in such a way that the greater burden falls on the accident victims. One can see that it has no basis in equity. It defies the purpose of establishing an insurance fund because it is established for the purpose of creating a general pool of funds to pay to those who are unfortunate enough to be injured in a motor vehicle accident. It defies the logic of establishing an insurance fund and it flies in the face of everything that is equitable in the administration of that fund.

It is important to note that in their contributions to this debate neither the Minister for Labour Relations nor the Treasurer endeavoured to justify this Bill on equitable grounds. Other grounds have been sought as the basis for justifying this Bill. We have not heard any arguments based on equity to illustrate why these changes are necessary. The reason we have not heard such an argument is that it does not exist. If anyone tried to argue on that basis it would be seen for what it is - shallow and worthless. The reasons that have been put forward to justify this change are pitiful and there is no evidence to back them up.

Essentially, two reasons have been put forward as justification for this Bill. The first is the alleged avarice of accident victims and the second is the need to restrict lawyers' costs. I will deal separately with these two reasons. The Treasurer indicated in his second reading speech that the avarice of accident victims was a real problem when he said -

> ... the multitude of small claims has been compounded by unrealistic expectations for minor or relatively insignificant injuries.

Therefore, the Government believes that this Bill is necessary because it is alleged the public has undermined the system. The Treasurer, from his second reading speech, would have us believe that the public is to blame for seeking damages claims way beyond what is reasonable. Where is the evidence to prove that? What committees have been established and investigations taken place? Of course, there has been none and it simply has not been thoroughly investigated.

When similar changes were introduced in New South Wales they were not generally accepted, but the Government established a proper investigation to examine what were the alternatives. In that State an expert committee was established to examine the whole matter. The detailed advice from that committee was considered by that Government. The committee called for actuarial reports to examine whether the alternatives were feasible. Has that been done in this State? No, it has not. The simple solution to the problem has been to blame the unsuspecting victims who are seeking damages way beyond what the Government considers is reasonable. I reiterate that there is no evidence for that and it is the first shallow reason that was put forward to justify this Bill.

Mr Pendal: Those 13 members who were missing at 1.00 am are still not here.

Mr BROWN: They are not, but I notice that there are only six members on the Government benches.

Mr Pendal: Full marks go to you because you obviously believe in what you are saying. The other 13 members nicked off and they will pay the penalty.

Mr BROWN: A lot of penalties will be paid and exactly when they will be paid can be likened to a game of soccer - it depends on when the referee blows the whistle: We have some time to go before the referees' whistle is blown.

The second reason advanced as justification for this Bill is the need to reduce legal costs. It has been said that if the lawyers are not primarily responsible for the blowout, they are the significant players in and contributors to the increase in costs. The Minister for Finance said that in another place and it was publicly reported. I note that the number of members opposite are dwindling as the member for South Perth leaves the House. He has obviously lost interest in this debate.

Mr Kierath: No, just the Chamber.

Mr BROWN: I mean the Chamber.

The rationale is that the primary cause for the problem has been the lawyers and their determination to extract what is considered to be more than a reasonable fee or to grossly inflate the costs. Those were the words used by the Minister for Finance in another place when this Bill was debated.

Mr Kierath: It has not been debated in the other place yet.

Mr BROWN: The Minister made that comment when it was announced this Bill would be introduced into the Parliament.

Mr Kierath: The Bill has not even passed through this place.

Mr BROWN: The Minister has found a nice little point to raise, but he will not deter me from what I am about to say.

Mr Kierath: Your mind is made up - do not let the facts get in the way.

Mr BROWN: I am very clear on the facts relating to this legislation. The Minister for Finance said the primary motivation for this Bill was that lawyers are responsible for the increase in claims against the State Government Insurance Commission.

Mr Kierath: Did he say that in the House or was it reported in the newspaper?

The SPEAKER: Order! The Minister is taking over the member's speech.

Mr BROWN: I do not need the Minister's help, although he seems to think that everyone needs it.

Mr Kierath: I am pointing out the truth to you. I cannot help it if you do not want to hear it.

Mr BROWN: I am not aware that the Minister for Finance has objected in any way to those comments being published in *The West Australian* or that he has taken any action against *The West Australian*. Therefore, one can assume that he is reasonably happy with them. At that time, the Minister for Finance attributed a considerable amount of the problem to the legal profession. It is interesting that in the Treasurer's second reading speech, he departed significantly from what the Minister for Finance said. He neatly avoided that matter in the second reading speech. He did not want to pick that up; that was a bit of a hot potato.

The Treasurer stated that there had to be changes to the way in which legal costs were awarded in this area because it was necessary to provide a measure of consumer protection. I am not sure what that means. At the Committee stage, the Minister for Labour Relations, who was handling the Bill, was asked whether that meant that the State Government considered that the present arrangements for the setting of costs and charges were inadequate; that the Government had reservations about the cost scales, the taxing method or costs agreements; or that the Government did not believe in the consumer protection provided through the office of the Law Complaints Officer. It is not unreasonable to ask for an explanation, because that comment forms an important part of the Bill. That question was not answered. The Minister for Labour Relations was silent when he was asked to explain what that meant. That was most uncharacteristic of the Minister for Labour Relations. We asked also whether the Government had initiated an investigation, as envisaged by the Minister for Finance, into whether lawyers were responsible for escalating claims and for high costs. Again, the Minister for Labour Relations was uncharacteristically silent.

The Government has argued for this Bill not on the grounds of equity or logic but on two bases: The avaricious victim and legal costs. However, when we ask the Government to present to the House the detailed assessment, investigation or examination which it has conducted, we get nothing. At the end of the day, all we get is rhetoric. A Government may come into this place and present a Bill without any real basis and say simply that that is appropriate because it has a mandate from the people. This Government claims that it is open and accountable, that it only does things that the public know about, and that it pushes changes through the Parliament only when it has a mandate. I asked at the

Committee stage when during the last election campaign did the coalition advise the public of Western Australia that this change was necessary, if not in any great detail, at least in broad principle; where was the policy document, and how was it communicated to the public. Again, there was no answer. When we take all of these things together, we have no mandate and no justification for this Bill. The justification put forward by the Government is not sustained and cannot be sustained.

We asked also whether the principles of the court in awarding damages had changed in such a way that the number of claims had escalated. We asked for an explanation of how such principles had changed and why they had led to higher damages payments being made, particularly for non-pecuniary loss. Again, there was no explanation. That is not a difficult question. One does not need to be a lawyer of great standing and intellect to understand that question. It is a fairly basic question, which simply requires an examination of the existing law, because if the Government is basing this legislation on the existing law -

Mr Lewis: The third reading debate should refer to the debate that has been pursued thus far.

Mr BROWN: That is what I am doing. I am referring to what has happened so far.

Mr Lewis: It is a regurgitation.

Mr BROWN: It is not.

Mr Kierath: It is tedious repetition.

Mr BROWN: It may be tedious repetition to the Minister, but the Government has put up a Bill which has no substance and is not based on equity, and the Minister has sat mute because he cannot explain it. That may be pretty painful for the Minister to listen to, but unfortunately these are the processes of this House, and if the Minister wishes to listen, please do so, because he may learn something.

The Bill before the House, which has no mandate, justification or rationale, will have the greatest impact on certain people, whom the Law Society has identified as the carers, the parents who stay at home and out of the work force to look after their children, the seniors who are no longer in the work force, and the children who are injured as a result of motor vehicle accidents. That is not our view. That is the view of the Law Society. I know the Government is fairly critical of the Law Society these days, but I do not suppose it goes to the point of saying that the Law Society makes up these things. The Law Society has outlined its respected view.

Mr Kierath: Do you always respect its views?

Mr BROWN: I do not always agree with its views, but I always respect them. Unlike some members opposite, I have no problem admitting that.

Mr Kierath: I do not always agree with the Law Society. We listen to them and pick and choose according to the strength of the argument.

Mr BROWN: That is right. According to the strength of the argument and the morality -

Mr Kierath: If they are trying to protect their privileged position, we do not always listen.

Mr BROWN: Is the Minister saying that the Law Society in its opinions on this issue is protecting its position? Is the Minister saying that it is motivated by self-interest in this matter?

Mr Kierath: Some people are.

Mr BROWN: What about in the opinion from the Law Society?

Mr Kierath: Let us say, as the member says, that we do not always agree with the Law Society; that is so in this case. You will not succeed in trying to put words into my mouth.

Mr BROWN: I am not. I am trying to determine the Minister's views. Mr Speaker, the

Minister is very skilled at doing that. He listens to some words and regurgitates other words claiming that they were the words used. We understand how that is done and for what purpose. It is part of the debating process and one should not fall for the trap. Anyone who has held his own in the debating industry for more than 10 minutes understands those rules.

In conclusion, the views expressed today are not those of one person. In many instances they are supported by the Law Society, the plaintiff lawyers group and others in the community. This legislation will have a profound effect on those people who unfortunately win the lottery and have a motor vehicle accident. The legislation is discriminatory in the extreme. I oppose the Bill, and I will continue to do so because it is wrong in law and principle.

MR D.L. SMITH (Mitchell) [3.33 pm]: No matter how much the Government has argued its position, it has been abysmal in the information it has provided to the Parliament on this Bill. Also, the manner in which the Bill was handled during the Committee stage was abysmal. The Treasurer introduced the Bill and made a three page second reading speech. He then abandoned the Bill and left it for the Minister for Labour Relations to handle in Committee, at which time he attempted to provide no information whatsoever.

We have been fortunate in this State to have the best third party insurance scheme operating in Australia. This has been based on three aspects: First, it is a Government run scheme with no investment by private insurers. Second, the scheme is run by the State Government Insurance Commission, which has been exemplary regarding administrative arrangements with the funds available. Third, we have been fortunate to have an efficient legal profession and administration of the courts, and this is coupled with some responsible decisions by judges in Western Australia regarding the assessment of damages. We have not had the problems plaguing the system in Victoria and New South Wales by which juries make some outrageous awards.

As far as I am aware, the community has never really argued for any changes to the present system. The Government has sought to use WA Inc in every way it can. One cannot blame it for doing so, as the Government comprises political parties which must play politics. However, this exercise has been an interesting example of how WA Inc has been used not only for political purposes by the Government, but also by the SGIC in cooperating to wring every last dollar it can from WA Inc.

Only two reasons should warrant changes to a comprehensive third party insurance scheme in Western Australia. First, the cost of the premium is too expensive for individuals in the community, in which case we should modify the scheme so that the premiums the community are expected to pay are reasonable. Second, the scheme should be changed if it is operating with obvious errors which must be rectified. However, in Western Australia we have long had among the lowest premiums in Australia in this regard.

The first attempt by the SGIC to use WA Inc as a basis for increasing premiums was in 1992-93. It went to the Government and said, "We have assessed all the losses we expect to suffer as a result of WA Inc, and we think the losses can be managed with a 30 per cent increase in the premium." This was to be followed by some smaller increases, including one of 12 per cent in 1993-94. The premium take was increased from $166m to $196m, which added $30m to the scheme on a recurrent basis. It must be remembered that the initial 30 per cent increase was said to be justified on the basis that the best estimate of the SGIC actuary was that it would cover all WA Inc losses.

So-called WA Inc losses fall into two categories: First, those which were the subject of comment in the Royal Commission into Commercial Activities of Government and Other Matters report; and second, those which resulted from investment decisions which were not peculiar to WA Inc, but were suffered by all insurers in Australia due to the sharp decline in stock market prices in 1987 and property prices in 1989. All insurers in Australia suffered a large reduction in their asset base as a result of this situation. This Government and the SGIC have attempted to blame the former Government, not just for

the losses caused directly by some misconduct by the previous Government in investment directions, but also for losses resulting from the poor state of property prices and the stock market. It is unfair and improper to marshal those two categories together and say that, somehow or other, they are both the responsibility of the previous Government.

However, these losses have had a couple of impacts on the SGIC. Its investment income earned from the investment pool was reduced due to a reduced asset base and a change in the nature of the assets. The value of the assets available for future commitments was reduced. The reduction in investment income also affects the annual income of the commission. Regarding the depreciation of assets, and the fact that some assets were sold to meet the losses in the recurrent fund, a net capital deficiency was produced in relation to future liabilities, and the assets to cover these liabilities.

As to the exact extent of this deficiency, the Parliament is left floundering a bit by the lack of information provided to it by the SGIC about the third party insurance fund in Western Australia. I am not sure what other information it provides, but quite frankly, the SGIO annual report is an absolute failure, given the information it provides about the third party fund, in particular, upon which we have to rely solely to make decisions. It does not establish how many claims there were last year; any history of the number of claims; how many claims were resolved last year in comparison with other years; or whether there were any large abnormal claims which had to be met last year by comparison with previous years. Generally, it is a totally inadequate report which does not in any way provide the sort of information this Parliament needs to audit properly the financial operations of the commission.

The profit and loss statement of the commission for last year shows in its third party area a reduction in the loss from $138m to $43m. That occurred largely as a result of a very substantial alteration to the abnormal items in the write-down of property values. By excluding those abnormal items, there is a change in the loss from $13m to $29m. It is clear that the reason for that change, notwithstanding the $30m increase in premiums, is a substantial increase in the claims expense from $190m to $240m. Other than a one line item that tells us about the increase in that expense, we are given little or no information about why that amount increased last year.

As I said, we do not know whether there was a concerted effort by the SGIC to settle as many claims as possible last year; whether there were a number of large claims which distorted the amounts; whether there was some hangover from the previous years; or whether the fact that there were 670 fewer outstanding claims meant that a lot more claims were processed last year. We do not know any of that information. We are not told what some of the items in the accounts are, such as investment expenses of $8.707m. We are not told what those investment expenses consist of and why they are shown in the way in which they are in the accounts. We are given very little information about the abnormal item of $13.975m. We know there was a further write-down in the property values but we also know there was abnormal income in the recovery from Spedley Securities in that financial year. Yet there is not an abnormal item for income; there is simply one about an extra expense or loss of some description.

It may be that the reduction in property values and the recovery from Spedleys have been netted to gain that figure. Again, we have received very little information from which this Parliament could assess the actual state of the finances of the SGIC. Even after the 30 per cent increase in the premiums, this State is still by no means charging the highest amount for premiums to motor vehicle licence holders. Indeed, the Minister purported to say that we had the third highest charges in Australia. He could equally have said that we had the fourth lowest in Australia. It is also noteworthy that that is after the 30 per cent increase that was applied in 1992. Provided we could ascertain the reasons for the substantial increase in the claims expenses for that year, there is hardly justification in the recurrent statement alone for any concern about the state of the finances of the SGIC.

In relation to the asset situation, I make the point that the outstanding claims barely increased in undiscounted terms. It was only as a result of the method of discounting to the present value that the amount increased by about $17m. It is very difficult to find in

this report a description of the current asset holdings of the SGIC for third party purposes. There is a consolidated statement and there is a commission statement. However, the commission statement is not broken up to identify clearly what assets the commission has to meet the future outstanding third party claims. We also do not know the nature of the assets and their value.

We spent some time in Committee debating the Anderson-Packer debt. I find fault with the commission to the extent that it published somewhere that it had the Packer investment in the accounts at a discounted value. When Mr Packer knew there was a discounted value in the asset, he would have done a bit of police work to find out the actual discounted value of that asset. He would then have gone to the commission and offered it the discounted value. It seems to me to be a rather unwise decision by the managers of funds to include in their asset statements discounted values so that people who owe those debts can negotiate on the basis that they will not pay any more than the discounted value used. In any event we know that about $2m more was recovered from the Anderson-Packer venture than was expected in the current year.

If this legislation is to remedy some financial problem in the state of the commission and the third party fund, we would expect that actuarial reports would have been tabled in the Parliament. There should also have been an actuarial report which explained exactly what the impact of the $50 levy would be over and above the 30 per cent increase in premiums. For this legislation there could have been an actuarial report which set out clearly for the Parliament to understand exactly what the impact of these changes would be on the financial affairs of the third party fund.

Something smells. Clearly, at one stage the SGIC went to the then Government and said, "We can fix all the problems of the SGIC as long as you can give us a 30 per cent increase in the premiums this year and then a couple of 12 per cent increases in the years thereafter." It would still have left premiums in Western Australia at the same level as those in other States. There would have been no need at all either to reduce benefits or to slap on a $50 levy. That decision was based on actuarial advice given to the Government of the day. The commission got its first increase in premiums of 30 per cent. That should have gone a long way towards fixing all of the problems. But no, in comes the new Government and says, "We are not happy with the way you were handling this in the past. We want a quick fix cure and we will slap on this $50 levy."

I do not believe for one minute the SGIC ever recommended that $50 levy. That was a concoction in Government circles. There may have been some discussion between the Treasurer and board members but, in my view, the idea for that $50 levy came from the Government. We know that the Government has imposed that levy quite illegally, with no parliamentary sanction for it, simply a press release and a notice appearing in the newspaper about licence renewals saying that people had to pay the $50 levy to cover WA Inc losses. A notice now appears on licence renewal papers containing a clear political message which, in my view, is quite an improper use of the administrative capacity of the Government and the SGIC. It is really the SGIC doing the political work of the Government in cooperation with the licensing section of the Police Department. Certainly there was no legal justification for it, no sanctioning by the Parliament and no advice as to why it was necessary over and above the 30 per cent increase in premiums which had occurred. We do not know what the cumulative effect was of the increase in premiums and the $50 franchise fee. We then have this legislation which, as the Law Society says, clearly confiscates the legal rights of Western Australians in a discriminatory way, where the impact will be on the unemployed, pensioners, students, married women and disadvantaged people in the community. The rest of us who can claim a substantial pecuniary loss will not be so greatly affected. We are taking things away not just from the victims of crime, in the sense that most of these claims arise out of negligence and breaches of regulations, such as dangerous driving, but from the most disadvantaged of the victims. We are very much watering down the sort of protection our community used to provide to people injured on the road by the negligence of others. These amendments go well beyond what is financially required by the commission. The Government has been quick to say that as a result of this legislation it will be able to

reduce premiums in Western Australia. It has not set out the order of those reductions or where they will occur, but it says that as a result of this legislation it will be able to do it, remembering that Western Australia does not have the highest premiums in Australia by any means. The Minister for Labour Relations said that we were the third highest, but we are very much in the middle, and the current fees are not that excessive. With the addition of the $50 levy and other elements there was no need to look for a reduction in the premiums.

Effectively this Government has said to the poor, disadvantaged victims in this State, "We are going to take these claims away from you so that the rest of the community, including those who drive Wolseleys and Rolls Royces, can get a reduction in our premium levy." As I have said, there is a double intent; not only will it be able to reduce the cost of insuring a Rolls for third party purposes but it will be able to restore a very substantial profit to the fund. My bet is that the real objective is that as soon as the fund is restored to a substantial profit it will be sold off, no doubt at a discount, and the system will be run in future by private insurers. It is not the lawyers or WA Inc who are to blame. The real cause of this legislation is that the Government wants to help out its financial backers. It did so substantially with the workers' compensation legislation and with the workplace contract agreements legislation. Under this legislation it intends to do it by taking away from the victims the right to claim as a result of other people's negligence, putting the fund into a profit situation and then hiving it off to private insurers. There are people who are awake to what the Government is about. One has only to go through the various press statements issued by different organisations and some individuals who have not been willing to own up. We have not heard from one of the courageous Liberals who was prepared to talk to the media on an anonymous basis but who has not raised his or her head in debates in this place. We have all seen the headline, "Car insurance dissent grows" in *The West Australian* of 11 September 1993, under which it said, "One Liberal Party backbencher said yesterday the need to do something about the SGIC's WA Inc losses is understood but there could be a better way of doing it." This better management Government is not interested in looking at better ways of doing it. Its attitude is that if something runs at a loss, it must be closed down and if quality is not of the highest standard, one had better close it down.

Mr Kierath: Or fix it up sometimes.

Mr D.L. SMITH: Let us go through the list of 15 months in Government. Robb Jetty - did the Government fix it up?

Mr Kierath: Yes.

Mr D.L. SMITH: No, it closed it down. Midland Workshops - did the Government fix it up? No, it was closed down. Mt Henry Hospital - is the Government going to fix it up? No, it will close it down and shift the patients. The Building Management Authority - did the Government fix it up? No, it just sacked people. The only understanding this Government has is that if there is a problem with State finances, it will sack the workers, cut the benefits and cut the security of employment.

Mr Kierath: You really do not understand, do you?

Mr D.L. SMITH: I understand only too well. I understand the Minister!

Several members interjected.

The DEPUTY SPEAKER: Order! Members, I do not think I have to remind you that on the third reading it is traditional to remain fairly close to the content of the Bill, and the interjectors and the member on his feet are straying away from the content of the Bill.

Mr D.L. SMITH: I may have strayed from the content of the Bill, Mr Deputy Speaker, but not the intent of the Bill, which is to deprive the disadvantaged in this State so the Government can help its mates.

Mr Kierath: That is not true.

Mr D.L. SMITH: It is an easy solution to a problem that the Government was not prepared to look at in any constructive way. The Government backbenchers were saying

that there must be a better way of doing it. The only effect of that backbench dissent was a reduction in the threshold amount from $15 000 to $10 000. We have had no explanation for the change, but we have had it to satisfy dissent on the backbenches. I can tell the backbench of the Liberal Party that that amendment in itself reduced the number of people affected by this legislation in only a very small and narrow way. In the end, 50 per cent of all claims in Western Australia will be affected by this legislation and $50m will be taken from the victims of the negligence of other people and redistributed. We have had absolutely no real financial justification for that, although we have had rhetoric with the lawyers being blamed and the suggestion that somehow or other it will reduce the small claims. In fact, it will increase them because the size of the claims will be reduced substantially. We have heard lawyers blamed for their greed and malpractice but, in fact, the legal profession involved throughout the third party insurance system in Western Australia has much to be proud of.

This Parliament is being asked to sanction an uneven contest whereby the SGIC will be allowed to use its lawyers, investigators and friendly specialists in exactly the same way as it has in the past, but the poor old victim when dealing with the Government will be constrained by what arrangements he can make with the lawyer to get him to take on the job at all, and by what he can pay him. That means that ultimately the quality of the lawyers who are handling third party claims and the quality of their service will be reduced as a result of this legislation. What more can this Government do? What does it have against workers, pensioners, married women or children? Why does it continuously bring in legislation of this form?

I am so pleased to see the Attorney General arrive. I am hoping she will contribute to the third reading as she has not contributed in any way to this debate. This legislation says a great deal about the role of the Attorney General and due process of law as this Government sees it. Here is legislation which confiscates the rights of people, as does the workplace agreements and employer liability for injury legislation. What has been the role of the Attorney General as the first law officer in defending the status quo and trying to prevent the confiscation of people's legal rights? What has been her role in protecting the legal profession and the courts from the intrusion of this legislation, remembering that proposed section 27A will impact on not only the relationship between solicitor and client, but also the ability of the courts to provide the indemnity orders it has in the past in order to prevent the SGIC from misbehaving itself during legal proceedings? We have heard almost nothing publicly from the Attorney General. It seems that in Cabinet she has no standing at all. If she has something to say she obviously gets rolled. At least if legal rights were to be confiscated this way, we would have expected the actuarial reports to be provided.

A select committee should have been established to enable us to examine the SGIC's position to see whether this legislation was necessary. It would have provided an opportunity for this Parliament to examine the SGIC's finances and come to some conclusion about the standard of protection and indemnity the community can expect when people are injured as a result of other people's negligence. That information has not been forthcoming. This place has been treated as a rubber stamp. The backbenchers on the other side have been treated as though they do not matter while the Attorney General, who has not participated in the debate, has been treated as if she were of no importance during the deliberations by this National-Liberal Party Government.

MR KIERATH (Riverton - Minister for Labour Relations) [4.03 pm]: I hesitate because I want to thank members for their comments, but not all members. I was disappointed to listen to the last two speakers again regurgitating issues they had raised during other parts of the debate to which I had provided answers. The one reason we have this legislation before the House is simple; that is, the WA Inc losses - the legacy left behind by the Labor Government. Its losses got so bad that it threatened the very survival of the State Government Insurance Commission. To this day, the Labor members of Parliament have still not apologised to either this House or the people of Western Australia. I invited them to do so, but they still have not owned up to their mistakes and the cause of their mistakes in the first place. I am disappointed in members

opposite because I thought they would take this opportunity to apologise, clear the deck and let us get on with dealing with the problems we face. In light of that lack of humility and integrity they have no room to be too critical.

I refer to the points raised by the members for Morley and Mitchell. Yesterday I provided the figures from the balance sheet at 30 June 1993. Assets in the compulsory third party fund were only $220m compared with liabilities of $550m. I understand the reluctance of members opposite to read the balance sheet and interpret figures, but in an asset and liability situation like that it is not possible to turn a blind eye; someone must take the necessary action. The Labor Government sold assets to pay for its financial shortfall and as a result we do not have assets of sufficient value to sell. If a difference of $330m between assets and liabilities were not enough, as I pointed out, SGIC's investment losses totalled some $451m.

[Continued below.]

STATEMENT - SPEAKER

Press Gallery in Parliament House, New System

THE SPEAKER (Mr Clarko): This statement is to be made simultaneously by myself and the President in his House now.

Following a meeting of the committee which considers matters relating to the operation of the Press Gallery at Parliament House, the Presiding Officers, Hon Clive Griffiths and I, have decided that no longer will the various media groups have a set upper limit on the number of journalists who can be accredited to the Press Gallery. The previous limit that has been in place for several years has been abolished, as a result of media pressure, following a recommendation from the president of the Press Gallery who attended the meeting. The Presiding Officers have no wish to restrict the number of journalists entitled to use the Press Gallery if there are no problems of overcrowding.

In addition, it has been decided that on those days when the Press Gallery is full, such as the opening of Parliament and when contentious matters are being debated, the Press Gallery will be extended to accommodate those extra journalists. The matter of accreditation of journalists to the Press Gallery has been under review ever since the question of limitation on numbers was raised last year. It will be interesting to observe how the new system will operate.

MOTOR VEHICLE (THIRD PARTY INSURANCE) AMENDMENT BILL

Third Reading

Debate resumed from an earlier stage of the sitting.

MR KIERATH (Riverton - Minister for Labour Relations) [4.06 pm]: The investment losses related mainly to WA Inc activities. I have placed the information on record, so I will not regurgitate those answers or repeat myself.

The two members opposite who just made their third reading speeches have been selective in referring to information they have wanted to retain and have ignored the rest of the information that has been provided. There are members on this side of the House who are unhappy with this legislation. They would rather have been in the position of not having to introduce it. Unfortunately the legacy of 10 years of Labor was a problem which had to be dealt with in our first year of Government. I assure members opposite that it is not enjoyable sitting through Cabinet or parliamentary processes to deal with problems created by members opposite. After only a year, although we have not fixed all the problems created by the previous Government, we have fixed up the majority of them. It is interesting how the State's economy is now turning around. There is more investment and more jobs; it is under better management and there is a greater air of confidence in the community. I am sure there are a few other problems to fix up but I assure members opposite we will not shy away from tackling the difficult issues no matter how uncomfortable they make us feel. I would prefer not to have to introduce legislation to fix up these problems. However, we would be abrogating our

responsibilities if we walked away from them as did the Labor Government when it was in power. It closed its eyes and was not prepared to make the tough decisions, especially when it was facing elections.

Division

Question put and a division taken with the following result -

	Ayes (26)	
Mr Ainsworth	Mr House	Mr Shave
Mr C.J. Barnett	Mr Johnson	Mr W. Smith
Mr Blaikie	Mr Kierath	Mr Trenorden
Mr Board	Mr Lewis	Mr Tubby
Mr Bradshaw	Mr Marshall	Dr Turnbull
Mr Court	Mr Minson	Mrs van de Klashorst
Mr Day	Mr Nicholls	Mr Wiese
Mrs Edwardes	Mr Osborne	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Pendal	
	Noes (20)	
Mr M. Barnett	Mr Graham	Mrs Roberts
Mr Brown	Mr Grill	Mr D.L. Smith
Mr Catania	Mrs Hallahan	Mr Taylor
Dr Constable	Mrs Henderson	Mr Thomas
Mr Cunningham	Mr Kobelke	Ms Warnock
Dr Edwards	Mr Marlborough	Mr Leahy *(Teller)*
Dr Gallop	Mr Riebeling	

Question thus passed.

Bill read a third time and transmitted to the Council.

GOLDFIELDS GAS PIPELINE AGREEMENT BILL

Second Reading

Debate resumed from 29 March.

MR GRILL (Eyre) [4.13 pm]: It is not often that I can say that I unreservedly support an action by the Government; however, I do unreservedly support the concept of the construction of a pipeline for gas from the Pilbara to the eastern goldfields through Kalgoorlie. Subject to some slight qualifications, the Opposition will not oppose this legislation. I congratulate the joint venture companies which will take part in this project. The parent companies - Western Mining Corporation Ltd, Normandy Poseidon Ltd and Broken Hill Proprietary Co Ltd - have shown a lot of bravery, a lot of guts - if I can use that good old fashioned word - a lot of vision, and a lot of entrepreneurship in deciding to proceed with this project. They will put in place some basic and essential infrastructure for industry to develop in the centre of this continent. If decentralisation is to go ahead this sort of basic infrastructure needs to be developed. Around the turn of the century our forebears had the foresight to construct a water pipeline from Mundaring to Kalgoorlie. At the time it was thought that that pipeline would be a marginal failure. The constructor of that pipeline, engineer O'Connor, took his life before it was completed. I do not think this gas pipeline ranks next to that, and I hope it will not have the dire consequences for the constructors. However, I hope that it has the same success.

This type of basic infrastructure is necessary if we are to develop industry in and around the eastern goldfields region and in the Pilbara. Decentralisation cannot go ahead unless energy is delivered to the eastern goldfields at a competitive cost. This pipeline may or may not be viable; it may or may not go ahead. However, in embarking upon this legislation and pushing it through this House we are giving the project a good start, one which I hope will take it on to considerable success as time goes by. I have said on numerous occasions in this House that more downstream processing and value adding of

minerals must occur, and those sentiments are being echoed by other people within Parliament.

Mr C.J. Barnett: You even wrote a good paper on it. If the Labor Party had used that in the election campaign it may have done better.

Mr GRILL: I thank the Minister for his generous remarks about that paper. I appreciate that. Downstream processing and value adding is the way we must go. If we do not, ultimately the unrefined and raw products produced by this State will be worth little on the world market. Those products will not be refined unless this State can deliver energy to the source of the mining of those minerals. We hope that this venture will allow that to occur.

The companies involved are Wesminco Oil Pty Ltd, Normandy Poseidon Pty Ltd and BHP Minerals Pty Ltd. They are all private companies and, I presume, are subsidiaries of Western Mining, Normandy Poseidon and BHP. Those companies will share in this project in the following proportion: Western Mining and its subsidiary, 62.68 per cent; Normandy Poseidon and its subsidiary, 25.7 per cent; and BHP through its subsidiary, 11.75 per cent. It is clear that Western Mining will undertake the major capital fundraising for this project, and by virtue of that will take the greatest risk in the project. BHP Minerals will take a share of about 12 per cent. The Minister must clarify whether BHP Minerals is a certain starter for the project. That is not indicated in the second reading speech, but it was indicated in the briefings the Opposition received. I thank the Minister for arranging those briefings from the joint venture partners and from the officials within his department. It was indicated that there was still some question mark about the participation of BHP Minerals, and that it depended upon certain events taking place. The Opposition was not informed about the nature of those events, but dependent on such events BHP will either be in or out of the project by 30 November this year. That deserves some elucidation, and I shall be grateful if the Minister will elucidate in due course. The legislation before the House is very brief; it has six clauses. However, it is followed by an agreement Act which contains 47 clauses. It is a fairly detailed agreement Act and in many ways it will be a model for Acts which will follow. I hope it will be a model in some respects for the way the Dampier to Perth gas pipeline will be deregulated. It is of interest to a number of parties to know what model the Dampier to Perth deregulation will follow, and whether it will follow the model before us today.

The agreement is between the Premier, Hon Richard Fairfax Court, and the companies I have mentioned; that is, Wesminco Oil Pty Ltd, Normandy Pipelines Pty Ltd and BHP Minerals Pty Ltd. Those are the primary parties to this agreement, but Western Mining Corporation Holdings Limited and Normandy Poseidon Limited are also parties to the agreement. The first parties to the agreement are private companies, but subsidiaries of their parent companies. It is clear that Western Mining Corporation and Normandy Poseidon will guarantee the operation and performance of their subsidiaries by virtue of their execution of this agreement. The briefing arranged by the Minister was attended by representatives of Wesminco and Normandy Pipelines, but the BHP Minerals representatives were not present and we were not able to put further questions to them. Therefore, I ask the Minister why it is thought fit that Western Mining Corporation and Normandy Poseidon should guarantee the performance of their subsidiaries, but BHP is not mentioned in those terms. The guarantee provisions within the agreement Act do not mention BHP and that appears to be an omission. The performance of BHP Minerals Pty Ltd is not guaranteed, and the Opposition is intrigued as to why the Government has required a guarantee from the other companies.

Mr C.J. Barnett: The short answer, which I will check, is that BHP Minerals Pty Ltd is an organisation of substance in its own right, and the others are vehicles set up for this project.

Mr GRILL: That crossed my mind, too, and I wondered about it because I am not sure of the name under which BHP operates in Western Australia. In the telephone book it is listed as BHP Iron Ore.

Mr C.J. Barnett: It is essentially BHP Minerals Pty Ltd.

Mr GRILL: It may need some clarification as time goes on. This Bill ratifies the agreement which I assume the Premier has already signed.

Mr C.J. Barnett: Yes.

Mr GRILL: The agreement is between the Premier and the joint venture partners and their guarantors, and the Bill authorises the implementation of that agreement. It is stated in the agreement that it is hoped this Bill will pass through Parliament by 30 June this year. I know that extensions can be given to that time, but I am sure the Government wants to meet that time line. The Opposition is more than happy to accommodate the Government, and that is why it has not requested an extension for debate on this legislation.

The second reading speech did not give the cost of the pipeline. I suppose that is because the cost has not been finally determined. The contracts must go to tender and a whole range of preliminaries must be settled before that happens. In truth, the final route of the pipeline has not been decided. We were told at the briefings that the cost would be around $400m, but within a range of $350m and $500m. Does that accord with the Government's view?

Mr C.J. Barnett: We have always worked on $400m.

Mr GRILL: It is thought a cost of $400m could be reached. A number of other competing pipeline projects are under way in Australia at present, and one overseas project to which Australian companies hope to be committed. In the minds of the consultants, that could drive up the price of the pipeline. One of the basic considerations with respect to pipelines is that of viability, and the Minister asked the group of people consulted on this matter to assess the viability of the project. I do not mean to be critical, but prior to the last election the Opposition, when in Government, put certain questions to the Department of Resources Development and other people in relation to the prospects for constructing a gas pipeline from the Pilbara to Kalgoorlie. It was close to the heart of the present Leader of the Opposition and members of Parliament, such as me. We were told it would not be viable; there was no demand and in view of that lack of demand, the Government could not commit to the project and it was unlikely private enterprise would commit to it. Clearly that was wrong advice.

Mr C.J. Barnett: Was that an assessment by SECWA?

Mr GRILL: It is second-hand information given to me through the Leader of the Opposition.

Mr C.J. Barnett: SECWA had looked at a proposal for a pipeline and in its view it was not viable. It examined the proposal from time to time over the years.

Mr GRILL: It may well have come from that source. Hon Mark Nevill and I went to Canberra and sought advice from the Australian Bureau of Agricultural and Resource Economics as to whether such a pipeline would be feasible and viable. Its advice was also in the negative because of lack of demand, which was very disappointing. We hoped its advice would be contrary to that given by the department in Western Australia. I can only surmise from that advice, that the Government agencies were not aware of the plans for Western Mining Corporation in relation to the nickel industry, and were not able to build that into their calculations. Certainly, Western Mining Corporation has adopted a very brave attitude to this pipeline, and also taken a brave position in relation to the nickel industry in this State and on a worldwide basis. It is a significant nickel supplier on the world market and has seen prices tumbling for a considerable time. However, in the face of that, it has been prepared to invest considerably in the nickel industry. I understand it has a total investment of $800m over a number of projects, all in the eastern goldfields, and I applaud that commitment. I do not always agree with Western Mining Corporation and I have had some disputes with it over the years. At times I have abhorred its industrial relations policy and, by and large, I think I have been right about its industrial relations.

At least significant members of the WMC executive have been prepared to say that given hindsight they made some critical errors in their industrial relations policy. On the other

hand, in relation to their posture in respect of the nickel industry and this pipeline, for which they take the major risk, they have been particularly brave indeed. Bravery on its own, however, is not sufficient. Western Mining was very brave in North America and that cost the company one or two billion dollars. Nonetheless, I am hopeful the bravery on this occasion will pay off.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on p 11563.]

DE FACTO RELATIONSHIPS BILL

Second Reading

MRS HENDERSON (Thornlie) [4.31 pm]: On behalf of my colleague the member for Kenwick, the shadow Minister for Women's Interests, I move -

> That the Bill be now read a second time.

In a recent *The West Australian* supplement article issues related to divorce were discussed at some length. The point was made that divorced couples are no longer condemned. Divorce has become more acceptable and accessible. Certainly, the Australian Bureau of Statistics is able to identify not only an increasing trend in divorce, but also a trend in de facto or common law marriages. The proportion of couples living in a common law marriage has increased from 5.7 per cent at the 1986 census to 8.2 per cent in 1991, or one in eight couples. Among couple families with dependent children, the proportion living in de facto relationships is lower; but it has increased from 4.3 per cent in 1986 to 6.5 per cent in 1991. De facto couples are likely to be young with 62 per cent of the women being 19 or younger and 25 per cent being 20 to 24 years old. Most of them have no children. There is a trend for divorced people to enter into de facto relationships. The other 13 per cent of course are older and a small proportion but a significant number will be couples whose church affiliation may have prevented them marrying legally, but who have lived in long and satisfying common law marriages. It is also worth noting that about 37 per cent of marriages end in divorce and it can be estimated that about the same proportion of the de facto marriages also end in separation - but with many more potential pitfalls.

In 1990 the Legislative Council established a Select Committee on De Facto Relationships. It received 199 written submissions, heard from 11 expert witnesses and took many telephone calls. Twenty recommendations were made in response to the findings of the select committee. The majority of submissions related to deficiencies in existing law, most commonly, and I quote from page 5 of the report of the select committee -

> (1) Property rights; the lack of recognition given to non financial or indirect contributions to property, to the relationship or to the family and the high cost of legal action to establish property rights under the general law as it now stands.
>
> (2) Succession and the fact that a de facto partner has no automatic entitlement to the estate of their deceased partner where their de facto partner has died without leaving a will.

A major recommendation of the report was that the Family Court of WA be given jurisdiction to hear applications under the proposed legislation.

The Bills now introduced to the House recognise all these issues by incorporating them, so that most of the select committee's recommendations have been able to be addressed.

In November last year, the De Facto Relationships Bill 1993 and the Administration (De Facto Relationships) Amendment Bill 1993 received their first readings in the Assembly. They and a brief set of explanatory notes were circulated to interested parties in the community for comment and improvement. The Bills now before the House are the result of that consultation. A number of telephone calls were made by individuals in response. A number of written submissions were received and discussions were held. Of

the telephone calls, many were from women who told of the need for such protections as are offered in the Bills, although a small number of people said that such legislation should not be necessary as men and women should enter legal marriages. The written submissions were overwhelmingly in support of the need for the legislation and made constructive suggestions for improving it. Most comment has been able to be incorporated into this Bill leading to the sound Bills before the House and to the Opposition's confidence that the community will benefit from such legislation.

The Australian Association of Social Workers notes that the Bill emphasises fairness and equity and clarifies rights and entitlements. There is an increasing amount of legal literature on de facto relationships and the provision of justice before the law. The law is being again challenged by the circumstances in which people find themselves, and must catch up to social reality.

In July 1993, the Australian Law Reform Commission published a discussion paper titled, "Equality Before the Law", to invite submissions about how women participate in the legal system both as clients and professionals. A range of legal issues are discussed including family relationships. The discussion paper examined existing law and provisions in relation to property and financial interests. There are constitutional limitations on the Commonwealth Government's ability to deal with the division of property in de facto relationships. It is therefore governed by State and Territory laws. New South Wales, Victoria and the Northern Territory have legislation governing the property division of heterosexual de facto couples. Western Australia, South Australia and Tasmania have no statutory provisions for property division between de facto partners, who therefore must rely on the common law. The legal principles of procedures relating to property are not necessarily appropriate in the area of relationships. The common law takes little account of non-financial contributions, almost always therefore disadvantaging women. The process of dispute resolution in the courts is usually longer and more costly because the principles are complex and uncertain.

The Queensland Law Reform Commission report is cited; it found that the de facto partner who assumed the homemaking, child bearing role may be severely disadvantaged. A number of proposals for change were canvassed in the discussion paper including those from Queensland and the Joint Select Committee on the Family Law Act. It is generally held that the Family Court has special expertise in dealing with relationship disputes.

In a submission in response to the Opposition's proposed Bills, the Womens Legal Service commented that -

> WA should have this kind of legislation so as not to disadvantage women in relation to their legal rights by virtue of living in a common law rather than a legal marriage.
>
> The Family Court should hear applications in relation to property settlements.
>
> The community should be educated about the differences in legal practices.
>
> Agreements in relation to property should be recognised legally and be able to be challenged.
>
> A de facto spouse should have rights under section 14 of the Administration Act to claim in an intestate estate.
>
> A de facto spouse should have the right to arrange the funeral of the late partner and to travel in the funeral car.

These latter points have been derived from the painful experiences of too many people, usually elderly, who have lived as man and wife sometimes for decades until one dies. One man wrote of how he has been excluded from making decisions or knowing about what has occurred in relation to his de facto wife's estate or its distribution to their child. He says that his de facto wife's family has always worked against him.

Another woman lived with her de facto husband for 28 years. They had not married because the Catholic Church would not marry someone who had previously been

married. Her story of her husband's final illness, death and funeral is harrowing and demonstrates how judgmental and punitive society can sometimes be towards other human beings. She was refused access to the body, to dress him and to travel in the funeral car by his mother and sister. I remind members that this was a de facto, common law marriage of 28 years. The family then made a claim on the man's estate and in the end, despite no contribution by the family to him over the 28 years, were awarded $35 000 from his estate. It is essential that the proposed amendments to the Administration Act are passed by this House. This woman's case was publicised late last year when she made a submission to the Senate select committee on superannuation. It was stated that hundreds of similar cases are reported every year in Australia.

The long title of the de facto relationships Bill relates to the overall aims of this legislation, and each part contributes as an objective to those aims. The Bill is based on the New South Wales Act, the recommendations of the Queensland Law Reform Commission, and those of the Legislative Council's select committee together with the content of recent submissions. There is no intention to recognise de facto marriages as legal marriages, but the definition used in this legislation is common to many other Statutes. A few people suggested that it would be reasonable to make these provisions applicable to same sex partners. If this legislation is passed, the House could later consider this issue. Scope exists in clause 53 for a person to make a declaration as to the existence or nonexistence of a de facto relationship.

Part 2 gives all jurisdiction to the Family Court and, as now, the local courts would be able to hear urgent maintenance orders and applications for injunctions. The Family Court deals now with all matters relating to guardianship, custody, access, maintenance and welfare of all children, but no such power exists for de facto property rights. A discussion with a representative of the Women Lawyers' Association emphasised the importance of dealing with these issues in the Family Court where costs can be limited to about $300 and where many things can be assumed. The Supreme Court on the other hand requires filing fees and also prior evidence of other statements made.

Cohabitation and separation agreements are the subject of part 3 and are subject to and enforceable in accordance with the law of contract. An agreement will contain a statement of all property, financial resources and liabilities of each de facto partner at the date of signing. Such agreements, although not compulsory, would protect the interests of both partners, but particularly those of the partner who may be disempowered or otherwise cheated.

The submission of Marriage Guidance Western Australia Inc considers that these agreements are desirable but makes the point that such agreements are more likely to be made in mature and equitable de facto relationships. They are the result of a number of complex decisions; however, it is noted that most de facto couples do not engage in overt decision making or discuss commitments and/or separation. Marriage Guidance proposes that a community education program on these responsibilities would be appropriate and the Opposition agrees.

Part 4 deals with the procedures for property adjustments and maintenance and focuses particularly on those where an agreement has been made. It comprises the bulk of the Bill and establishes procedures for varying and setting aside agreements in the Family Court when the circumstances change.

Clause 17 provides for the court to do all it can to end the financial relationship between the partners so as to avoid further proceedings between them. In relation to property interests, consideration is given to non-financial as well as financial contributions made directly or indirectly by one of the parties or a child of the parties.

The right to maintenance is established and the court may make an order for periodic or other maintenance given certain conditions listed in clause 25. The procedures and outcomes of the application of the law in this section are directed to obtaining both social and legal justice. Any order made ceases to have effect if the partner being provided with maintenance enters into another common law marriage

The rules of the Family Court complement the provisions for mediation and arbitration made though part 5. Most submissions lauded this move and Marriage Guidance suggests that community based mediation and arbitration services for de facto couples should be available. The Opposition agrees with this point and believes that community based mediation is a cost-effective means of resolving disputes.

Part 7 is derived directly from the New South Wales Act and seeks to provide protection from harassment and violence through restraining injunctions. This part should also protect against so-called stalking behaviour as well as limiting access to the partner and children in workplaces, schools etc. Clause 51 still gives access to the courts to take criminal proceedings if necessary. As with established practice in Family Court matters, privacy will be protected by restricted publication of court proceedings. No names, addresses, names of friends, or addresses of business premises or workplaces will be listed.

This Bill was the work of the Opposition's shadow Minister, Dr Judyth Watson, who conducted extensive consultation over many months. This Bill is a tribute to her hard work. It is with great pleasure I commend the Bill to the House.

Debate adjourned, on motion by Mrs Edwardes (Attorney General).

ADMINISTRATION (DE FACTO RELATIONSHIPS) AMENDMENT BILL

Second Reading

MRS HENDERSON (Thornlie) [4.45 pm]: I move -

That the Bill be now read a second time.

This Bill is ancillary to the De Facto Relationships Bill and provides the necessary procedural amendments that enable the principles outlined in the speech already given to be put in place in relation to entitlements when a de facto spouse dies intestate. As I indicated previously, the purpose of these Bills together is to provide legal and social justice. The issues raised by this Bill are long overdue. I commend the Bill to the House.

Debate adjourned, on motion by Mrs Edwardes (Attorney General).

SECOND-HAND DEALERS AND PAWNBROKERS BILL

Second Reading - Defeated

Debate resumed from 3 November 1993.

MS WARNOCK (Perth) [4.46 pm]: I urge the Government to support this Opposition Bill. I have often mentioned in this House that I am a member of a community policing committee called the City Safe Committee. It is a group of people who are concerned with street crime in Perth city and Northbridge. It is as a member of that committee and as the member for Perth that I express the conviction that in order to stop the sale of stolen goods we must do something about the outdated pawnbroking laws. Several members of the City Safe Committee have expressed the view that there is a powerful link between the rise in burglary in our community and the rise in illegal drug taking among the young, with the outdated pawnbroking laws in Western Australia. We must change that, and the Opposition suggests that that should be done by supporting this Bill which is intended to replace two outdated Acts - the Pawnbrokers Act 1860 and the Second-Hand Dealers Act dating from 1906 to 1965. At present it is simply too easy for thieves to dispose of stolen goods through pawn shops and second-hand dealers. This must be stopped for all sorts of reasons, and it can be done in several important ways, all of which are dealt with in this Bill.

Obviously, it is very important to give police greater powers to seize goods and to make it difficult for criminals to dispose of stolen property. Some of the ways in which the Opposition Bill suggests this can be done include regulating pawnbrokers and second-hand dealers to give police greater scrutiny of the industry; preventing dealers from taking goods from people aged under 18; a seven day embargo on the sale or disposal of

goods; notifying police of details of goods received; and giving police powers to seize suspected stolen goods. The key is to reduce the level of housebreaking and burglary by making it much harder for criminals in our community to dispose of stolen goods. Obviously, there are other ways in which one can dispose of stolen goods. Anybody who has been to some of the pubs around town will know that it is all too easy to dispose of stolen goods. However, to change the pawnbroking laws and those for second-hand goods dealers would be two very strong ways in which we could cut off avenues for the disposal of stolen goods. This would break the circle of crime which sees young people breaking into houses to steal too easily resold electrical goods to feed drug habits or to deal with the problem of their unemployment. Obviously a great deal more can be done by our community to find legitimate employment and out-of-hours activities for young people and to help them with their drug problems. Those are other issues for other days, but as members of Parliament we should certainly be concerned.

The insurance industry is worried about the rising costs associated with increasing claims. Legitimate pawnbrokers must be concerned that they are on the receiving end of goods that are not "kosher", if one might put it that way. Every member of the public also must be concerned about unwittingly aiding and abetting crime in our community by buying stolen goods. For all those reasons, and most importantly because we must close that circle of crime, we should introduce and support these two Opposition Bills.

If I may run over the facts again that concern me as a member of Parliament and as a member of the City Safe community policing committee, it is obvious that some pawnbrokers are illegally fencing stolen goods. The law is being broken on a daily basis, according to people who have called me about these matters, and at present little action is being taken. It is also obvious that some young criminals are selling stolen goods to pawnbrokers and second-hand dealers to subsidise drug habits. That is certainly the opinion of people who have studied crime in this society. Too many people in our community today are victims of crime and our Police Force is undermanned and has difficulty in dealing with the level of crime in a modern community. Therefore, significant changes must be made to the pawnbrokers and second-hand dealers Acts. That is why I support my colleagues on this side of the House and urge the Government to support us and these two Bills. These two antique and out of date Bills should be repealed and replaced by the two Bills my colleague, the member for Balcatta, has introduced. Pawnbrokers and second-hand dealers should have to log all relevant transaction details directly to the relevant police computer base to check against the stolen goods register. All relevant information collected on the police data base should be cross-checked against insurance records for identifying problem areas and to check out repeat offenders. Pawnbrokers and second-hand dealers must be able to be charged with being in possession of stolen property, which is not possible at the moment. For all these reasons it is extremely important to reduce the level of crime in our community and for these two Opposition Bills to be supported by the Government. Obviously the Opposition will be supporting these Bills very strongly. As the member for Perth, I urge my Government colleagues to consider supporting these two Opposition Bills as well.

MR WIESE (Wagin - Minister for Police) [4.57 pm]: It is not the Government's intention to support this proposed legislation, because we on this side of the House do not believe that it goes far enough in several areas and it contains several deficiencies. It is quite remarkable that the Opposition was able to bring this piece of legislation into Parliament in September, within some four or five months of going into Opposition, when they had 10 years to deal with the issue. That would have to be one of the most disappointing aspects of dealing with this Opposition Bill. There were indications in the early 1980s of the need to amend the legislation, and the Law Reform Commission report into this whole issue of pawnbrokers and second-hand dealers was brought down in 1985; so the previous Government had something like eight years with a major report dealing with pawnbrokers and second-hand dealers and did absolutely nothing. I find that quite remarkable.

Before I start dealing with some of the general material of the Bill, not only did the previous Government have eight years from the date of the handing down of the Law

Reform Commission report into this matter, but something like three or four years ago, when we were in Opposition, the member for Avon brought into this Parliament a piece of legislation designed to amend the then Pawnbrokers Act and to tighten up some of the matters which needed to be tightened up. The member for Avon showed a great deal of forethought in realising the problem was there and bringing in an Opposition Bill to try to amend the legislation and tighten up the requirements for identifying persons wishing to pawn property and for proof of ownership. The then Government, even if it was not prepared to do something itself, had the opportunity to deal with an amending piece of legislation brought forward by the Liberal and National Party coalition Opposition three or four years ago when the member for Avon brought in that Bill. The Government of the day did nothing about that piece of legislation. While the Government will not be supporting this legislation, I acknowledge the member for Balcatta's bringing it forward and finally trying to deal with this major problem to the community and certainly to the police. The legislation has existed for over 100 years or more and is deficient in many areas. It certainly requires a great deal of amendment to tighten it up.

The Bill needs so much amendment and tightening up that both the Government and the Opposition have proposed that the existing Acts be deleted and new legislation introduced in their place. The Opposition is right when it claims that there is a need to start all over again with the legislation and to incorporate the two existing pieces of legislation - the Second-hand Dealers Act and the Pawnbrokers Act - into one piece of legislation.

Government legislation is in the process of being drafted to address the matter and I will be bringing it before this Parliament in May. That legislation will go further than is provided in this legislation. It will delete the Second-hand Dealers Act and the Marine Stores Act which cover similar areas and are an anachronism in this day and age. The legislation that I will bring to this Parliament will incorporate into a new piece of legislation any parts of the Marine Stores Act that are worthwhile.

Mr Catania: The Deputy Premier sent around advice to most members stating his intention to revoke that Act, or to let it slide, in the second part of last year. He stated it was his intention to do that. Are you bringing that on - revoking the Marine Stores Act?

Mr WIESE: Since that statement was made, there has been a change of responsibility for the legislation. When the member opposite was in Government, those pieces of legislation rested within the consumer affairs section. That may have been part of the reason why the matter was never progressed. I do not know the answer to that. Since then, a decision has been made to transfer responsibility for the pawnbrokers legislation, the second-hand dealers legislation and the marine stores legislation to the Police portfolio. Hence, it has been progressed by me to that stage. Although those comments would have been valid back then, there has been a change. Responsibility for the legislation rests now with me as Minister for Police. The Government accepts that there is a strong need to overhaul the existing legislation and make those changes. It will certainly be doing that.

In dealing with the legislation that the member for Balcatta has before us, I will touch on some of the areas in which it does not go far enough; hence, the Government will not be supporting the legislation. I have touched on the first reason, which is that we need to get rid of the marine dealers and collectors legislation and incorporate the parts of that which are still valid into a new piece of legislation. The Government will be doing that. It is not done in the legislation before us.

The next area relates to matters in part 2 of the legislation dealing with the licensing of pawnbrokers and second-hand dealers. The proposal envisaged in the legislation is that the responsibility will be handled by individual police officers in local police stations. That is not an acceptable way to go. It is important that those matters be handled centrally so that we can obtain a consistent approach and consistent standards Statewide in the provision of licences. We will not be able to attain that consistent approach if every police station throughout the State deals with applications for licences. The commercial agents squad in the Police Department already handles licensing of areas

such as security guards, agents and marine collectors. Those officers have the expertise, the knowledge and the ability to handle and adopt a consistent approach to licensing, which will not be achieved if it is being done individually in every police station across the State. The licensing provisions contained in the Bill are inadequate and unacceptable and must be tightened up considerably.

Problems exist in some other areas which are not dealt with adequately in the Bill. One of the major deficiencies, as I read the Bill - I have read it several times - is that there appears to be no provision to deal with operations which are commonly known as buy-back. The buy-back arrangement enables people wishing to sell an item to do that on the basis that within a set time - usually three or four days - they have the option of buying the item back from the broker. It has been a major cause of concern to the legitimate pawnbroking industry. The operators in that industry see that it has two major weaknesses. The first is that it is used as a means whereby persons, believing that they are pawning goods, are ripped off by the illegitimate operators. People pawning items believe they are engaging in a normal pawnbroking operation which requires the pawnbroker to hold the goods for three months. That is the requirement under the existing pawnbroking legislation. When they go back to retrieve the item, they find that they did not do it in a legitimate pawnbroking deal, that it was a buy-back operation with a short buy-back period of four days or a week. If they do go back to retrieve the goods, they find they have been sold, and quite legitimately.

Mr Catania: That displays the difference between the second-hand transaction and the pawnbroking transaction.

Mr WIESE: The second-hand dealing operation is quite different from what the member is talking about. There is no allowance in the second-hand dealing operation for a buy-back; it is the straight-out legitimate sale of a piece of equipment.

Mr Catania: That is addressed in the Bill in front of you.

Mr WIESE: I will be happy to hear the member explain it to me. I do not believe it has been dealt with. If it has, it has not been dealt with clearly and adequately. It presents a major problem.

Other aspects of the buy-back operation are a major problem for the Police Department as stolen property is handled by those pawnbrokers who give the industry a bad name. It enables them to purchase equipment under buy-back, but because the time span is so short the item is able to pass through their shops very quickly, thus avoiding the scrutiny of the police who conduct regular checks of pawnbrokers and second-hand dealers shops. The buy-back arrangement is not dealt with properly in the legislation. It is major problem within the industry and must be dealt with. The Government legislation will ensure that buy-back operations are not able to exist and are stamped out of the industry. Legitimate pawnbroker dealers will be very glad to see this arrangement driven out of the industry.

I now turn to the requirements within the legislation for the maintenance of records within a bound book by a second hand dealer or a pawnbroker dealer. Although that option should be available to the dealers we must go further and make allowance in the legislation for all operations to be computerised. A computerised record of dealings conducted by a second-hand dealer or pawnbroker dealer will then be provided to police, put into the police computer and compared with the existing record of stolen property. If an item of stolen property shows up on the records provided to the police by the dealer, then it is highlighted almost instantaneously if computer records are kept. If the requirement that those records be maintained in a bound book is retained, the police would be unable to scrutinise the operations of pawnbrokers and second-hand dealers. Let me give an example. One of the major pawnbroking organisations operating in Western Australia has approximately 100 000 pawn deals through its stores every month. If those records were provided to the police manually and the police then had to check those 100 000 deals a month manually, the Police Department would not have the resources available to do it. It is absolutely critical that allowance be made in the legislation for the electronic keeping of records and the electronic transfer of those

records to the Police Department so that checks can be undertaken instantaneously. That is a deficiency in the legislation. It could be dealt with very easily, but it is not addressed and is a major weakness within the legislation.

The legislation deals with the arrangements relating to the sale of property by pawnbrokers. No problem exists with the sale of property by second-hand dealers because it is their property. The legislation before the House retains the requirement in the existing legislation for the sale of unredeemed pledges by pawnbrokers to be done by auction. That is not necessarily the best means of obtaining the best price for those articles. That is highlighted in the Law Reform Commission report which indicates that provision should be made to allow goods to be sold by private treaty because the best price for those unredeemed pledges will not necessarily be attained by going to auction. In many cases it will be obtained by allowing private treaty to be used as the mechanism for disposing of those unredeemed pledges. As provided by this legislation and the old legislation, but not acted upon until recently - the general public would not be aware of that factor within the old legislation - if a profit is made on the sale of the redeemed pledge that profit should belong with the person who redeemed the pledge and should not be the property of the pawnbroker It is very important that the best price possible be obtained for the unredeemed pledge.

In approaching this legislation all members will have a similar requirement. We may deal differently with how the person pawning the goods is able to access those profits, if any profits exist. The legislation requires that those profits be paid into a trust fund. My belief is that it will be a very messy and cumbersome means of dealing with the profits. The requirement probably should be that the profit from the sale of an unredeemed pledge should remain the property of the person who originally pawned the pledge and they should be able to claim that profit at some stage. There should be a time limit. The profit should be able to be claimed up to three or four years later. To tie those funds up in a trust fund, as stated in the Opposition's legislation, will be a very cumbersome and messy process, and will lead to some real heartburn later.

I reject that means of dealing with the profits from the sale of the pledges. Another aspect of the legislation which does not go far enough is the requirement that second-hand goods be held for seven days for verification of ownership and to enable the police to check whether the goods are stolen. Seven days is not a long period for retention of those goods and it should be extended to at least 14 days when one considers that the goods are the property of the second-hand dealer. There still needs to be a requirement that the goods be held for longer than seven days. Seven days is not long enough. Initially, the holding of the goods for an extra week will cause some pain to the dealers. However, that step must be taken to give the police the opportunity to conduct proper checks on the property to ensure that stolen goods are not being pledged to the pawnbroker or sold to the second-hand dealer.

I am not sure whether this Bill is explicit enough in its requirement for recording the proof of identity of the person selling or pledging goods. Stringent requirements must be put in place to ensure that the pawnbroker or the second-hand dealer records the identity of the person pledging or selling the goods.

Mr Catania: The legislation states that the seller must produce a photograph or his driver's licence. What more do they need?

Mr WIESE: If a seller does not have a driver's licence with his photograph or a passport, what will happen? Perhaps a points system similar to what the banks have implemented would be the answer. For example, the banks require prospective customers to submit documents which carry a certain number of identification points. However, a problem with that system is that each time a person does a deal he will have to meet that requirement and it will be cumbersome. Many people in the community are using the pawnbroker as their bank. Perhaps the pawnbrokers and second-hand dealers could issue their clients with an identity card, based on the requirements of a points system, and that card could be used for all transactions. It is imperative that the identity of the person pledging or selling the goods be recorded. In addition, there must be some proof of

ownership of the goods that are being pledged to the pawnbroker or sold to the second-hand dealer. I know that difficulties are associated with that, but it must be addressed.

The legislation should also include the procedure that will be followed if a client is unable to provide a pawn ticket. How will a legitimate client be able to prove ownership? What action will be taken if the pawnbroker or second-hand dealer does not issue a receipt or pawn ticket for the goods that come into his possession? Substantial penalties must be built into the legislation for this offence because it is occurring now and it will certainly occur in the future if action is not taken now. One way to deal with this offence is to legislate that no interest should be charged on a pawning deal if the pawnbroker does not provide a pawn ticket. Another option is that the goods could be automatically reclaimed by the seller if no record of his pledging them in the first place is made.

The Bill must contain substantial penalties to take care of unlicensed pawnbrokers. If such a person enters into a deal with a client the goods should be returned at no cost to the client. The Bill does not make it an offence for a person who releases information about the operations of a pawnbroker or second-hand dealer. There must be a substantial penalty for this offence. The Bill does not define who actually owns stolen goods which have been pawned. Are they the property of the pawnbroker or the person from whom they were stolen? What happens in cases where stolen goods have been on-sold by the pawnbroker or the second-hand dealer? Obviously they were never the property of the pawnbroker or the second-hand dealer, but the property of the person from whom they were stolen.

Mr Catania: You have not read the legislation. It states that the police can take into their possession goods which they believe are stolen. That indicates to me that they can take possession of stolen goods and return them to their original owner.

Mr WIESE: Such cases could be sorted out in civil litigation. The member is getting away from the fact that the person who bought the item or goods from the pawnbroker and the second-hand dealer bought the goods in good faith not knowing they were stolen. In some cases the police have been sued for their role in trying to take the stolen goods from the person who bought them to return them to the original owner.

Mr Catania: It is covered in the Bill.

Mr WIESE: I am happy for the member to point it out, but I do not believe it is adequately covered in the Bill.

I have endeavoured to highlight the weaknesses of the Bill and I have tried to indicate why the Government will not support it. However, the Government unequivocally supports the intent of the Bill. It is a shame that in the 10 years that the Opposition was in Government it did not deal with this issue. In 1985 the Law Reform Commission handed down its report on this legislation and the ball was in the then Government's court to consider its recommendations. The former Government failed to act then, and I do not believe it has addressed the matter adequately in this legislation. I am sure that when our legislation comes into this Parliament in May, members opposite will agree that it deals more adequately with the weaknesses in the current legislation than does this Bill.

MR CATANIA (Balcatta) [5.31 pm]: I am surprised and concerned that the Minister for Police will not support this Bill. The Minister referred to certain areas within the current legislation which need to be tightened. I agree with the Minister, but rather than refuse to support this Bill, the Minister should seek to amend it to ensure that it is strengthened in the way that he desires and not waste any more time dealing with this matter.

Mr Wiese: In the same way that the former Government dealt with the member for Avon's amending Bill four or five years ago?

Mr CATANIA: That Bill made very few amendments to the current legislation. This Bill is a total reconstruction of the current legislation. The Minister mentioned five areas of concern about this Bill, and had this Bill reached the Committee stage, I would have suggested that it be amended to deal with those concerns. It would have saved a good

deal of time and alleviated anxiety among pawnbrokers and the public if the Minister had come to this House today with the appropriate changes.

The Minister stated that he wants to revoke the Marine Stores Act, which was enacted 130 years ago and is not relevant today. I do not disagree with that. That Act is antiquated and has no place in today's legislative framework. However, even though the Minister for Police stated that he has taken over responsibility for the Marine Stores Act, it has been circularised that the Government intends to revoke that Act, and I believe the Deputy Premier has already put that matter on notice.

Mr Wiese: The licensing requirements cause some concerns for organisations which collect aluminium cans.

Mr CATANIA: That can be dealt with on the second-hand dealers' side. There is no need for that matter to be dealt with in this legislation; it can be dealt with by the Parliament. The Minister stated also that he wants licences to be issued by the central office of the Police Department and not by individual police stations. I do not disagree with that. The changes that I proposed to make to this Bill would have incorporated a central licensing system, and that amendment could have been effected easily.

The Minister's third concern is that there is no provision in this Bill to buy back. Clause 34 of the Bill states that -

> Any person who pawns or pledges an article shall be entitled to re-purchase that article at any time prior to the end of the period of redemption upon production of the document referred to in section 31 or a copy thereof as referred to in section 32.

Therefore, it is clear that a person can redeem an article within the time stated on the document. That matter is covered adequately.

Mr Wiese: You do not understand what the buy-back operation is all about. It is used as a mechanism to bypass the existing arrangements in the pawnbrokers' legislation.

Mr CATANIA: I understand that if a pawnbroker tells a person that he can buy back an article in 10 days -

Mr Wiese: At present, pawnbrokers are required to hold articles for three months. They actually do that as second-hand dealers, with a buy-back option, and that enables them to bypass the arrangements in the pawnbrokers' legislation.

Mr CATANIA: I agree with what the Minister is saying. Today, pawnbrokers are second-hand dealers rather than pawnbrokers. They deal with second-hand transactions rather than with pawnbroking. However, buy-back is covered in a clause such as this. If we separate pawnbroking and second-hand dealing -

Mr Wiese: They are separate transactions.

Mr CATANIA: It is clear from clause 34 that a person has an opportunity to buy back or repurchase pledged articles within the prescribed time.

Mr Wiese: Should buy-back be retained?

Mr CATANIA: Yes.

Mr Wiese: In a second-hand dealing operation?

Mr CATANIA: No. Second-hand dealing is not a buy-back operation.

Mr Wiese: At present, buy-back is a second-hand dealing operation, which enables the pawnbroking legislation to be bypassed. It is used as a mechanism whereby most stolen goods are handled. I believe it should be banned.

Mr CATANIA: This Bill separates second-hand and pawnbroking dealings. Pawnbroking dealings have a buy-back provision and second-hand dealings do not.

The fourth concern raised by the Minister is the register of transactions. I agree with the Minister that we should have a computerised and mechanised system. Had this Bill been debated, I would have moved an amendment that where a registered transaction is

maintained by computer, a second-hand dealer or pawnbroker shall, at the close of business every working day, transmit to the relevant police computer database details of each transaction which has been entered into the register of operations.

Another concern raised by the Minister was the requirement that profits be paid into a trust fund. Once again, we have addressed that concern. A trust fund could be cumbersome. The fifth concern raised by the Minister was the cooling off period. The Bill proposes that pawnbrokers may not sell goods within seven days of receipt. The Minister believes that period should be 14 days. The reason that we propose a seven day period is that there is a practicality problem of space and storage. The Minister stated that one of the biggest pawnbrokers in Australia deals with 100 000 transactions each month. If the Minister insists that this 14 day cooling off period should apply, he will have logistic problems with storage. Maybe the huge pawnbrokers have the financial resources to carry those goods for 14 days, but not the smaller ones, and a seven day cooling off period would be appropriate.

Mr Wiese: You need to be clear in what you are saying. You are referring to pawnbrokers and a seven day cooling off period. With our legislation a pawnbroker cannot sell goods for three months.

Mr CATANIA: I am assuming that the distinction is made.

Mr Wiese: You are talking about second-hand dealers.

Mr CATANIA: The distinction has been made regarding pawnbrokers or second-hand dealers. In our legislation pawnbrokers do not have to wait 90 days before selling the goods; it is 30 days as a minimum. When a second-hand dealer purchases the goods - they are bypassing, as the Minister says - they must stay in the store for seven days before being sold. This is logical and practical for both storage and finance reasons. The Minister should reconsider his decision as I do not accept his criticism.

Pawnbrokers and second-hand dealers have a place in our society. People in disadvantaged categories without great financial resources use pawnbrokers and second-hand dealers to obtain a few dollars to make ends meet for a week or two. If we restrict the cooling off period, we may hinder this convenience. I urge the Minister to reconsider his decision to reject our legislation and to introduce his own.

The fifth criticism the Minister made related to proof of identity. Our legislation states that a person must have a photograph, and this may be on a driver's licence. The Minister alluded to this need when he referred to the 100 point check required at banks in order to establish a bank account. That would create a huge logistical problem. A case could be made for pawnbrokers to issue their own proof of identity, but again this would impose a cost through that obligation. The obligation of identity is on the seller or the pawner of the item, and that should be in the form of a photograph. This could be a driver's licence or a passport or any other identity containing a signature, an address, a date of birth and a photograph. I will not go so far as the 100 point check; I do not accept that criticism because the identity requirement is a hallmark of the Opposition's legislation.

The sixth objection raised by the Minister can be discounted; in other words, the Minister could have introduced amendments to the relevant provisions of our legislation. Last week the Minister said that law and order should be dealt with in a bipartisan manner. This is an occasion on which the Minister could have demonstrated that he meant what he said. Instead of trying to score political points, as he is doing with his legislation, he could have made five changes to the legislation before the House. I indicate, as the Opposition's spokesman on these matters, that the amendments would have been readily accepted. In fact, we had similar amendments for certain clauses to be moved during the Committee stage.

The Government has a record of promoting law and order only when it is politically expedient to do so. I am afraid that the Minister is doing the same thing on this occasion. I now quote a number of comments from Government members on various occasions prior to the last general election. A newspaper article of 26 January quoted Doug Shave,

the member for Melville, promising "tough legislation" immediately after members opposite came to Government. We are now 16 months into this Government's term of office and this matter is still being deferred. An article in *The West Australian* of 5 July 1993 reads -

> The State Government will revamp laws governing pawn shops in a bid to stop thieves laundering stolen goods through them.
>
> Police Minister Bob Wiese said yesterday the 133-year-old Pawnbrokers' Act had never been revised and hampered police efforts to stop crime.

Mr Wiese: Can you explain why in 10 years your Government did nothing?

Mr CATANIA: I will address that.

In the same article the Minister for Police and his Premier stated that they would introduce legislation as quickly as possible because millions of dollars-worth of stolen goods from WA homes and businesses were being sold to pawn shops. The article outlined that the CIB dealers' squad recovered $350 000-worth of stolen goods from pawn shops and second-hand dealers for that financial year.

I can go through many newspaper clippings indicating that members opposite prior to the last election, and during the first year of this Government, claimed that the Government would change the legislation. The opportunity is available to deal with the problem. The Opposition legislation has been widely accepted by the community, insurers, small business, retailers, and the police. All that was necessary was for the Minister to change a number of provisions to tighten up the Bill. A major overhaul was not necessary. Therefore, I will be interested to see how different the Minister's legislation will be from the Bill before him now.

Prior to the Glendalough by-election the Minister released a media statement claiming that he will make it tougher - a term he likes to use - for criminals to dispose of stolen goods. The Minister makes these statements when it is politically expedient prior to elections and by-elections. His media statement reads -

> We will make it tougher for dealers to get a licence and easier to take away the licence if there are breaches of the new laws . . .
>
> Under new legislation, dealers will have to:
>
> provide police with a copy of all transactions -

As does our legislation; it continues -

> - follow guidelines on how long a pawned item must be held and how it can be disposed of.

The legislation before the House deals with these issues. He referred to what will happen to surplus cash from that sale and how disputes relating to the ownership of items will be resolved. These issues are all dealt with in our legislation. The Minister claimed that one of the most important aspects of his legislation was that pawnbrokers and second-hand dealers would be compelled to provide police with details of all transactions. He referred to utilising a computer network system by which dealers would down-load their records through modem into the police computer. I agree with the Minister on that point, and the Opposition intended to make that change to its legislation.

The Minister stated that dealers would be prohibited from receiving goods from a person aged less than 18 years, and would be required to establish and record the identity of the person presenting goods by using a photographic driver's licence or passport as a means of identity. This was outlined in the Minister's media statement on 17 March of this year. However, on 2 November 1993 I released a media statement relating to our Bill which reads -

> Specific provisions include:
>
> regulating pawnbrokers and second hand dealers to give police greater scrutiny of the industry;

preventing dealers taking goods from people aged under 18;

a seven day embargo on the sale or disposal of goods;

notifying police of details of goods received; and

giving police powers to seize suspected stolen goods.

There is no difference between the legislation proposed by the Government and our legislation, other than the three or four provisions which the Minister stated should have been changed, and which we would have readily agreed to. I have a legal opinion from a group of solicitors and advice from pawnbrokers. Some have stated concerns about some provisions in the legislation; but by and large they want this legislation. The pawnbrokers want to ensure that the community at large does not consider them to be crooks. They believe, after the passage of decent legislation, their image as business people will be improved and that their business will be considered to be worthwhile and honest. Those people want this legislation.

The Minister knows that the Police Department is waiting in anticipation for it and it needs the legislation to be able to do its work effectively. The City Safe Committee, and various community and voluntary groups want this legislation to be passed immediately. I am very concerned that the Minister, as an act of political expediency, would discount the Opposition's perfectly good legislation. The Minister has said that, with the exception of a few clauses, the legislation is perfectly good. Our legislation is workable with five minor changes, the thrust of which could easily have been sorted out.

Mr Strickland: Where was the bipartisanship two years ago when I introduced a private member's Bill? It had support all around the House. I tried to amend things, and your Government threw it out. Within days the commissioner issued a written instruction in the same terms as my legislation. That is the problem.

Mr CATANIA: It is terrible to be bipartisan and not receive support.

Mr Strickland: You are feeling now like I felt then.

Mr CATANIA: The Minister asked the Leader of the Opposition and me last week for a bipartisan approach to law and order, and we said that we would give him that bipartisanship on the basis that it would improve the situation in Western Australia. If we felt that the Government was bringing forth changes which had merit, we would give all the bipartisan support that the Minister wanted. Here is a situation where the Minister could have demonstrated bipartisanship. That action on the part of the Minister would have shown the sincerity with which he asked us to join hands with him to protect the community of Western Australia. But when it comes to politics and the Minister wants to score a political point, he is quite willing to throw out a piece of legislation that he knows, with only a few minor amendments, is perfectly acceptable to the whole community - the pawnbrokers, solicitors, consumer groups, small businesses, retailers, community policing and insurance companies.

Mr Wiese: I am amazed that you can make a statement like that with a straight face.

Mr CATANIA: I can because it is true. I will make sure that the Minister's words are received by all of these groups which have contacted the Minister and asked him to bring forward a piece of legislation as quickly as possible. I will make sure that the community knows that, once again, the Minister has delayed this legislation which was part of the Liberal Party's law and order program - the program that the Government beat its chest about during the last election campaign. I will make sure that the groups who are anxious to see this legislation pass through both Houses of the Parliament know where the Minister stands and they know that, for political expediency, the Minister has rejected our legislation.

Mr Wiese: While you are talking about political expediency, will you explain to them what you have been doing for the past 10 years?

Mr CATANIA: I will tell the Minister this: He is now in Government. It is up to him to demonstrate to the people what he intends to do. What happened 10 years ago is history. The Minister has now been in Government for 16 months, promising -

Mr Lewis: You cannot even count.

Mr CATANIA: It seems like 16 years to me. Still the Government wants to reject a piece of legislation that is perfectly acceptable to all in the community. I hoped that the Minister would make the changes, that he would address issues such as swap meets, and that other provisions would be included in the legislation which would make it even stronger. Like me, the Minister did not address the issue of swap meets; however, those provisions could be included in a new piece of legislation.

It concerns me that after a great deal of work by members on this side of the House in preparing legislation which had universal acceptance - with the exception of the Government - the Minister will not sit down with us to discuss the five or six changes that he suggests should be made. We would then have a perfectly good pawnbrokers and second-hand dealers Act operating tomorrow or next week, one that the department for which the Minister is responsible could work with. At the moment when a house is burgled and it is reported to the police, the police say, "Have you checked your local pawnbroker's shop?" That is the first thing the police say to the victims. If this legislation had been put into operation, the police could have gone into those shops, checked them and confiscated the stolen property. The Minister is holding back for a number of months an operational tool for the department for which he has responsibility. The Police Department is hamstrung in its ability to act. An editorial in *The West Australian* newspaper on 2 September 1993 stated -

> There could be few clearer examples of a law being left behind by social and technological advances than the legislation which seeks, in name at least, to control the activities of pawnbrokers in WA.
>
> Police Minister Bob Wiese is the latest in a long line of ministers to have promised an overhaul of the pawnbroker law. Until now, those promises have not been honoured and police, pawnbrokers and consumers have battled on under legislation which police in other States say is Australia's worst.

The Minister has stated that he will do something about it. *The West Australian* newspaper and people in the community are quite anxious to see the passage of the legislation. They were delighted when the second reading speech was delivered in this House. *The West Australian* newspaper editorial states that these people do not believe the Minister. It is obvious that people have a right not to believe the Minister because, once again, he has deferred a perfectly good piece of legislation.

Division

Question put and a division taken with the following result -

	Ayes (17)	
Mr M. Barnett	Mr Graham	Mr Ripper
Mr Brown	Mr Grill	Mrs Roberts
Mr Catania	Mrs Hallahan	Mr Thomas
Mr Cunningham	Mrs Henderson	Ms Warnock
Dr Edwards	Mr Kobelke	Mr Leahy *(Teller)*
Dr Gallop	Mr Riebeling	
	Noes (27)	
Mr Ainsworth	Mr House	Mr Pendal
Mr C.J. Barnett	Mr Johnson	Mr Shave
Mr Blaikie	Mr Kierath	Mr W. Smith
Mr Board	Mr Lewis	Mr Strickland
Mr Bradshaw	Mr Marshall	Mr Trenorden
Mr Court	Mr Minson	Mr Tubby
Mr Cowan	Mr Nicholls	Mrs van de Klashorst
Mrs Edwardes	Mr Omodei	Mr Wiese
Dr Hames	Mr Osborne	Mr Bloffwitch *(Teller)*

Question thus negatived; Bill defeated.

Sitting suspended from 6.00 to 7.30 pm

MOTION - PARLIAMENT, MEDIA ACCESS

MRS HALLAHAN (Armadale - Deputy Leader of the Opposition) [7.33 pm]: I move -

> That this House is of the firm belief that free access by the media to the people's Parliament is a fundamental requirement for the proper working of democracy.

Leave to amend the motion is appreciated.

Mr Pendal: Under rule 67 that is the end of your speech!

Mrs HALLAHAN: Try me.

Mr C.J. Barnett interjected.

Mrs HALLAHAN: There is a nice air of joviality.

Mr C.J. Barnett: Triviality.

Mrs HALLAHAN: I have been very kind to the member for Cottesloe in saying there is joviality in the air because we have seen a rather remarkable and regrettable development today. It is a simple matter which should have been resolved months ago. It has burnt up a great deal of energy on the part of many people and is significant in its symbolism, even though it is an administrative matter that should have been resolved last year. It is remarkable that in 1994 the number of journalists permitted to report in this Parliament is restricted. A reasonable request by the State's daily newspaper to increase its accredited corps to this place, which we all believe is the people's Parliament, by one - given some administrative arrangements which were clearly explained by that newspaper - was refused.

The debate clearly symbolises the fact that some of us see this place as the people's Parliament and Government members do not. That is the only explanation underpinning the whole administrative blunder, and that is putting it in the kindest possible light. Today we saw a sensible decision made by the Presiding Officers in concert with the president of the Press Gallery. I commend those Presiding Officers on that decision, but I condemn them for taking months to get around to it. No-one has given a sensible rationale for the delays. The Opposition has access to correspondence between the former Leader of the Opposition and the Speaker and copies of correspondence between the Editor of *The West Australian* and the Presiding Officers - all that just to have an accreditation for one additional journalist in the Press Gallery of this Parliament! Although I regret having to say this tonight, it took a very concerted effort by the Opposition in this House, daily articles in the newspaper, radio talk back shows and community discussion for us to get to the statement released by the Presiding Officers this afternoon, 6 April 1994. That says we have a very fragile state of affairs regarding what we think are fundamental rights underpinning a democracy. I would have thought freedom of the Press and access by the Press to an elected Parliament and a free trade union movement were two of the underpinning planks of any open democracy at the close of this century. Yet had that refusal remained in place, who is to say that because of the physical aspects of this building, the Presiding Officers would not have reduced the number of accredited journalists.

The office accommodation in this place, let alone the Press Gallery, for the staff of *The West Australian*, for example, is insufficient. The ABC has, I believe, 17 accredited journalists; yet its office accommodation does not adequately hold two people. It could therefore never hold 17. Somewhere some very clouded and dogmatic thinking, in the first instance, led to that reasonable request being denied. It reflected very badly on the Court coalition Government. I suspect that pressure from the Opposition, the newspaper, and radio and community discussion ultimately led the Court Government to decide that the Presiding Officers, which it elected, should make another decision. However, in the process -

The SPEAKER: Order! If you are asserting that this decision was made by the Court Government, I suggest you refrain from making that comment because it is inaccurate.

Mrs HALLAHAN: Thank you, Mr Speaker, for that direction, I am sure that clarification will be welcomed by the Court Government. Occupiers of positions of Presiding Officers are eminent and command community respect. Yet we have seen a reinforcing of a view that conservative parliamentarians - I shall put it that way - are very slow to react to change, very secretive and very nervous about accountability. The access of the Press to the Houses of Parliament goes hand-in-hand with accountability.

We have had a go-slow campaign on the question of TV coverage of parliamentary proceedings - we do not seem to have advanced on that score either. Although I would not want to be disrespectful to the office you occupy, Mr Speaker, one could say that today, our two Presiding Officers were dragged by the antiquated head cover which they both wear to a commonsense point of view! You distinguished between your decision and your affiliation with the Court Government; however, it indicates a conservative point of view that this place is the place of privileged people, and the Presiding Officers shall determine who has access to this place and, despite a fundamental tenet of democratic society, even restrict Press access. No formula in the decision reached made any sense. A dogmatic position was adopted without reasoning at the time. We have had to tear away at that decision and expose it as being ridiculous. The Presiding Officers today made the right decision, but they had to be dragged to that position.

Mr Pendal interjected.

Mrs HALLAHAN: Members opposite constantly talk about what happened when we were in Government. However, there is no sign of commitment in the attitude of members opposite in Government that there are things to be learnt from the royal commission which clearly pointed to problems. Members opposite perpetuate those problems and they will stand unforgiven, particularly given the royal commission recommendations and the examination of government through that process. Members opposite seem to believe that the royal commission did not occur or that it does not apply to them - that accountability does not apply to Liberal and National Party people.

Mr Pendal: It certainly does.

Mrs HALLAHAN: I agree, it does. However, the behaviour of the member for South Perth and his colleagues does not appear to reflect that fact. There is permeating through the community a view that that is the case. In this case it comes back to a simple symbol of the accreditation of an extra journalist for *The West Australian* in the Press Gallery of Parliament House. What a significant symbol. Today commonsense prevailed, but only after a great skirmish and a kicking and screaming exercise to have the Presiding Officers, for whose position we attempt at all times to show respect, because their position demands respect -

Mr Kierath: At all times?

The SPEAKER: Order!

Mrs HALLAHAN: Respect must be deserved, but the member for Riverton does not know much about that either.

I will end on a personal note because I have made the necessary points. Mr Speaker, you have kindly allowed my godchild to sit in your gallery tonight, which I appreciate. Her name is Millie Richmond-Scott and she is nearly seven years old. She is sitting with her mother Michelle. The future we leave the young people such as Millie is extraordinarily important.

Mr Pendal: She seems a lovely little girl, but she bears a burden if you are her godmother!

Mrs HALLAHAN: She probably does, but there is some wisdom in her godmother as well that might benefit the child! They are the charges that lay upon us all: We must preserve a free and open community for the Millies to grow up in. We will not do that if we make silly decisions along the way which are not deserving of your decision making powers, Mr Speaker, or representative of ours. In an amazing way this has been a lesson that for the future of this democratic society we must be ever vigilant to preserve this

fragile system of ours. We cannot set ourselves up with great moral rectitude over other nations whose systems we think are poor. We must ensure that we maintain an adequate system with the integrity and safeguards that we have come to expect and must never neglect.

The SPEAKER: Before we continue I officially recognise Millie and welcome her here this evening.

DR GALLOP (Victoria Park) [7.43 pm]: There are two fundamental tenets of democracy: The first is that we all have the right to vote. It is the view of members of this side of the House that we should all enjoy the right to vote equally. Unfortunately, in the past decade the attempts that have been made by members on this side of the House to introduce an electoral system based on that principle have failed. The matter is now going to the High Court, which will determine whether that principle is embodied in the Australian Constitution. The other fundamental tenet of democracy has already been established as being part of the Constitution by the High Court; namely, the concept of freedom of expression. The High Court ruled as unconstitutional legislation that had been passed by the Federal Parliament which would have restricted political advertising.

While I am on the subject of political advertising, I wish the Government of the day would place a restriction within its own system on political advertising, because we witnessed on the weekend - and it will continue - a most despicable campaign of political advertising instigated by the Minister for Transport in relation to our road system. That Minister has set an example for which there can be no end; that is, it is quite legitimate for any Government in Western Australia to partake in a taxpayer funded campaign against another level of government. There is no end to that sort of political campaign using taxpayers' money. It is incumbent on members opposite who are interested in decency and priority in politics to tell the Minister that that campaign is totally out of order.

Mr Johnson: What on earth has that to do with the motion?

Dr GALLOP: It has a lot to do with the motion. I was addressing the High Court's decision to rule as unconstitutional Federal legislation restricting political advertising. As an aside to that I pointed to that campaign.

Mr Pendal: Which Labor introduced.

Dr GALLOP: Exactly. The other aspect of democracy is the concept of freedom of expression. Freedom of expression, if one goes beyond the general philosophy, must be put into concrete and institutional shape. One of the ways in which it has been put into shape in the history of parliamentary government is through the role that the Press has played in the reporting of politics, and in its commentary on what is happening in politics. In 1803 -

Mr C.J. Barnett: I knew we'd get a historical lecture.

Dr GALLOP: Members opposite will get a good historical lecture tonight. In 1803 the House of Commons put aside a set of seats to enable the Press to report on the proceedings in the House of Commons. In 1831 the House of Lords established a Press Gallery, and in 1835 the House of Commons established its own Press Gallery. A lot of discussion has occurred in the couple of centuries since then about what it is to have a Press Gallery, what rules relate to a Press Gallery, how people are to gain accreditation and what procedures are to be adopted. That system of Press reporting of politics has become central to freedom of expression. In other words, it is no good having the concept and philosophy of freedom of expression without a mechanism by which it can be carried out. The role the Press Gallery plays in our system is fundamental to that concept of freedom.

It is worth noting in a debate such as this that that freedom was won only in the course of an intense struggle. The relationship between the Press and the Parliament had been stormy, particularly in the two centuries which preceded the decision to establish a place for the Press in the Parliament in 1803. A great political struggle occurred over the role the Press should and could play in our system of government. On the one side were the

supporters of liberty within and outside the Parliament, who argued strongly that what happened in Parliament needed to be reported outside Parliament so that when voting occurred for those wishing to enter Parliament it would be on an informed basis. On the other side were those who argued that debate within the Parliament should be a subject of concern for those within the Parliament, and those outside had no genuine claim to knowledge about what happened inside. The central plank of those who argued that debate inside the Parliament should not be reported was that the reporting of Parliament was a breach of the privileges of Parliament and, therefore, was unacceptable. Today we have gone to the alternative point of view that the reporting of Parliament is absolutely essential to the proper functioning of Parliament because if people outside know what is happening inside, they can cast an informed vote on the regular occasions on which they are given that privilege. Let us consider the two centuries of struggle. It started in the seventeenth century.

Mr Lewis: Is this a history lesson?

Dr GALLOP: It is without question.

Mr Lewis: You have never left university.

Dr GALLOP: I have left university, but I hope the university is always in me. In the seventeenth century there was an extension of literacy throughout the community but, most importantly, that was the century in which Parliament came to play a much more significant role in the political system of Great Britain. It asserted its authority over the king, and it is the century of great constitutional and political argument. Many of the debates of today have their antecedents in the debates of the seventeenth century. I am partial towards the republicans, the Levellers and the Roundheads of the seventeenth century. During this particular era of politics Parliament asserted its supremacy for the first time in the history of the British system, establishing that Government was responsible to it rather than its being responsible to the Executive, that is, the king. The first manifestation of this freedom was the publication of books reporting on the happenings in the Parliament. Many of the authors and printers of those publications were punished by the Parliament of the day for their audacity in printing the proceedings of Parliament. One poor soul, Sir E. Dering, was expelled from the House of Commons and imprisoned for the crime of printing a collection of his own speeches. I was not fortunate enough to read his speeches, so I am not sure whether his punishment was related to the quality of his speeches, but certainly his audacity in printing his own speeches led him to be in contempt of the Parliament. In 1660 the House of Commons resolved that "no person whatsoever do presume at his peril to print any votes of proceedings of this House without the special leave and order of this House".

That became the established doctrine which prevented the printing of the proceedings of Parliament. Of course, the English masses have always been recalcitrant and throughout their history have risen against tyranny. The Parliament of the day could not withhold their interest in Parliament. Therefore, it decided on a new tactic; that is, if it could not legislate to prevent the reporting of Parliament, it would impose a tax on newspapers. In 1712 that was its way of trying to repress the interest shown in politics and Parliament. Of course, the more the Parliament increased the tax, the greater the number of newspapers sold in the community. That tactic did not work. In the 1730s two magazines were published - the "Gentleman's Magazine" and the "London Magazine". They were competing for the market and both published parliamentary reports on a much larger scale than had occurred previously. It is interesting to note that for the Parliament to be reported on in this manner the support of certain members of Parliament was required, and during the eighteenth century some members cooperated with the journalists to ensure that Parliament was reported upon. Of course, the Parliament resisted and in 1738 a resolution was passed that made it a breach of privilege to print debates and proceedings. Those who breached that law were to be punished.

We see from the seventeenth century popular interest in the Parliament, reporting of Parliament, and Parliament intervening trying to repress the popular interest. In the early eighteenth century the Parliament imposed a tax on newspapers to try to repress the

freedom of expression as it related to Parliament. However, the Press then came up with a new tactic: The Parliament said it could not report on the proceedings so the ingenuity of the English Press led to their disguising the reports. They used anagrams to refer to members of Parliament and reported, for example, the debates in the Senate of the Great Lilliput or the debates of the Political Club. It was an attempt to get around the law, and the aficionados of politics knew whom they were talking about and the country and debates to which they referred. That continued until the 1760s and 1770s when finally the Press won its uninhibited right to report on the proceedings of Parliament. This happened after a series of events involving three printers, Mr Thompson, Mr Wheble and Mr Miller. They were summoned at various times to the Bar of Parliament for misrepresenting the speeches of members of Parliament and reflecting upon those members. The Parliament ordered that they be arrested. Among the aldermen of the City of London who sat on the Bench to hear charges laid against these individuals by the Parliament was John Wilkes, a radical member for the seat of Middlesex in the late eighteenth century. When the printers appeared before Wilkes he dismissed the charges against them, and accused the House of Commons of assault. He charged that the Speaker and Parliament of the time had assaulted those individuals. That is the fate of Presiding Officers who go across the threshold and try to impinge upon the rights of true born Englishmen! Two of the aldermen involved with Wilkes in dismissing the charges against the printers were committed to the Tower of London, where they stayed for a few weeks. Eventually they were released because the people of London rose against the tyranny of the House of Commons and the Speaker. The popular demonstrations at that time were so intense that they were released from the Tower of London. From that day the House of Commons and the House of Lords have never attempted to restrict the reporting of the proceedings in Parliament. So, member for Applecross, the lesson of the story is that if one attempts to restrict the right of the Press to report the proceedings of Parliament it has been established from that era that there will always be popular opposition against such decisions.

As I noted in the introduction to my speech, in 1803 special seats were set aside for journalists, and in 1831 in the House of Lords, and in 1835 in the House of Commons a Press Gallery came into being. That is the history of the establishment of the right of the Press to report on the proceedings of Parliament and to be a part of the parliamentary process. It is very important that that right be given a proper institutional form. That means a number of things: First, the recognition of the right of journalists to report proceedings - and that is well established. The second requirement is that journalists have the right to be able to carry out their duties in the exercise of their right to report. As is the case with many aspects of this place, the facilities that are available to the Press in the Parliament of Western Australia are inadequate for them to properly carry out their job. In some of the other State Parliaments, and most appropriately the Federal Parliament, without question the facilities are first-class. Those facilities enable the Press to go to the public with reports on what has happened in Parliament. I hope that this episode will encourage us not only to be forever vigilant in respect of the rules for the Press but also to improve facilities that are available to them to carry out the important role they play within our democratic system.

MR STRICKLAND (Scarborough) [8.03 pm]: The Government supports the amended motion. A lot of concern was expressed on this side of the House about the original motion. It would have been amended in any event. I will detail those concerns a little later. Recent events have superseded the original motion.

Why are we in this situation? I have requested from the Speaker information to provide a background to this matter. Until this afternoon, certain rules had been in place for several years. Those rules were determined by the Presiding Officers of the day. There have been no changes in the rules since the election of the current Speaker, the one exception being the arrangement to conduct a trial of a substitution system aimed at introducing flexibility and easing the situation. I must emphasise that there have been no changes in the rules since the election of the current Speaker, apart from the recent change this afternoon. In considering the history of the situation it is very interesting

since as far back as February 1976 one of the rules in this place has been that, except where otherwise specified within the rules, no representative of the news media is permitted in any other part of Parliament House unless accompanied by a member, officer or attendant. That rule did not suddenly appear as a result of actions last year. It has been in place for 18 years. That indicates that some sort of system has operated in this place for a considerable time. Members would probably not generally know that although the Presiding Officers make a determination, in the end a committee is formed to examine the matter, to tease out the issues and help with the decision making. That committee comprises the Sergeant at Arms, the Usher of the Black Rod, the two Presiding Officers and the president of the Press Gallery. The president of the Press Gallery plays a very important role because the committee has the opportunity to reflect on the views of the media and to allow the media to have some input to this rule making process.

In respect of rule making, one could place many historical events on the record. Perhaps the most important one occurred in May 1991 when application forms and newly amended rules were sent to the media organisations. A covering letter explained the recent changes to the rules including limiting the number of accredited press representatives to four passes per major organisation and one or two to minor organisations. This limit was put in place as a result of a recent review and a tightening of security. Therefore, the basis of the rules we have today occurred in 1991. The reason that these rules were put in place is the crucial aspect. The Presiding Officers of the day and the media were concerned about the problems that the media were having as a result of not having proper access to this place. Every member in this House is well aware of the overcrowding that occurs, not only in our accommodation but also in the Hansard area and the media. As a result of the overcrowding a problem existed. It was accepted by the media that there must be some sort of management of the problem. That is how the limit on the number of press passes was born. It was a management technique. The system was born and a decision was made by the two Presiding Officers of the day, one being the former Speaker in this House, the member for Rockingham. Over time *The West Australian* has sought to increase the number of passes allocated to the Press. At times the number has gone from 26, to 21 to 12; it has been all over the place. *The West Australian* has been consistent in trying to increase the number of its press passes. The problem was this afternoon resolved with the issuing of the new rules and statement. Traditionally when those rules are set they are put in place and stand for a session. At the end of the session they are reviewed and perhaps adjustments are made in the new session. The current Speaker was elected to office in June 1993, but the rules were already in place and have existed for this session. In November 1993 *The West Australian*, which has been the main protagonist for change - in fact, the only one until very recently - wrote to the Presiding Officers requesting an additional press pass. That was responded to on 16 November. That is a pretty reasonable response time. On 18 November another letter was received from *The West Australian*. The response to *The West Australian* was that the request for an additional press pass would not be acceded to, but the matter would be placed under review. The reason for not acceding to the request is very simple: The Presiding Officers firmly understood there was a problem with overcrowding in the Press Gallery. For some reason Australian Broadcasting Corporation News, which involves both radio and television, had 17 press passes. No-one is denying that, but that was not introduced under this Speaker; that rule was introduced under the former Speaker. How can the Presiding Officers turn around near the end of a session and before the normal review has taken place, and suddenly take a couple of passes from the ABC so they can hand them to *The West Australian*? It is not on. There must be a process of review. We can all see that.

This debate is very healthy because it causes everybody in the Parliament to focus on the matter and perhaps through the speeches have a little more understanding of what is going on in this place. The Presiding Officers clearly indicated they were prepared to review the situation - that is bearing in mind they had already put in place a substitution system. Although *The West Australian* had only five press passes it could substitute names and allow different people to come into the place. One can only guess at why

ABC News has 17 press passes. I do not know, but perhaps the member for Rockingham will some day enlighten us. That original motion was totally unjust. It called upon the Presiding Officer - that is, our Speaker - to reverse his decision and limit the accreditation of reporters. It was not the decision of our Presiding Officer; the decision was put in place when the Speaker was elected to office by the former Labor Government. It was his decision. In any event, the rules are changed once a year and that review was in process. The statement to the House this afternoon acknowledged an acceleration of decision making. It has been indicated that part of that is due to pressure from the media.

Mrs Hallahan: That is true.

Mr STRICKLAND: The review was in place in any event. The circumstances which were in place did not allow for a speedy resolution. The Opposition was critical of the time frame. I have said it was normal to conduct a review and start with any adjustments in the next session. On top of that the review process involved getting a committee together to debate the matter. The review was under consideration in November, and we are all aware that a meeting was to be held at the end of November in that very hectic last week or two of the Parliament; however, the President, the Presiding Officer in the other place, took ill and was hospitalised. That created a difficulty because both Presiding Officers must be involved in the decision making. It was not seen as the most urgent thing in the world in the last week of the Parliament to make a decision to change the rules. Another meeting was set up and the president of the Press Gallery was invited to attend in January and be involved in the decision making, but he did not get to the meeting. Eventually they found that he was in New South Wales covering the bushfires. Because of difficulties in February due to leave commitments the decision was made to conduct the review in March when the Parliament resumed for three weeks. This of course is our third week. There was a delay with the by-election so the meeting was held this afternoon and the matter has been adjusted and resolved.

It is important that the facts are on the record. Members opposite may have been critical of the time frame, but due to circumstances the matter was not concluded until this afternoon. The members on this side will support the motion because every member in this House believes that the Press should have good and ready access to the Parliament. I totally refute any suggestion that coalition members do not believe in that principle. The decision that has been made is a very positive step forward which not only allows the expansion of the Press Gallery on some occasions, but also will give at least the perception that *The West Australian* will be able to better cover all of the events in this place. Very often it is the things that are not written that are crucial. That is in the hands of the reporters who sit here.

Mrs Hallahan: I am not uncritical of the Press, but the fundamental institution of the Press must be safeguarded.

Mr STRICKLAND: We support that principle. However, we object strongly to the implication that our current Presiding Officer had anything to do with the rules that were put in place. He did not and all the records that go back for a long time in the history of this place indicate that. There is a committee in place dealing with it and it tried to establish a management system with the support of the media, which had problems with crowding. *The West Australian* wants some changes to it. The normal process of people knowing of issues through the media has occurred and has probably accelerated. All the records, letters and memos indicate a review had been agreed to and was imminent; maybe it has been brought forward by days or hours - who knows? The important thing is that the recommendation has been made and we were prepared to allow the member leave to amend the motion so it is something every member in this House can support.

MS WARNOCK (Perth) [8.22 pm]: I have pleasure in defending the indefensible.

Mr C.J. Barnett: The media?

Ms WARNOCK: I have been a member of the profession for some 30 years, having started with *The West Australian* and, as I say, I have now the rare pleasure of defending the indefensible and occupying the high moral ground at the same time. I am very glad to have beaten my former colleague, the member for South Perth, to his feet tonight. As

a former journalist I am pleased to note that the Presiding Officers in this House have relented and decided to allow the Press its proper free access to the people's House. It is remarkable that there should have been any question in this matter. Why should there be any limit on the number of journalists allowed in this House?

Mr Strickland: You should ask your colleague -

Ms WARNOCK: I will not be distracted in this high moral ground and I will not cede it at all to any members opposite. If I might return to my point, why should there be any limit at all on the members of the Press who are allowed to cover the people's House?

Mr C.J. Barnett: Because they requested it.

Ms WARNOCK: I am opposed to any limits, unless it is simply a matter of the practical space that is available to the members of the Press upstairs, as it were. It is outrageous there should have been any question at all about how many journalists from *The West Australian* should be in the gallery reporting on these matters.

Mr C.J. Barnett: If it were outrageous, who was being outrageous - the media who seem to prefer that or the Presiding Officers for agreeing?

Ms WARNOCK: It is simply outrageous there should have been any limit at all on the number of journalists.

Mr C.J. Barnett: It is outrageous even though they seemed to want it.

Ms WARNOCK: I agree it is outrageous, and I am surprised to hear the members on the other side, the libertarians and supporters of individual liberty, attempting to oppose any such liberty. I would like to see as many journalists as are able fit into the gallery.

Mr C.J. Barnett: When the journalists do not want it?

Ms WARNOCK: I am surprised to hear that, and all I can say is that I listened with a great deal of fascination to the member for Scarborough. I would be delighted to hear the member for Cottesloe a little later, but I would like to make a few remarks before he has the opportunity. As great defenders of individual liberty I am surprised the members opposite do not immediately support me in spite of what the member for Scarborough told us earlier on.

Mr C.J. Barnett: I do not know how you would cope if we disagreed with one of your motions!

Ms WARNOCK: It is enormously exciting to find ourselves actually in agreement for once. I would like to be heard briefly and then if the member for Cottesloe would like to speak for half an hour I would be delighted. Nobody here needs reminding that the Press and the free media are the guardians of democracy, no matter how pesky or annoying they seem from time to time. All of us have been their victims as well as their beneficiaries.

Mr Blaikie: If they are the guardians of democracy they either do good or do bad. I remember an editorial saying that when Brian Burke passes away, the nation will recall his premiership with a great deal of credit. That editorial was really wanting.

Several members interjected.

The SPEAKER: Order! The member for Perth has indicated she wishes to make some comments. I ask members to cooperate in that happening.

Ms WARNOCK: I am perfectly happy to cede the floor later to those on the other side. As I say, it is a rare pleasure for me to defend the members of my former profession and share this opportunity with the members opposite. No matter how pesky or annoying the guardians of democracy may be, and anybody who has been a member of Parliament has been a victim of the Press, without them nobody outside this House would know what the Government was doing or how hard the Opposition was working to bring that message home. Goodness knows, it is hard enough as a member of the Opposition to catch the attention of the media without arbitrary limits being imposed by various rules and regulations of this House.

More seriously, the principle is the important thing here. The media must always be free to report on everything that happens in this House, and any question of limiting that is regrettable to me and I am sure to many members opposite, who are the great defenders of individual liberty. I have sometimes been the victim of the profession which I left in September 1991 but, like everybody else in this House, I think it is a fundamental of democracy that every word said in this House, dull as it may be from time to time, should be able to be reported by members of the Press to the people of Western Australia. If this is not so, there is no defence of our democracy and, indeed, all sorts of curtains might be drawn over events that take place in this House. I, and I am sure many members opposite, will always be defenders of the freedom of the Press, notwithstanding the fact that sometimes I reproach myself for this and feel, like everybody else, that I have been unfairly treated. Nonetheless, I am happy to defend the opportunity for anybody from the media in Western Australia to fill the galleries above and report upon any matter which takes place in this House.

MR PENDAL (South Perth) [8.29 pm]: I echo the remarks of an earlier speaker that this matter should never have got this far. It is a matter of great regret that this was not nipped in the bud. May I say at the outset that you, Mr Speaker, have effectively achieved in a short 10 months what previous Presiding Officers could not achieve in three or four years when the rule first came into existence. The fact that, according to the joint statement you issued today with the President, the limits have been abolished is to your credit. More is the pity that it was not achieved earlier, but nonetheless it has been achieved.

I echo the remarks made by the member for Scarborough about the role of the joint Government parties in this. Mr Speaker correctly pointed out when he clarified a matter when the Deputy Leader of the Opposition was on her feet that this is not and was not a matter for the Government to decide. That is not inconsistent either with saying that the joint Government parties took the view yesterday morning that the matter should be reviewed by the Speaker. Of course, it was then overtaken by events. In the meantime, Mr Speaker made a decision this afternoon that led Government members to seek an amendment to the motion and, since then, the Opposition has successfully sought to amend its own motion to the point at which we as Government members can now endorse it.

In 1982, as a new member, I was lucky enough to attend a conference of the Commonwealth Parliamentary Association in the Cook Islands.

Mr D.L. Smith: It sound like you are trying to return to your early parliamentary childhood now.

Mr PENDAL: It is central to what we are debating. I was asked by the present Speaker, who was then the Deputy Speaker, to present a paper at that conference on the relationship between the Press and the Parliament, what it should be and what the Press or the media expected out of the parliamentary system. Interestingly, in view of the development of this debate in the last week, I called on the then managing editor of *The West Australian*, Dan O'Sullivan, who has since retired. I had known him for many years. He had been my editor when I was a political journalist on *The Daily News*. I vividly recall asking Mr O'Sullivan what were some of the fundamentals that he as a newspaperman required out of Parliament in order that he and his staff could contribute to parliamentary democracy. I was 10 years younger than I am now, and I expected Mr O'Sullivan to come up with some profound and deeply held view about processes that should be open to the media. What he came up with at the time seemed to me to be a disarmingly simple request. It became the basis for the speech that I made in the forum which was held in 1982. What was his request? He bowled me over by the simplicity of it. Often the more profound things in life are those that are disarmingly simple. He said that unrestricted and unfettered access to the parliamentary Press Gallery was the first, second and third rule of the media relationship with the Parliament. Although it was a one-liner, I spun it out into a 25 minute speech in the Cook Islands that year. But it arose from that one simple observation of his when he said to me, "There are many things that we as the media could demand from the Parliament, but there is no more fundamental

request that we would make than that we have the right of access unfettered to the parliamentary Press Gallery - that is, to choose to report or choose not to report; to choose to attend or choose not to attend." In other words, it was a decision being made by the media themselves.

It is ironic that 11 years or so down the track the very principle that Dan O'Sullivan enunciated at the time should have arisen by way of the Leader of the Opposition's motion. I repeat that the joint coalition parties did express a view - it was expressed earlier by the member for Scarborough - that no unnecessary restrictions should be put on members of the Press Gallery. I am pleased to say that that has had some salutary effect in the last 24 hours which has led to a point at which we are now debating an amended motion upon which we can all agree.

I want to add another dimension: Originally when the argument arose I thought, and still think, that that question of principle was at stake. That has been covered by almost all speakers. But there was a second reason that, in my view, the Parliament should be agreeing to the request of *The West Australian* or, for that matter, any other media outlets. I have mentioned privately to a number of journalists that, if I had my way, we would put another 100 into the corridors and the limited space available.

Mr C.J. Barnett: Do you reckon they would report you then?

Mr PENDAL: Hope springs eternal. For the not flippant reason but the pragmatic reason that the more people whom we have in Parliament House who are working in uncomfortable surroundings, the more supporters we will win to the cause of the provision of decent facilities in this place. They are appalling not only for members of the Press but also for members of Hansard. What is more, I have heard a few Ministers say that facilities are appalling for them, to which I have responded, "Well, you are one of the 16 or 17 people who can change that. You have an influence on the State Budget that I and other people do not have and you have it in your power to put another $40m or $50m into a program to extend the facilities of this place." That is what it is about. There was that very pragmatic reason.

It puzzled me in the last 12 months to read the correspondence when I was being told by people around Parliament House that we could not accommodate more journalists in the Press Gallery because at question time only about 24 could fit from one side to the other. I made the suggestion then to shift the rope - shift the borders that exist almost to the left shoulder and right shoulder of Mr Acting Speaker, so that members of the Press could move along into the Public Gallery. If the public are not going to go into the Public Gallery, why should we not give access to that accommodation to the media? There is no real answer to that other than to say that it was perhaps too simple for people to comprehend as a solution or perhaps we were not going to find a solution to it, anyway.

I am pleased that the Opposition has amended its motion of its own volition. I am pleased as well that the Government parties circulated an amendment last night which sought to make clear the view of Government members that the Speaker should seriously take into account our views. To the extent that Mr Speaker has done that, I congratulate him again because he has done in 10 months what other -

Mr Kobelke interjected.

Mr. PENDAL: No. The member did not listen. That is the very thing that I did not say.

Mr Kobelke: You implied it.

Mr PENDAL: No, I did not even imply it. However, since the member has imputed it, I will spell it out in more detail.

That is the point that the Speaker himself would have been properly resentful about. A point of view can be offered without belittling and bullying people. That is what this place is about, offering points of view that may be contrary to what the Speaker or anyone else holds. But it is able to be done in such a way so as to influence the outcome of events. It is only a pity that it did not happen last year. It is as though *The West Australian* were making some extraordinary request. What was it doing? It was seeking

an extra place in the gallery. It is an absurdity. The pragmatic solution would have been to invite any number of extra Press people so that we eventually win a bit more support for the long overdue extensions.

I finish on that note and repeat my regard for Mr Speaker for having undone what has been in place for many years. He could have gone along and battened down the hatches and stated, "I am not taking any notice of anyone", whether it is *The West Australian* or anyone else. Mr Speaker was prepared to listen to contrary arguments and within the space of 10 months he did what other people were not able to do in a long time. The joint statement issued by the two Presiding Officers finished with the observation that it will be interesting to observe how the new system will operate. Frankly, it will not amount to a row of beans. The difference will not be noticed because that extra one is hardly a quantum leap. It will relieve the pressure on a whole heap of people in this place because it will abolish a rule that was silly in the first place and should have been abolished much earlier. For those reasons I support the motion.

MR D.L. SMITH (Mitchell) [8.42 pm]: I voice my support for the motion. The member for South Perth in his speech repeated the message that he had from the former editor of *The West Australian* that the first and foremost right that the Press should have in relation to Parliament is a free and unfettered access to the Press Gallery. I do not know why he expressed it in those terms - that is, free and unfettered access to the Press Gallery. My view is that the media should have free and unfettered access to the Parliament. That applies to all of the Parliament, excluding the floor of the Chamber. When members visit schools and other places to talk about the Parliament, we remind the schoolchildren and adults that this place should be regarded not as the Parliament, not as a place where parliamentarians do business, but as their House where we as parliamentarians do the people's business. If people are to understand and be involved in the government of the State and if Parliaments are to be properly accountable to the people for what they do on behalf of the people, access to information about Government, what is happening in Parliament and the various committees of the Parliament must be available. The easiest way for parliamentarians to ensure that the public are aware of what happens here is to give the media full access to this place and to members to enable them to report accurately in whatever manner they wish. I confess that despite my 10 years in the Parliament I was not previously aware that we have restrictions on access by accredited reporters to the Press Gallery. I have always presumed as a parliamentarian that every journalist who is accredited by any of the media operations in Western Australia and outside would have automatic access to the Press Gallery and there would be nothing in the power of the Speaker or anyone else to control that. I presumed that because it was called the Press Gallery the Press would determine who was there and we would not seek to prevent them in any way.

Mr C.J. Barnett: Do you appreciate that any restriction as it applied is because of the request of the media. It is important. It was not a policy or a principle, but a convenience that was offered by the previous Speaker with our agreement.

Mr D.L. SMITH: My own view is that we as parliamentarians should examine what controls the Presiding Officers in the two Houses have and whether we as parliamentarians believe that they should have all those powers. Should some of those powers be delegated to the Joint House Committee or some other organisation which has a collective responsibility? Then we in the various party rooms could be aware of what is happening in the Parliament and approve of it by having our representatives on the Joint House Committee discuss some of those aspects. One of the matters which arose in relation to the request for access to the Press Gallery seems to be a concern that we will crowd the Press Gallery out if we allow free and unfettered access. The answer to that is very simple. We should abolish the rule that prevents any member of the public taking notes in any of the Public Gallery areas. Why the Dickens do we have - and it probably is a Dickensian reason - such a restriction -

Mr Cowan interjected.

Mr D.L. SMITH: The Minister can explain it to me. He has been here longer than me; he probably knows. Why do we have it?

Mr Cowan: There is a precedent in the United Kingdom. Do you want an answer?

Mr D.L. SMITH: Dickensian precedents from the United Kingdom?

Mr Cowan: That is your description of it. If you want to be so uncharitable as to give it that qualification before you even hear the explanation you are entitled to do that but it cheapens your attitude a little and it is hardly worth my while telling you.

Mr D.L. SMITH: I honestly thought the Minister had stopped in his explanation.

Mr Cowan: Although *Hansard* is not taken in a court of law as the official record - the votes and proceedings in a court of law are taken as the official record - in many other respects *Hansard* is regarded as the official record of the speeches of Parliament. Where people outside the accredited Press Gallery take notes there is potential for conflict in respect of whether a person did or did not say something because someone was sitting up in the gallery and claims he took it down. For that reason that law prevailed. If you want to get rid of that and want to be quoted or even misquoted because someone was sitting in the gallery and took notes, you can make that judgement.

Mr D.L. SMITH: I have no problem making judgment at all. If people want to sit up there and take notes and get a different understanding of what was said from what appears in the official *Hansard*, I have no problem with that. If they want to go outside and say that they were sitting in the Parliament and took down what I said and it was different to what was reported in *Hansard*, I have absolutely no problem with that. Why not trust the public?

Mr Cowan: It creates a problem with parliamentary privilege, doesn't it?

Mr D.L. SMITH: Regarding the accuracy of the record a prohibition of that kind is not needed to preserve *Hansard* as the official record.

Mr Cowan: How are you going to deal with the question of parliamentary privilege?

Mr D.L. SMITH: In relation to parliamentary privilege, people are entitled to know what is said in the Parliament and they can do that either by being here and listening and remembering, or by listening and recording.

Mr Cowan: You have misunderstood me either deliberately or otherwise. I will assume not deliberately. How will you establish what is the subject of parliamentary privilege?

Mr D.L. SMITH: One establishes what is the subject of parliamentary privilege from the official record of Parliament; that is, *Hansard*. Nothing would change whether the person taking the notes and writing down what is said is in the Press Gallery or the Public Gallery.

Mr Strickland: That would not be to the benefit of the person who gets it wrong and publishes it. He could find out later that he has a libel suit.

Mr D.L. SMITH: People will always take risks whether they are sitting in a court room, the Public Gallery, the Press Gallery or the Speaker's Gallery. I find the rule relating to people not being able to take notes in the Public Gallery Dickensian. If there is not enough room in the Press Gallery for a member of the Press I cannot see why he cannot be free to sit in the Public Gallery.

Mr Strickland: The Press has access to legal advice and sometimes that helps to keep it out of trouble. If members of the public incorrectly interpret the proceedings of this place and publish it they could be confronted with a problem.

Mr D.L. SMITH: I repeat that people take those risks every day of their lives.

Mr Cowan: You have hit on a brand new scheme to give you a job when you leave this place of defending those people who malign a member of Parliament.

Mr D.L. SMITH: I think I will have better things to do in my retirement than to act for people who malign members of Parliament.

Some of those types of restrictions should not apply. I am also concerned about recent suggestions that we should control the movement of members of the Press around the

corridors of the Parliament. If they get accredited entry into the Parliament and they want to sit outside a member's room or a Minister's room while waiting for an interview, they should be entitled to do so. It appears that there is some concern that they will overhear something said between people, Ministers or members of Parliament. That is something we should not be concerned about. They can move freely outside the Parliament and there should be no concern with their ability to do the same thing within the Parliament. We should not only facilitate their free and unfettered access to the Press Gallery; we should - with the limited security which I think this place needs, the requirements of Government and the privacy of the individual member's room - give journalists the right to move around the place when and where they choose.

As members of Parliament we should try to facilitate the participation of the Press in the Parliament by giving consideration to the facilities they have. Earlier this year an independent reporter who services some of the ethnic publications across Australia had a problem with the administration of the Parliament. He wanted to install a recording device to his telephone because he was not always able to answer it, but he was prohibited from doing that. In addition, there is a problem with the amount of room that the journalists have in their current accommodation. Perhaps consideration should be given to whether their accommodation should be air-conditioned and whether they should be allowed to install more modern fax machines and electronic equipment.

Areas within this building are not fully utilised and I cite the television and pool rooms on the second floor which are hardly used. Those two areas could be identified as providing more facilities for the journalists. This should not just be a question of giving the journalists access to the Press Gallery; it is a question of making them feel welcome and as free and comfortable as possible in this Parliament so they can do the best possible job in reporting what is said in this place and what the Government and Opposition parties are doing so that the public can be properly informed and, through the information they receive from the various media outlets, participate in the decision making which affects them.

I repeat, this is the people's Parliament - we do the people's business here and we are their representatives. We should not do anything at all to restrict the ability of the public to be made aware of what is taking place here or to criticise members on the basis of the information they receive from the media. They should be able to let us know their views on what they have learnt from the media about what we are doing here. I commend the motion to the House.

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [8.55 pm]: In supporting the motion I emphasise that it is a problem for this Parliament that we have been put in the position of having to debate it. The Parliament should not be put in a position of considering whether the media should have free and proper access to this place; it is disgraceful. We may as well debate issues in this place in a vacuum if the media is not available to report on them. It is absolutely critical to the proper functioning of the Parliament these days that the written and electronic media have full and proper access to this place.

The suggestion that *The West Australian*, a paper which has a proud history of reporting this Parliament, should be restricted to five accredited journalists is an absolute nonsense. The fact that the people dealing with this issue cannot see beyond the end of their noses reflects badly on the people involved in this process.

Mr Cowan: Have you indicated that to the member for Rockingham?

Mr TAYLOR: The member for Rockingham is no longer the Speaker in this place. Only today he told the Premier that he did not support the Government's position on this issue. As the Speaker he made sure that not only was this place available to the Press, but also he was available to it.

Mr Kierath: He banned journalists from this House.

Mr TAYLOR: If the Minister for Labour Relations wants to talk about journalists being banned from this House I advise him that journalists continue to be chased around the

corridors of this place. Even the decision to open up the accreditation to other journalists is not one that allows them free and open access to this Parliament. We still find it more than a little inconvenient.

Several members interjected.

Mr Kierath interjected.

Mr TAYLOR: The Press will probably continue to report on the Minister for Labour Relations' activities and he might find that uncomfortable.

Mr D.L. Smith: What this is all about is the exchange that took place last year between the Minister for Primary Industry and the Leader of the House.

Mr TAYLOR: That is exactly the reason that journalists were prevented from making their way around this place. All of the journalists, without exception, are known to members of this Parliament. If members do not want their conversations overheard there is a simple solution: They can either shut their mouths when the journalists pass them or speak in such a way that they cannot be heard by passers by.

To continue to restrict the access of journalists to this place is a further restriction on the freedom of the Press. This Government and the Premier have tried to put everything possible in the way of allowing the electronic media proper access to this place and that is of concern to the Opposition. We should be in a position to allow the televising of Parliament. Members should have the opportunity when they are making a speech, like the one I am making now, to allow the electronic media to tape the speech so it can be used if they choose. The media must be given every opportunity to report properly on what happens in this place. Every obstruction we put in their path, be it free and proper access to this Parliament, the issue of accreditation or the issue of radio and television wanting to pick up what is said in this place, is another restriction on democracy in this State.

It is critical that *The West Australian* never again be faced with the situation that it has been faced with not only in the past few weeks but also since at least November of last year, when this matter was first addressed by the Editor of *The West Australian*. This issue has also been addressed by the television stations and the other electronic media. This issue cannot be ignored. We will not let the Government ignore this issue. We expect the televising of at least question time. We expect the electronic media to have open and ongoing access to what is said in this place. We oppose this issue being sent to a committee. The best definition of a committee is a cul de sac into which good ideas are lured and then strangled. The proposal that the electronic media have access to this place was sent to a committee more than 10 months ago, and that proposal has slowly been strangled by that committee.

Mr Cowan: Do you have representatives on that committee?

Mr TAYLOR: Yes, and they are getting nowhere fast because they are well and truly outnumbered. When we come back to this place at the beginning of May, we expect to be in a situation where television crews will be allowed into this place for as long as they like and when they like. We expect to be in a situation where people from the radio stations will be able to take whatever they like from what is said in this place. We expect to be in a situation where we will never again face the farcical situation that we had some time ago where a properly accredited journalist was kicked out of the Public Gallery because he was taking a few notes. I do not know that anyone has been able to explain, and I cannot work out, why people cannot take notes in the Public Gallery, whether they be members of the media or of the public. I would be prepared to listen if a Government member could explain that to me. We should do away with that archaic and stupid rule. A member of the Press or of the public should be able to sit in the gallery and not only listen to but also write down what is said. If we pass this motion tonight, I hope without any dissentient voices, it will be another important step towards ensuring that we have a more open and accessible Parliament than has been the case over the time that this Government has been in office.

Question put and passed.

MOTION - FREEDOM OF INFORMATION REGULATIONS 4, 5, 6, AND SCHEDULE, DISALLOWANCE

MR KOBELKE (Nollamara) [9.03 pm]: I move -

> That this House disallows regulations 4, 5 and 6 and the Schedule of the Freedom of Information Regulations 1993, under the Freedom of Information Act 1992, a copy of which was laid upon the Table of the House on 2 November 1993.

The schedule to which the motion refers sets the charges which relate to three sections of the Freedom of Information Act. The first charge relates to section 12(1)(e), which states that an access application must "be lodged at the office of the agency with any application fee payable under the regulations". The regulations set that access fee at $30. When the Freedom of Information Bill was debated in the Parliament, no amount was set, as it was clearly to be set by regulation following the proclamation of the Act and the establishment of the necessary machinery for it to operate. However, the then Minister indicated at that time that the fee would be about $25. This figure of $30 is 20 per cent higher than that, and perhaps it is an indication of the general approach taken by this Government to taxes and charges. An increase of 20 per cent is what this Government has applied to a range of other Government taxes and charges. However, it may be an indication of a lack of commitment by this Government to freedom of information that the Government has not set out to ensure that these charges are set at the lowest possible level. That fits in with the overall approach taken by this Government in trying to deny information to both members of Parliament and the public generally.

Section 16(1) of the Freedom of Information Act states that "any charge that is, in accordance with the regulations, required to be paid by an applicant before access to a document is given, must be calculated by an agency in accordance with the following principles or, where those principles require, must be waived". The charges laid out in the schedule include a charge of $30 per hour for time taken by staff dealing with an application. The charge for access time supervised by staff is also set at $30 per hour or pro rata for a part of each hour, plus the actual additional cost to the agency of any special arrangements; for example, the hire of facilities or equipment. There are further charges for photocopying, again at the rate of $30 per hour of staff time and 20¢ per copy. The charge for time taken by staff to transcribe information from a tape or other device is also set at $30 per hour. Charges for duplicating a tape, film or computer information, or for delivery, packaging and postage are set at the actual cost. Section 16(1)(d) states that "no charge may be made for providing an applicant with access to personal information about the applicant". That is clearly precluded by the Act; it is not within the power of the Government to set a charge for access to personal information.

Section 18(1) allows for an advance deposit of a prescribed amount, which is set in the schedule at 25 per cent of the estimated charge. Subsection (4) states that "further advance deposits may be required by the agency by written notice if the agency considers they are necessary to meet the charges for dealing with the application". That charge is to be the remaining 75 per cent.

It is evident from that range of charges that this Government is not keen to encourage people to avail themselves of freedom of information. The level of charges may appear to be not particularly onerous, and perhaps it is at the middle range, but that clearly is not an incentive for people to avail themselves of information, other than personal information, for which the Act precludes any charge. It is certainly at variance with much of the rhetoric of the now Government when in Opposition, and I will give examples of things said by Ministers when they spoke about this Bill when in Opposition.

The objects of the Act are very succinctly outlined in section 3, which reads -

> (1) The objects of this Act are to -
>
> (a) enable the public to participate more effectively in governing the State; and
>
> (b) make the persons and bodies that are responsible for State and local government more accountable to the public.

That is a high ideal to which members on both sides of the Chamber gave full support. However, that support is no longer evident from this Government. We find that any political leadership and commitment to freedom of information is totally lacking. In establishing a new piece of legislation designed for the benefit of the people of this State, commitment from the Government is necessary to overcome incredible inertia within bureaucracies. It is not unusual to come across a Government officer who will say, "We have always done things this way, and we will continue to do so." These officers are oblivious to the fact that a Freedom of Information Act is on the Statute book which obliges officers to comply with its provisions. It takes a great deal of effort to get that message through to officers within Government agencies. The Government has shown no leadership to ensure that Government agencies and departments follow its lead and assist people in gaining access to information. We have seen more of a denial of information through the approach taken by this Government. It is little wonder when the response we receive from requests for information is a stonewall.

Schedule 1 of the Act lists 15 groupings for exemptions from release of information. Many Government agencies guess a whole range of numbers from one to 15 and claim they are grounds upon which to deny access to information. This gives the impression that public servants in the back room have a dart board numbered one to 15. They throw the dart and the numbers scored are taken as exemptions by which they can deny access to information. In my experience I have been given reasons for exemption which bear no resemblance to the facts. For example, denial is made on the grounds of "deliberative process" when one is requesting standard information kept by that agency; it is information which requires no deliberative process.

Points of Order

Mr AINSWORTH: My understanding is that the motion before the Chair is to disallow some regulations which relate to charges involved with this legislation. The member is now talking about matters unrelated to the charges, because this information cannot be released to the public. These are matters which the agencies keep confidential. The member is not debating the motion before the House at all, but is straying into debate on the Act itself.

Mr KOBELKE: We are dealing with the disallowance of regulations which stipulate charges for access to information. The level of those charges relates directly to the ability of people to gain access to information. That is a matter over which the Government has control. These regulations have a broad impact on the whole working of the Act, and I must make references beyond the narrow bounds of the charges themselves.

The ACTING SPEAKER (Mr Johnson): I accept the point of order made by the member for Roe. I also accept that it is the practice in private members' time to draw a long bow as arguments are expanded. I remind the member for Nollamara to keep his comments within the confines of the motion.

Debate Resumed

Mr KOBELKE: I shall follow your guidance, Mr Acting Speaker.

Mr Cowan: Can you give us some particular examples or complaints to which you have referred? Can you identify some of them?

Mr KOBELKE: I do not know whether the Acting Speaker's guidance would allow me to do so.

Mr Cowan: He has given you some licence and you may as well prove your point.

Mr KOBELKE: I have given one example of use of "deliberative process".

Mr Cowan: You have not given any examples at all.

Mr D.L. Smith: I will give the Deputy Premier a very good example of where the legislation is very much abused. I will tell the Deputy Premier if he promises not to interrupt me.

Mr Cowan: I cannot make that promise.

Mr KOBELKE: People have claimed deliberative process as a ground by which to deny access to information. This exemption is outlined in section 6 of schedule 1 which reads -

> (1) Matter is exempt matter if its disclosure -
>
> (a) would reveal -
>
> (i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or
>
> (ii) any consultation or deliberation that has taken place,
>
> in the course of, or for the purpose of, the deliberative processes of the Government, a Minister or an agency; and
>
> (b) would, on balance, be contrary to the public interest.

Somebody may interpret everything which occurs in Government to be a deliberative process. The case history of this provision in other States and jurisdictions indicates that it should be limited in application. The first decision made by the Information Commissioner was that the exemption's application should be limited. It cannot be said that because someone picked up a piece of paper and thought about it, it was a deliberative process. A deliberative process is at the end of a chain of events.

Mr Cowan: You still have not given a case example. Give us a couple.

Mr KOBELKE: Time will not allow me to do so. I am trying to keep within the Acting Speaker's ruling, and the member for Mitchell has indicated that he will take up the Deputy Premier's request. Also, private members' time is brief. Is the Deputy Premier willing to move for an extension of private members' time?

Mr Cowan: I will be tempted if you promise me two things: That you and the member for Mitchell do not speak again.

Mr KOBELKE: That is a hard bargain! These regulations deal with the start-up procedures with freedom of information in this State. The examples to which I have briefly alluded indicate that when starting up a whole new legislative operation requiring certain mechanisms, it is necessary to have a Government which believes in making it work. The Government must give leadership to encourage agencies and departments within the Public Service to adhere to the legislation. This will ensure that the legislation will work and that people will have access to information.

When the member for Kingsley, the now Attorney General, spoke in the second reading debate on the introduction of the legislation, she quoted Mr Tony Fitzgerald, QC, when indicating the importance of freedom of information, as follows -

> Secrecy and propaganda are major impediments to accountability, which is a prerequisite for the proper functioning of the political process. Worse, they are the hallmarks of a diversion of power from the Parliament.

Clearly, Mr Fitzgerald, and the Attorney General when in Opposition, believed that we should have access to information if Government is to work properly. One would assume that the Attorney General's intention was to provide access to information so that government will work better. However, we have seen the opposite from this Government as the same words have been applied in the opposite direction. If the Government is denying access to information, the Parliament cannot work as well as it should. To date, this Government has denied information to the Parliament and the people of this State. Parliament is therefore unable to assert its authority on the Administration, and Ministers will be able to get away with whatever they want. We have seen a downward turn taken by this Parliament in the accountability of Parliament. The interpretation by this Government of the words I quoted from Fitzgerald is to ensure that we have secrecy and that propaganda will be paid out of the public purse so that there will be a lack of accountability by this Government.

Responses to questions without notice have been used time and time again to avoid answering the questions that have been asked. When the heat is turned up and the Ministers feel a bit embarrassed by their incompetence or by their actions, the answer is to talk about WA Inc. Day after day, instead of answering the questions put to Ministers, they discuss WA Inc. When questions are placed on notice, they are often not answered. Some Ministers have used a standard phrase in hundreds of answers: They are not provided with resources to answer the questions. The problem is that identical questions asked of other Ministers have been answered. For many Ministers that is a stock response and avoids the trouble of answering questions. In question time we see the extensive use of dorothy dixers to ensure that as few questions as possible are asked of Ministers.

Another example of the denial of information is the use of short ministerial statements. Information can be dropped and the Minister can run out of the place, not having to be accountable or provide any explanation. A couple of weeks ago a Minister announced in three minutes a decision to spend $750m of taxpayers' money, without any supporting information and without any opportunity for the Opposition to question what was being done.

Mr Wiese: You did not even do it by ministerial statement, you did it by press release after consulting Laurie Connell.

Several members interjected.

The ACTING SPEAKER (Mr Johnson): Order!

Mr KOBELKE: This Government will wear that right through to the next election. Members should make no mistake about that. This Government will wear the fact that it is trying to do shonky deals without providing this Parliament or the public of Western Australia with appropriate information.

In the second reading debate the member for Kingsley stated -

> As has been pointed out, many devious ways could be found of denying access to that information by members of Parliament. I accept the principle that members of Parliament through this House should have access to all information.

Again, the Attorney General says one thing and means something else; or perhaps she does mean that devious ways can be found and she is certainly out to find them. Her record in answering questions about her friendship with Dr Bradshaw has been particularly abysmal. This Government may say one thing but, when it comes to the fulfilment of that rhetoric, we see something quite different. Again and again Government members walk away from any good intentions they may have had when they spoke to this Bill during the second reading stage. The now Attorney General in that debate also said -

> The sentiment that the costs are kept as low as possible is important. There was never any intent to have full recovery of the costs of providing the information by the agency.

I am not saying that in the schedule we should see full cost recovery; but it certainly requires that the applicants meet the bulk of the costs. There is no commitment to ensure that people have ready access to information. There is an approach of trying to ensure that the Act is in place and people may use it if they can find their way through the system and if they have the financial wherewithal to take it up; but there is no commitment to ensure that the Act works and that people have access to it. These charges very clearly reflect that. In the second reading debate the member for Wagin, the now Minister for Police, said -

> The second principle of administration is to allow access to documents to be obtained promptly and at the lowest reasonable cost. That would be an extremely important principle.

On both of those counts this Government has failed. It said that it would allow access to documents promptly. It is certainly neither my experience nor that of people to whom I

have spoken about how they find the operation of the Act. I made application to the Department of Planning and Urban Development on 17 November 1993. Now on 6 April I am writing a letter of formal objection to the commissioner to see whether I can gain access, having written to her initially in the middle of January indicating that agencies were not fulfilling the requirements of the Freedom of Information Act. It is likely that something that should have taken a maximum of 45 days has now dragged out to well over three months, and it will probably be four months before a final answer is received. Access to documents has not been prompt. The charges in the schedule suggest that documents are not being provided at the lowest possible cost. The member for Wagin also said -

> We must take the Minister's word that he will consider some mechanism whereby members of Parliament have access to this information for parliamentary purposes at minimum costs. I am aware of too many instances in which freedom of information legislation in other jurisdictions has resulted in such high charges that many people are denied access.

The now Minister for Police was willing to accept the words of the Minister who was then handling this legislation that costs would be kept to a minimum and that members of Parliament would be given special consideration. With this Government we have found exactly the opposite: Costs have not been set at a minimum, as is clear from the schedule, and members of Parliament do not receive special consideration, unless members believe that special consideration is our being denied information in the Chamber and then having to put in a request under the Freedom of Information Act in the same way as ordinary members of the public might access that information. There is no special consideration for members of Parliament to access that information even though we are involved in decision making.

Mr Wiese: Do you know that your crowd made an awful play during that debate to try to prevent members of Parliament from having access to information cheaply? Are you opposed to that?

Mr D.L. Smith: So did members on your side. Members on your side voted for that not to be included. If I had responsibility for the matter before the House now, I would certainly include all the provisions that the member for Floreat wanted, which included that provision.

Mr KOBELKE: In response to the Minister for Police, the fact is that there was discussion on this point. If he reads the *Hansard*, he will find that members of the now Government were loudest and strongest in suggesting that the costs should be high, particularly the now Minister for Water Resources who was adamant that the costs should be quite high so that no burden would fall on local government. Members of the now Government had this mixed understanding about what the level of charges might be.

This motion is to disallow the charges contained within this schedule. If this Government wishes to match its rhetoric with any action, it should support this move and disallow these charges, take them away and bring back a set of charges at a much lower rate. We are talking about early days in the implementation of the Freedom of Information Act. At this stage it would be most appropriate to set charges at the lowest possible level. Then the Government can gauge the amount of resources and expenditure involved in meeting the requirements of the Act. Those charges could then be adjusted so that the Government might recoup a more adequate level of the costs incurred. To start out with moderately high costs is to undermine the whole process involved in the freedom of information legislation.

If this Government is serious, it should support this and ensure that ordinary people can meet the charges that are set. It is not just the one-off charge; people might have to deal with a number of processes within an agency and several documents may be considered before people find the one they want. That could involve considerable costs. Access to information requires that those charges be set at the lowest possible level. I ask the Government to consider this motion very seriously and to bring back a lower set of costs.

MR D.L. SMITH (Mitchell) [9.30 pm]: This motion is part of a general concern the Opposition now has in relation to the operation of the freedom of information legislation under this Government. The member for Floreat, when we were debating the original Bill, made a number of points which I thought indicated some paranoia about the way in which different Governments might interpret the legislation and manage people's access to freedom of information. In retrospect all of her fears about this legislation and some of its limitations have proved to be justified under this Government.

One aspect relates to the appointment of the Freedom of Information Commissioner. It is clear in the second reading debate and Committee stages of this legislation that the Government of the day promised real consultation with the Opposition of the day on the appointment of the Information Commissioner. That occurred and the Leader of the Opposition of the day was sent a short-list of applicants for his comments prior to an appointment being made. However, when the Government changed, this Government proceeded to appoint a person who had a Vote-for-Cheryl-Edwardes sign in her front yard and who, in my view, cannot be seen as independent of the Government of the day.

Points of Order

Mr BLAIKIE: I question whether the member's speech has any relevance to fees being charged for freedom of information legislation.

Mr D.L. SMITH: I am only making these remarks by way of introduction.

Mr Blaikie interjected.

Mr D.L. SMITH: I have already said I am raising these matters because this motion is part of the general concern the Opposition has on the operation of this legislation under this Government. I will deal with these matters very briefly. The Leader of the National Party during the address by the member for Nollamara wanted an example of how I think the Act is not working appropriately. I will attempt to give him that. I will spend only a short time on those matters and move on to the substance of the motion.

The ACTING SPEAKER (Mr Johnson): As I said earlier, an initial point of order was made against the previous speaker. However, the present speaker has been on his feet a very short time. I think it is custom that some latitude is given, especially during private members' time. However, he must formally second this motion, otherwise it will lapse.

Debate Resumed

Mr D.L. SMITH: Thank you, Mr Acting Speaker, I formally second the motion.

Mr Blaikie: A very timely point of order to help you.

Mr D.L. SMITH: I thank the member for Vasse.

The first concern related to the appointment of the present commissioner, who cannot be seen to be independent of the Attorney General. The second is that the principles in the legislation have not been implemented. The principles are set out firstly in section 3(2) where it says that one of the objects of the Act is to create a general right of access to State and local government documents. The principles of administration in section 4(b) allow access to documents to be obtained promptly and at the lowest reasonable cost. Section 7(3) provides that nothing in the Act will prevent access to documents which have been previously made available to people. My understanding of the way in which this Act operates is that the various agencies for which the Government is responsible are using the exempted document list in a way which belies any real consideration of the issues. They are not using them because the documents fall into those categories, but as a means of denying people access. They are delaying the processing of applications and now these regulations are before us which impose an unreasonable level of cost.

One example of the misuse of the exemption provisions relates to a problem that one of our women prison officers had. Her name is Stavely and she made a complaint to one of her superior officers that she had been sexually harassed by a fellow officer during her employment. She was coerced, in my view, by that officer to make a formal complaint which resulted in a formal inquiry under the Prisons Act. She was not allowed to be

present during the presentation of the evidence and she was not given a copy of the decision on her complaint, even though she understands it was upheld. Despite the fact that it was upheld and she was the person being harassed, the solution of the Ministry of Justice was that she could no longer remain at the institution at which she then worked and she and her husband should be transferred elsewhere.

Instead of getting redress, her future with the ministry was very much in jeopardy. She made an attempt to obtain a copy of the inquiry's determination and copies of the evidence and other documents that had been considered by the inquiry in reaching its determination. This request was refused on the basis that they thought it should not be made available to her. She made a request under the Freedom of Information Act and the result of that was that the Ministry of Justice said prisons were an exempt agency and would not provide the information. The idea of the Corrective Services Department being an exempt agency related to the question of security in prisons and was never intended to give the prison authorities, the Justice Ministry so-called, the opportunity to deny natural justice to their staff or deny access to critical documents concerning staff such as the evidence against her, the various documents used by the inquiry and the actual finding of the inquiry. It is absolutely the pits in terms of natural justice that she should have been placed in that position. However, it is even worse that when she tried to overcome the situation she should have been confronted by the misuse of the exemption provision. That is an example of how this legislation is not being administered properly by the Attorney General.

It is a case which comes directly under her administration. It concerns a department for which she is responsible and it is a matter on which Mrs Stavely and her husband have made a number of complaints to the Attorney General seeking to ensure that proper remedial action was taken. In general terms they have not been able to get that redress. In the end, they have had to approach the Opposition and others to obtain that. I hope they will not be disciplined by the department for doing so. They have tried by every means possible to obtain some assistance in relation to their predicament.

The other examples are these regulations dealing with the question of cost. A number of sections in this legislation are appropriate for consideration. The first is one I have already quoted in relation to section 4(b) which allows access to documents to be obtained promptly and at the lowest reasonable cost. Thanks to the member for Floreat, there was then inserted into the legislation a number of principles which were to be used in determining the level of cost that should be charged for information. I am very pleased she put those in. I have already said, by way of interjection, that I regret I did not agree to her inclusion of free access to information to members of Parliament because of the level of charges now being levied. Those principles are as follows -

> Any charge that is, in accordance with the regulations required to be paid by an applicant before access to a document is given, must be calculated by an agency in accordance with the following principles or, where those principles require, must be waived -
>
> (a) a charge must only cover the time that would be spent by the agency in conducting a routine search for the document to which access is requested, and must not cover additional time, if any, spent by the agency in searching for a document that was lost or misplaced;
>
> (b) the charge in relation to time made under paragraph (a) must be fixed on an hourly rate basis;
>
> (c) a charge may be made for the identifiable cost incurred in supervising the inspection by the applicant of the matter to which access is granted;
>
> (d) no charge may be made for providing an applicant with access to personal information about the applicant;
>
> (e) a charge may be made for the reasonable costs incurred by an agency in supplying copies of documents, in making arrangements for viewing documents or in providing a written transcript of the words recorded or contained in documents;

Clearly one of the principles here is that an opportunity should be provided for agencies to waive charges altogether in appropriate cases. There is a specific provision which allows an applicant to access personal information without charge. Lo and behold, when these regulations were first drafted they did not provide any exemption of charges in relation to matters of personal information. The regulations were tabled on 2 November and these disallowance motions were made on 3 November. It was not until 18 November that an amending regulation was tabled in the Parliament which meant in effect that the charges applied only for non-personal information. The regulations which were tabled originally were not in conformity with the Act and were probably invalid. Those amendments do not save the regulations. The regulations then set out an application fee of $30 and a type of charge for time taken for dealing with the application of $30 an hour. I know the Attorney General will attempt to say that these charges are comparable with the Eastern States and other places. However, firstly, it was always said in relation to the introduction of this legislation that Western Australia's charges would be the cheapest in Australia. Secondly, section 4 of the regulations requires that they be at the lowest reasonable cost. Thirdly, under section 19 of the Act there must be a capacity on the part of the agency to waive fees where it thinks appropriate. There is no capacity in these regulations for an agency to waive the fees which are being prescribed by these regulations. That makes them invalid. However, there is an even more substantial reason I think they are invalid. Section 16 of the Freedom of Information Act states -

> (1) When making the access application the applicant may request an estimate of the charges that might be payable for dealing with the application.
>
> (2) If a request is made under subsection (1) the agency has to notify the applicant of its estimate, and the basis on which its estimate is made, as soon as is practicable.
>
> (3) If the agency estimates that the charges for dealing with the access application might exceed $25, or such greater amount as is prescribed, then, whether or not a request has been made under subsection (1), the agency has to notify the applicant of its estimate, . . .

That is, if one wants an estimate, one must ask first up. However, if the charge will exceed $25, the agency automatically must provide that estimate.

Mrs Edwardes: Or such greater amount as it provides.

Mr D.L. SMITH: Yes. However, no greater amount is prescribed by these regulations. Therefore, the limit of $25 is contained in the legislation. How can there be a requirement that the agency must notify the applicant of the cost if the cost is to exceed $25 when the lowest possible cost is $30 on the application fee and $30 an hour for the work done by the department in producing the required information? That is another reason these regulations should be made invalid and why they are clearly contrary to the spirit of the legislation. If people think that I am now second guessing myself in terms of cost, I refer them to page 6494, vol 5, of *Hansard* when the member for Wagin interjected on my speech and asked -

> Do you know what will be the cost of various applications so that the Chamber can have some idea of the costs that we are talking about?

My reply as the Minister responsible was -

> That will depend upon the agency concerned and the remuneration of the staff in that agency, but, by and large, the cost will approximate the hourly cost of employing a level one public servant, which is currently about $10 or $15 an hour.

As the Attorney General is aware, to interpret the legislation and determine what "lowest reasonable cost" means the courts are able to use the debates of the Parliament in the course of interpretation. A comment by me as Minister in November 1992, less than 18 months ago, to the member for Wagin was that I considered the level of the fees and charges would equate to a level one public servant, which I estimated to be $10 or $15 an

hour. I then said that in relation to those agencies which did not employ level one public servants, and where the work might be done by a higher grade of public servant, higher charges might be anticipated. However, that does not get away from the fact that in terms of what "lowest reasonable cost" meant, specific advice was given to the House that it meant the cost being equated to that of a level one public servant in most cases, and - without quoting specifically from *Hansard* - there was no intention to impose a regime that would lead to cost recovery for the request and provision of the information.

These charges are geared closely to the cost to the agency of supplying the information. An amount of $30 an hour on the basis of a 35 hour week equates to about $1 050 per week. As far as I am aware, no level one public servants are being paid a salary of that kind - a salary of the level of $55 000 per annum. My understanding is that a salary of $55 000 a year would equate pretty closely to a level seven public servant, not a level one. It is improper for the Government, in terms of the lowest reasonable cost definition and the examples given in response to specific questions asked at the time the legislation was being passed, to bring regulations before the House which are obviously geared close to cost recovery and are a substantially higher amount than was envisaged. While section 17 exists and while there is no regulation to increase the amount under subsection (3), it is an absurdity which should be obvious to the Attorney General - and would be so obvious to a court that it would find these regulations invalid - for the lowest charge to be $30 for an application and $30 an hour for the processing of that application by the agency.

Just as importantly, there is no clear capacity in these regulations for the waiver of cost altogether by the agency. The intention was that the regulations would reflect the principles contained in section 16 of the Act and would include the right of the agency to waive in appropriate circumstances. Perhaps more importantly, there is a specific provision in relation to section 16(1)(g) which states that a charge must be waived or be reduced if the applicant is impecunious. The clear intention under that provision was that the agency would have the discretion to waive or reduce the amount of the charge. Instead of leaving the discretion with the agency, these regulations allow no discretion to waive the fee altogether. Instead, regulation 3, which for some reason was not included in the disallowance motion, states -

> For an applicant who is -
>
> (a) impecunious, in the opinion of the agency to whom the application is made; or
>
> (b) the holder of a currently valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the *Rates and Charges (Rebates and Deferments) Act 1992*,
>
> the charge payable under regulation 5 is reduced by 25%.

Clearly, rather than a general discretion to waive or reduce the charge, the stipulated requirement is that an applicant who is impecunious or is a pensioner will pay 75 per cent of the prescribed fee. How can it be said that a reduction of $7.50 on a $30 application fee to an impecunious person or a pensioner meets the objectives of the legislation or its principles? How can it be said that a reduction of $7.50 to $22.50 an hour for an impecunious person or pensioner is a waiver or real reduction in fee for those people? These fees have been structured in a way in which disadvantaged people, whether they are impecunious or pensioners, will not have much opportunity for access to documents held by the Government which this legislation clearly envisaged they would have.

The Attorney General clearly made a mistake in the original drafting because of the omission of exemption of costs for requests for non-personal information. The draftsperson has also omitted to note in section 16 the power on the part of the agency to waive altogether - not just reduce - and that the principle in section 3(4) is that the documents should be made available at the lowest reasonable cost. I urge the Attorney to accept the motion so that no excessive charges are made for current applications. If she will not accept that, I ask her to consider the matters raised and redraft the regulations so

that at least they conform to the provisions in the legislation and do not endanger the charging of fees at all by someone going to the court and having them declared invalid. I think a person would be able to do that in the context of the current drafting of those regulations.

MRS EDWARDES (Kingsley - Attorney General) [9.51 pm]: The Government will not support the motion which is the subject of this debate. I was very pleased that the member for Nollamara quoted my statements during the debate on the Freedom of Information Act in this Parliament and also referred to comments by the Minister for Police. That at least indicated that the Minister and I had a real commitment to freedom of information. We never heard from the member for Nollamara, except on 5 November 1991. What was his contribution to freedom of information? He asked a dorothy dixer, and that was his total contribution. He is a johnny-come-lately and is involving himself purely for political purposes. That is the whole reason for the debate tonight. I have been through the regulations previously in question time. The fees and charges compare very favourably with those in other States and the Commonwealth.

Mr Kobelke: Is that a dorothy dixer?

Mrs EDWARDES: The member for Nollamara cannot complain. Members on this side participated in the debate for hours on end but the member for Nollamara did not participate at all. There is no cost for applications for personal information. The additional regulation that went through on 18 November was to clarify the position when this matter was brought to our attention and to make sure that the intention was clear. Section 16(1)(g), for a total waiver of fees, would make sense if someone were used to drafting and had done some recently. However, if it were not in the regulations, that section would still allow the agency to waive the fee. It is not necessary to prescribe it because the legislation provides that the agency and the department have the discretion to waive the fee.

The Opposition has attacked the Government for a lack of commitment. What has happened in the departments and agencies? In the two months to 31 December, a total of 296 applications have been processed by Government agencies. Of those, 236 were granted access in full, 32 were given limited access, and only 22 of the 296 applications were refused. The Opposition spoke about a lack of commitment and denial of information, but the statistics do not support the Opposition's complaint. The allegations of inertia in the department and agencies and the intention not to provide, or to limit, access are nonsense and hoo-ha from the Opposition, because the majority of applications are for personal information and not non-personal information. It is nonsense. Eighty-four per cent of applications are for non-personal information.

Mr D.L. Smith: Because the charges are too high.

Mrs EDWARDES: It is a lot of nonsense and the member for Mitchell should not speak any nonsense about cost recovery. If the Government were really intent on recovering its cost, the fees would be enormous. The member, as a former Minister for Justice, knows from the information provided to him what it costs the Government of the day to implement freedom of information legislation. This Government is not about cost recovery. There is no way we could ensure that the fees and charges prescribed would recover all the costs the departments and agencies were expending.

The Government does not support this motion. It is a lot of nonsense. If it were supported, no fees would be charged for freedom of information applications, and that was never anticipated. The Opposition is trying to introduce a system of no fees. At present no fees are charged for personal information, and for non-personal information an application fee of $30 is charged, and $30 an hour for the items prescribed. That is very reasonable compared with other States. When the commissioner makes a report on 30 June, or as soon as practicable after that date, she will be in a position to suggest any changes that may be required to the Act and the regulations. She will inform the House at that time of the monitoring and the effect of the regulations for which the charges are made. The Government does not support the motion. Government agencies and departments are totally committed to making sure the spirit of the Act is complied with.

Division

Question put and a division taken with the following result -

Ayes (19)		
Mr M. Barnett	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Hill	Mr Taylor
Mr Cunningham	Mr Kobelke	Mr Thomas
Dr Gallop	Mr Marlborough	Ms Warnock
Mr Graham	Mr Riebeling	Mr Leahy *(Teller)*
Mr Grill	Mr Ripper	
Mrs Hallahan	Mrs Roberts	
Noes (27)		
Mr C.J. Barnett	Mr House	Mr Pendal
Mr Blaikie	Mr Johnson	Mr Shave
Mr Board	Mr Kierath	Mr W. Smith
Mr Bradshaw	Mr Lewis	Mr Strickland
Dr Constable	Mr Marshall	Mr Trenorden
Mr Court	Mr Minson	Mr Tubby
Mr Cowan	Mr Nicholls	Dr Turnbull
Mrs Edwardes	Mr Omodei	Mr Wiese
Dr Hames	Mr Osborne	Mr Bloffwitch *(Teller)*

Question thus negatived.

GOLDFIELDS GAS PIPELINE AGREEMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR GRILL (Eyre) [10.02 pm]: Earlier, I was making some remarks about Western Mining Corporation. I was praising the corporation because it had shown courage in embarking upon this project and a substantial investment program in the nickel industry. I have indicated that the advice to the Lawrence Government, and to the present Government after the election, was to the effect -

The DEPUTY SPEAKER: Order! The level of background conversation, both in front and behind the Chair, makes it difficult for me to hear the member's speech. I am sure that Hansard is having difficulty as well.

Mr GRILL: The advice from Government officials at that time was that such a pipeline from the Pilbara to the goldfields was not viable. That was rather unfortunate because we did not really have information from Western Mining Corporation regarding its need for gas fuel. Had the Lawrence Government been aware of that need by Western Mining it would have come to a different conclusion about the viability of the pipeline. However, the more unfortunate aspect was that Western Mining did not come to the Lawrence Government with such a proposal. I made similar comments on this point in debate last year. The failure by Western Mining to come forward with a proposal for a pipeline came down to a conflict of personalities. I believe that Western Mining had its nose put out of joint as a result of its discussions with that Government; there was a difference of opinion over the handling of industrial relations at Kambalda and that difference was reflected in personality clashes. The final analysis was that Western Mining did not present the information to the Lawrence Government that it presented to the Opposition of the day.

Western Mining Corporation reviewed its position on the nickel industry approximately three years ago. Frankly, at that time I suspect it came to the conclusion that it had to do something about the cost of fuel and energy in the eastern and north eastern goldfields where there were substantial nickel deposits, some of them unexploited. I sympathise to some degree with the corporation because at that time, and previously, it was paying

prices for energy which were too high. Some of the prices it was paying in some parts of the State, particularly in Kwinana, were around $8 per unit for gas which of course is a very high price. Why the corporation paid such high prices is something of a mystery to me, but it did. In various parts of the eastern goldfields Western Mining was importing diesel fuel to drive generators, and that meant expensive electricity. The corporation's plans were never made privy to the Government of the day; it did make its concerns and plans privy to the then Opposition. The Opposition at that time had a policy prior to the election of proceeding with the pipeline. I suppose in some respects I am reflecting sour grapes that it was not our policy at the time of the election - although to some extent it was. The then Minister for the Goldfields, Hon Ian Taylor, presented a policy to the goldfields electorate prior to the last election. One plank of that policy was a gas pipeline from the Pilbara down to Kalgoorlie in the goldfields. It was made on the basis that we were hopeful it would be viable. It was put up on a wing and a prayer but it was put forward, and to that extent we were reflecting the policies being put forward at a slightly earlier date by the then Opposition.

Mr Minson: They could all go skiing in Raoul's Lagoon.

Mr GRILL: I am happy about that. The Minister for the Environment has made a decision to allow skiing on Raoul's Lagoon, but we do not need to pump in the water; it is already there.

We have in this Bill a provision for a pipeline to be built. I do not think that provision in any way guarantees that a pipeline will be built. A number of provisions in the Act would allow any one of the partners to opt out. As I understand it, BHP has an understanding - although it is not expressed in the Bill - that it can opt out prior to 30 November 1994. The Minister has undertaken to give more information about that. I presume the Minister has that information.

Mr C.J. Barnett: Yes.

Mr GRILL: A number of provisions in the agreement allow for the agreement to be determined at various stages, in the event that the parties are not satisfied with progress. There is no guarantee of the project proceeding.

Mr C.J. Barnett: That is reasonably normal. There are checks and balances and safeguards for unexpected eventualities. But the thrust of all concerned is that it will happen. There is natural caution in the agreement.

Mr GRILL: I hope that it will happen. We cannot simply conclude, by virtue of the fact that we are passing this legislation tonight, that the pipeline will go ahead. It may be that the pipeline will not go ahead.

Mr C.J. Barnett: It still has to run the normal course with the provisions, and details of the feasibility.

Mr GRILL: I may have already indicated that the size of the pipe will be 400 mm from its commencement. The agreement does not spell out the commencement site. Has that been decided?

Mr C.J. Barnett: My understanding is that there is still some flexibility, but it is coming off the main Dampier-Perth line. There are a few sites to look at. It depends on the viable route and whether BHP is in the project. If not, it may go in a more southern route from the Pilbara, which will make the total route some 100 km further.

Mr GRILL: In the event the route does go to Mt Newman I understand it will be a 400 mm pipeline, and in that case the remainder of the pipeline from Mt Newman to Kalgoorlie will be 350 mm. However, a provision within the agreement is that the joint venturers comply with a compressibility commitment of 50 per cent so that the pipeline in its initial construction would need to be able to deliver not just the 100 kJ a day which would be its capacity, but up to 50 per cent more, which would be 150 kJ. There are very proper provisions for the pipeline to be increased not in size but in capacity at a fairly early stage. That would depend upon the size of the market, which will in turn depend upon a range of factors - cost, number of operations or developments within the

goldfields which might take up some of the gas, the price at which gas might be purchased and factors of that sort. I also understand that as part of this agreement the joint venturers will be advertising at a very early stage for possible developers that might take up part of the gas. Initially the joint venturers will be taking up about 70 per cent of the gas from day one and the joint venture partners will need to signify at an early stage the requirements of gas that they will need for any one particular year.

On the matter of the timetable it is my understanding that under section 9 of the agreement proposals in respect of the most critical and germane parts of pipeline construction will need to be placed before the Government by the joint venturers within six months, and thereafter the Minister who has carriage of the matter will have some two months in which to respond to those proposals. If there is disagreement between the joint venture partners and the Minister in respect to the approval of those proposals, there is an option for arbitration. Arbitration must be commenced within two months and there are further time limits, principally of three months for acceptance of an arbitration decision when it is brought down. A whole range of timetables need to be met by the joint venture partners on the one hand, and by the Government on the other hand in relation to the matter. It is during this period that the joint venture partners can opt out and determine the agreement. If they are unhappy with a determination of the arbitrator and arbitration takes place pursuant to clause 37 it is commercial arbitration, but if the joint venture partners are unhappy with that arbitration they have the option to opt out of the agreement. The Minister has 12 months by way of written notice to indicate to the joint venture partners whether the Government wishes to determine the agreement.

Mr C.J. Barnett: The approvals timetable is tight and the various traditional usage native title and environmental approvals will overlap. We are trying to accelerate that process because there is very little leeway, particularly with the environmental approvals.

Mr GRILL: I understand the environmental approvals are two months on average.

Mr C.J. Barnett: Their timetable to commit has no leeway in it at all.

Mr GRILL: I appreciate that and it is wise that timetables are set within the agreement. I know there is flexibility so that timetables can be amended and extended and that is wise, but there are indicative timetables and some compulsory timetables that must be met and that is wise. However, a number of circumstances and occasions exist in the agreement where the joint venture partners can opt out, so we cannot say with certainty that this agreement will go ahead. In talking of certainty it is worthwhile talking about the risks. Some responsibility was placed on the Department of Resources Development to make some sort of assessment in respect of viability. When we spoke to officers from that department they were quite sanguine about questions of viability. When we spoke to the consultants representing the joint venture partners they were also sanguine. However, they did say that in the early stages of the pipeline the operation might well be marginal, depending on a number of factors. One of the most important will be the cost of constructing a pipeline. There are risks; one is the possible change in the size of the pipeline; another is a possible change in the route and a lot of that will depend upon the participation of Broken Hill Proprietary Co Ltd in the agreement. There will no doubt be a change in size and route in the event that BHP cannot proceed. There are also risks for the pipeline in relation to Mabo and land title. I expect that the member for Cockburn will be discussing those matters shortly. The major risk at this stage is the question of viability and the possible withdrawal of BHP from the project. We will know by 30 November whether BHP is proceeding.

The proposed benefits for constructing the pipeline have been enumerated in the second reading speech of the Minister. The first one is lower energy costs. The Minister in his second reading speech was not specific about the actual reduction that is hoped for as a result of this pipeline. The Premier in one or two speeches in Kalgoorlie has been a lot more specific than the Minister. A year ago the Premier was saying at the gold conference in Kalgoorlie that the goldfields would be seeing a reduction in energy prices of some 50 per cent. That was revised recently when the Premier was at the same conference this year in Kalgoorlie. The proposed savings according to the Premier are now down to 25 per cent.

Statements of this sort are really rather misleading because they do not mesh with the estimates made by the consultants for the joint venturers and are not reflected in the second reading speech by the Minister charged with this matter or the briefings by the officers from his department or the joint venturers. They are also misleading for domestic users in Kalgoorlie who, because of the press coverage given by the Premier's statement, came to the conclusion that gas would be reticulated domestically in Kalgoorlie and they would share the reduction in the cost of energy. From the briefings we have been given it appears those particular hopes are forlorn indeed and it is most unlikely that gas would be reticulated to domestic users.

Mr C.J. Barnett: I do not agree with you. Gas may be reticulated through Kalgoorlie and the price would be comparable to south west gas for domestic users.

Mr GRILL: When we were given the briefings by the consultants for Western Mining Corporation and Poseidon they were pretty adamant there would not be reticulation to domestic users.

Mr C.J. Barnett: That is from their particular part of the project. They are not interested in reticulating gas through the streets of Kalgoorlie, because that is not part of the business that appeals to them. I see a distinct possibility that SECWA or some other third party could reticulate gas.

Mr GRILL: It was quite clear when they spoke to us that they were not contemplating ever being involved in that.

Mr C.J. Barnett: I agree.

Mr GRILL: They were not confused about that matter. They gave to us two other specific reasons why it was most unlikely that gas would be reticulated to domestic users. The first was that they did not see in a desert type community like Kalgoorlie there would be a demand for domestic gas and, secondly, they could not be absolutely certain about the specification but they were fairly clear that it would not be suitable for domestic burning. However, they said they could see a situation where gas would be reticulated to some of the larger commercial users, such as hotels, bakeries and things of that nature. They thought reticulation to normal domestic users was most unlikely on economic grounds and the specification of the gas. I am told by the gas fraternity that in the past SECWA has been particularly pernickety about the specification of gas entering its lines. One of the arguments against the deregulation of the Dampier to Perth pipeline has been SECWA's very high specification requirements.

That gas is burned domestically by all sorts of users in the metropolitan area and elsewhere. However, the consultants for the joint venture partners say they would expect to accept gas of a much lower specification. They did not want to accept gas that would rust their pipes or burn them out in a very short period of time. They did expect that the gas would be suitable for industrial use rather than domestic use. That was a very strong reason they gave for not contemplating that gas would be reticulated domestically.

Another area where the statements by the Premier have been misleading is in respect of headworks charges. One of the bugbears and banes of the mining industry in Kalgoorlie and associated industries has been the requirement by SECWA for hefty charges for headworks, which have been unfair in many instances. A number of small mining operators in Kalgoorlie have said to me, "Can you do something to have us absolved from the responsibility of paying these headworks charges up front? They make an operation unviable and simply mean that we will not be able to mine a particular deposit." I have done what I could on those occasions, as has the Leader of the Opposition, Ian Taylor; and Hon Mark Nevill, my colleague in the other place, has endeavoured on behalf of a number of those small operators to have them exempt from the headworks charges. On almost every occasion we have been unsuccessful. Therefore, there has been a very strong view in Kalgoorlie that headworks charges are a major barrier for small producers. It was hoped with possible competition between gas and electricity in the goldfields that headworks charges could be dispensed with. It appears from the briefing we have been given that they will not be dispensed with for gas

installations and that there will be a requirement from the joint venturers. However, they indicate they will be putting them in at cost and not at cost plus. I take them at their word and hope the basic cost of the installation of those headworks is all that is reflected in the final charges. We will see how it goes, but there is certainly a sense of disappointment that headworks charges will be required by the joint venturers in respect of third parties that wish to take gas off the line.

The second benefit enumerated by the Minister in his second reading speech in relation to the pipeline was a more reliable supply of energy. There is certainly something in that. If the transmission line between Muja and Kalgoorlie goes out, which it has from time to time mainly due to overloading, there is an alternative supply of energy. The third enumerated benefit was that it would stimulate mineral processing, which is something very dear to my heart and the heart of the member for Kalgoorlie, and I suspect it is being actively stimulated by the Government. The fourth reason was an increase in royalties, which I hope comes about. The fifth reason was a reduction in the load on the Muja line. We understand that the Muja electricity line is operating at some 150 per cent of its designed capacity, causing very considerable losses in transmission. I preface my question to the Minister by saying that we are told anecdotally that despite the power transmission losses of the line it is highly profitable. In the event that the gas pipeline attracts a large number of customers for energy, can the Minister say to what degree that attraction of customers away from SECWA would affect the profitability of that line?

Mr C.J. Barnett: I cannot put a number on it obviously, but it is my understanding that transmission load losses can be up to 40 per cent on that line. It will effectively mean a loss of revenue to SECWA. The other side of that is that it effectively provides SECWA with extra capacity for the south west, and the pipeline in Kalgoorlie can give SECWA in the order of a maximum of 80 to 100 MW of free capacity. I do not believe it will happen, but some of the large mining projects will swap over to gas and put in their own power generation. Many of the smaller ones, or mines with limited lives, will not make that investment but will stay with SECWA power. It will find its place in the market but we will not get a wholesale swap over to gas.

Mr GRILL: Does the Minister agree that there would be some potential for loss by SECWA at some stage of the operation?

Mr C.J. Barnett: Loss is a relative thing. SECWA will lose some revenue but it will also gain some extra generating capacity to be used in the south west and therefore avoid otherwise necessary capital expenditure. At the end of the day it will not be a wasted asset at all. Ultimately, in the long term, you may see power transmitted the other way, which would provide a greater balance to the system.

Mr GRILL: That is something that we contemplated the Minister might have been thinking of. We were not sure about it. At what point does the Minister think that could happen?

Mr C.J. Barnett: Power the other way?

Mr GRILL: Yes.

Mr C.J. Barnett: Western Mining has talked about wanting to supply power from Kalgoorlie to its Kwinana operation. I have not had discussions about it for some time but I know that it was looking at that. As we go through the process of deregulating the energy industry, that option becomes available to it.

Mr GRILL: The last benefit enumerated by the Minister in his second reading speech was competition between SECWA and gas. We have covered that to some degree. Only time will tell whether that eventuates, but it will be interesting.

The Government asserts that this pipeline is being constructed at no risk or very little risk to the State. By and large, I believe that that assertion is correct. However, there are some risks to the State, the most notable being the possible risks in relation to title which might flow from adverse decisions on Mabo. The second possible risk that I can see would be a loss of income to SECWA. As we have just covered that, I will not take it any further.

Prior to the dinner suspension, I tried to advert to the question of BHP not proceeding with the guarantee for its subsidiary in relation to this matter in the same way that Western Mining Corporation and Normandy Poseidon had guaranteed their subsidiaries.

Mr C.J. Barnett: The answer is essentially what I have said and what you had surmised in any case. BHP Minerals is already a company of substance in its own right. It has assets. BHP Minerals is already a partner to several agreement Acts and was the originally named BHP participant in the expressions of interest at the beginning. It has been there right through the process. Normandy Poseidon and Western Mining Corporation decided to create new entities for this purpose. They changed their involvement, but BHP Minerals has been constant as a major player. Where we have talked about BHP, it has really been BHP Minerals throughout, which is BHP Iron Ore.

Mr GRILL: Earlier, I indicated that the Opposition had concerns about the agreement. One of those concerns is about the Freedom of Information Act. Clause 9(6) of the agreement under the heading "Freedom of Information Act" provides -

> No agency of the State shall be permitted to make any application under section 35 of the Freedom of Information Act 1992 in respect of any information provided to the State or to the Minister under this Agreement.

This question should be put during the Committee stage, but I am not sure whether we are going into Committee; therefore I will ask it now. What does that clause mean? Is it a blanket provision which prevents the Freedom of Information Act from applying to this agreement to the pipeline and to the finances of the pipeline? If that is the case, it would be of considerable concern to us.

Mr C.J. Barnett: I will try to get a better answer for you on that. You will notice through the agreement that the Minister of the day has quite wide powers. The approach taken has been one of light-handed regulation rather than decree that they will transport gas at so much a tariff. It is a hands-off approach. Part of it is that detailed financial information be provided to the Minister so that the officers can assess it. I think that clause is primarily to stop other parties from gaining access to that information. Obviously, if a company is looking at a contract for gas and is putting forth details and negotiating its tariff for the joint venture, it would be effectively disclosing all of its planned operations. You would get no investment if a company in good faith developing a project and putting in proposals found that all its planning and strategy was accessible to anyone. I believe that is the reason for the clause. It is to protect the commercial interests of companies who in good faith submit financial details so that the public interest can keep its watch.

Mr GRILL: We are not concerned about the discretion being placed in the hands of the Minister. In fact, we believe that is a very good measure. We would be concerned if it amounted to a blanket exemption from the Freedom of Information Act because, in the final analysis, the joint venturers will be operating under a pipeline licence granted by the Crown. We do not know how third party access and third party tariffs can be policed other than by the Minister without that information being made available to the public in some form.

Mr C.J. Barnett: There is a difference between the transparencies of the actual tariffs and the sort of information that might be provided to the Minister of the day in seeing that a party is being treated fairly as compared to one of the joint venturers.

Mr GRILL: The Minister will appreciate that the immediate concern is that the joint venturers would be cross-subsidising their own operations at the expense of the third party operators. Unless there were some outside scrutiny of that, that concern would remain. If it is possible, we would like some more information. The Minister would have to agree that that provision is not easy to read.

Mr C.J. Barnett: Yes, but I think it is fair to say that, if you make a decision to have light-handed regulation, you have that trade-off. If you went to strict regulations, you would not have concerns about information because the Minister would not have to collect all that confidential information. We resisted the concept that the Minister

responsible should set the transport tariff. I do not think that any Government wants to be involved in doing that.

Mr GRILL: I appreciate that there must be some sort of trade-off between the commercial interests of the joint venture partners who are putting up all the capital for the project and the interests of third party users.

Mr C.J. Barnett: The most obvious conflict would occur if the joint venturers, or one of them, contrived to prevent a competitor from coming in. Western Mining could use its controlling interest in the pipeline to stop another nickel producer. However, there are all sorts of safeguards to make sure that does not happen. That involves all parties being required to divulge information.

Mr GRILL: The experience with the iron ore rail lines in the Pilbara is that there has not been any third party access to those lines. That is not because no third parties have wanted to use the lines; they have, but by one means or another they have been prevented from using them. As far as I know, the arbitration provisions of those agreements have not been used, which means that the provisions have probably never been tested. I believe third party users have been scared off by the initial discussions they have had with the owners of the lines and the initial requests made by the owners of the lines to the possible third party users in respect of the actual charge. That is something we must guard against.

In other respects, the provisions that the Minister has endeavoured to put in place in terms of access to the pipeline appear to be fairy exemplary. I say that not on the basis of a great deal of knowledge in this area and not on the basis of a great deal of expert advice. I have had some expert advice on the matter. We were given the agreement just prior to Easter, and it is difficult to obtain expert opinion over the Easter break. The expert advice obtained to date is not condemnatory of the access or tariff provisions. It appears as though third party users will be given access to the pipeline on fairly equitable terms. The agreement prescribes that the tariff should be fair and reasonable, that a set of tariff principles should be published early and a schedule of proposed tariffs should be made available early. I repeat my concern that there is no way outside parties can scrutinise possible cross-subsidisation taking place within the operations of the joint venture partners. Under clause 20, third parties will have access to uncontracted capacity, underutilised capacity and development capacity.

Will the Australian Gas Association guideline rules or model rules apply in access to the pipeline? The Minister does not mention them in the agreement.

Mr C.J. Barnett: As I understand they are essentially consistent with that and with what the Commonwealth is proposing with the pipeline. Requirements are built in that if a new customer comes along it imposes obligations on the joint venturer to expand the pipeline. So a future customer, unknown at this stage, can impose obligations back on them as part of their privilege of having a pipeline.

Mr GRILL: Regarding the expansion of the pipeline, the Minister is given a very wide discretion and powers as well.

Mr C.J. Barnett: One thing that concerns me is that the Minister has almost too much power. That is the consequence of the light-handed regulatory provision. He has this power over the unforeseen if the circumstance arises.

Mr GRILL: It is clear that the joint venture partners are prepared to accept that level of control, discretion and power in the hands of the Minister.

Mr C.J. Barnett: It was a somewhat long negotiation.

Mr GRILL: I can understand that. There is the possibility of BHP not proceeding.

Mr C.J. Barnett: Yes.

Mr GRILL: The Opposition does not criticise that. If the third party independent joint venturer is prepared to accept it, the Opposition will accept it. We are not critical in that regard.

I now turn to development capacity and I read from clause 20(4) of the agreement -

> The Joint Venturers shall use all reasonable endeavours to develop the capacity of the Pipeline ... as may be necessary from time to time to accommodate the requirements of Third Parties ...

Clause 20(5) of the agreement states -

> If the Minister considers that the Joint Venturers have not met the reasonable needs of a third party ... the Minister may direct the Joint Venturers to submit, within 3 months ... proposals for expansion of the capacity of the Pipeline.

Those clauses are highly desirable and I congratulate the Minister for inserting them. That is subject to the qualification of the expansion being economically and technically feasible. What that means at the end of the day, I am not too sure. I do not know how the Minister could exclude those sorts of safeguards so I cannot criticise that. This agreement appears to give to the joint venturers and third party operators access to SECWA power generation and transmission lines, which is very generous indeed. I hope that will be a model for future deregulation of the system. That concludes my comments in relation to the Bill in the second reading stage. A number of questions have been put to the Minister which may have been put at the Committee stage. We support the legislation.

MR THOMAS (Cockburn) [10.45 pm]: I make a few comments supporting those which have been made already by my colleague, the member for Eyre. The Opposition supports this legislation and congratulates the proponents for reaching the agreement with the Government. The Opposition would like to put it in some sort of context -

Mr C.J. Barnett: The member does not need to congratulate the Government, but the parties.

Mr THOMAS: I congratulate all parties to the agreement and those responsible for bringing it to this stage. I would like to put in context what the policy and the agreement represent. The agreement does not represent a project; it is simply an agreement. The proponents must come up with a proposal for a route and, six months later, with a far more detailed proposal which includes a pricing schedule. Until that firm proposal is received six months after the determination of the route to be taken by the pipeline, and is accepted by the Government, we will not have a project. All we have is an agreement. As my colleague indicated earlier, a number of questions hang over the agreement, such as the participation of BHP in the Pilbara, which would have quite a significant impact on whether there is a project. The Opposition hopes there is, but the observation at present is that it is an agreement only and not a project. This is the second of the major energy statements which will be made by the Government over the next couple of weeks, as the Premier foreshadowed a week or two ago.

Mr C.J. Barnett: One a week.

Mr THOMAS: Is this the second or third?

Mr C.J. Barnett: They are coming so quickly we are struggling to keep up.

Mr THOMAS: I turn now to energy policy. The policy of the Opposition - as it then was - when it went to the election in 1993 was to lower energy prices. This Minister has a history, both in the Parliament and in previous capacities, of advocating lower energy prices and attempting to draw attention to the importance of lower energy prices, for the most part as a cost input to industry and potential industry in Western Australia, which in the past has been precluded from establishing itself in the State because of the high energy prices in this State. As the Minister said in his second reading speech, he sees this project as part of the strategy to reduce energy prices in Western Australia. It is targeted at a part of the State; namely, the eastern goldfields and that part of the State which lies between the Pilbara and those goldfields. In relation to the energy economy of Western Australia and the consequential prices to various consumers, both domestic and industrial, there are many energy economies which lead to what might be described as natural prices. Those natural prices are distorted by cross-subsidisations which exist

between different parts of the State. In addition, the legacy of the agreements entered into by our predecessors to facilitate these projects has left some rather strange distortions in energy prices across the State. I refer to the gas from the North West Shelf and the disparity in prices between the Pilbara and the south west. We have been advised in the financial press that the Minister is renegotiating aspects of those arrangements. Presumably he is doing that with a view to correcting the diseconomies that have been part of the energy economy of this State for many years and which were inherited by the previous Government and this Government.

Mr C.J. Barnett: You may see it as a correction. It is more valid to say that it is trying to seek a mutually agreed change to those contracts to reflect a changed environment. The world is different now from what it was 10 years ago.

Mr THOMAS: Precisely. However, if energy prices had been cheaper 10 years ago we would have an aluminium smelter now and it would have been of great benefit to the State. I do not know whether anything the Minister is able to do will make the proposed project feasible. There are underlying aspects of the State's energy economy and it is difficult to do anything about them. They affect different parts of the State in different ways. I certainly hope this project is able to produce competitive energy prices in the goldfields and elsewhere along the pipeline. That may not necessarily be the case. It will depend on the input of gas at the source and that, in turn, will depend on the pricing arrangements for the supply of gas and other energy.

Mr C.J. Barnett: You would have to agree that under almost any scenario the price of energy would be lower with diesel fired power stations in the right locations.

Mr THOMAS: Precisely. However, once we get off the south west interconnected grid, with its cross-subsidisation between parts of that grid and elsewhere, we are faced with the economies which make pipelines from one end of the State to the other economic. Obviously there is a substantial diseconomy in those parts of the State which rely on diesel for either the generation of power or processing fuel. No doubt, like the Opposition, the people in that position will welcome this project.

It must be accepted that this project will impact on the economies of the coalmining industry. Presumably, with the construction of a gas pipeline the possibility arises of any additional need for reticulated electricity on the goldfields being generated from gas turbines located closer to the site where the power is consumed. Any increase in the consumption of electricity in the goldfields presumably will not result in an increase in the total amount of coal which is used to generate electricity within the south west interconnected grid.

In response to the comments made by my colleague, the Minister drew attention to the fact that a substantial saving can be achieved in the short term. As the load is taken up by gas there will no longer be the need to overload the Muja to Kalgoorlie transmission line and, as a consequence, that will be more efficient and it will benefit the State Energy Commission of Western Australia.

Mr C.J. Barnett: It is very wasteful that up to 40 per cent of electricity is squandered on that line.

Mr THOMAS: I agree with the Minister, but there are two alternatives. One is that which is being done by this Bill and it is a smart move because it will service Newman, other towns in the Pilbara and the goldfields. The other alternative is to upgrade that line and provide a greater market for Collie coal.

Mr C.J. Barnett: I do not encourage energy policy on the basis of providing markets for Collie coal.

Mr THOMAS: I am not suggesting that the Minister should. However, the Government is establishing a facility hopefully with a view of bringing down energy prices. Members on this side of the House would like to see the State enter into an agreement with someone to build, own and operate a 600 MW power station at Collie. It believes in the long term that will result in a substantial reduction in energy prices. None of the moves that the Government has taken so far is likely to reduce energy prices except in niche

markets such as in remote locations where electricity is generated from diesel. Almost any proposal will be able to produce cheaper energy costs under those circumstances. We wish the proponents well in the sense that they will do that.

To what extent will there be a general reduction in energy prices in the goldfields? We do not know what will be the price of gas that will be used in that system. The arrangements which have oil-related pricing for gas appear attractive because of the current price of oil. Whether one is ultimately able to rely on that in terms of the major equation - that is, coal versus gas as a major primary source of energy in this State - will be based on a decision to forego the proposal to have a 600 MW coal fired power station at Collie in lieu of a 300 MW power station. The 300 MW power station will mean the State will miss out on the option of very substantial economies of scale and new coal contracts which the 600 MW power station project would have necessitated. We will have a project which is simply for the benefit of the National Party. It is a token effort by the coalition parties to retain the seat of Collie. The project will not make a real contribution to the energy economy of this State. It is a small incremental addition to the coal fired generating capacity of the south west interconnected grid. Given the retirement of other capacities and the potential to use gas at Kwinana, there will probably be very little, if any, increase in the total role of the Collie coalfield in the State's economy. The Opposition believes the Government's decision will forego the opportunity for lower energy costs in this State. Over the next couple of months the Opposition will certainly demonstrate that in this House.

Mr C.J. Barnett: You should give up and support the fact that Collie will get a power station. Some time in the late 1990s there will be another debate on whether the next addition to the capacity is gas or coal.

Mr THOMAS: Collie has been handed a bauble by the Government to buy off the seat of Collie and to give some semblance of action so that it can credibly -

Mr C.J. Barnett: After four years any semblance of action would be appreciated.

Mr THOMAS: Some time between now and late 1996, prior to the next election, an announcement will be made that another 300 MW power station will be established at Collie.

Mr C.J. Barnett: That is highly unlikely.

Mr THOMAS: There will be some sort of study. There may even be pegs put into the ground and some early action. Then shortly after the election, if the current Government is re-elected, which I do not think will happen, and God forbid that should be the case, that promise will be broken, as was the promise that the Government made last time to the people of Collie that there would be a 600 MW power station.

Mr C.J. Barnett: I have never broken a promise to the people of Collie.

Mr THOMAS: The Premier said that it was 99 per cent certain that a 600 MW power station would be built in Collie. I think that is almost as good as saying it would be built, although the Minister may try to be a bush lawyer and say, "We did not say 100 per cent; we said 99 per cent." If the Government makes any promises in the future, it should make them 100 per cent. The Deputy Premier said there was absolutely no doubt that a 600 MW power station would be built in Collie.

Mr Tubby: You and I both know that the member for Collie will win that seat standing on her ear, irrespective of what decisions are made.

Mr THOMAS: My good friend the member for Collie will no doubt work very hard for her electorate, but so far the hard work that the member for Collie has done for her electorate has not been worth much, because she went to her constituents at the last election and said "Vote for me and for the coalition Government, of which the National Party will be an important part, and you will have a 600 MW power station", but not long after the election, instead of implementing that promise, the Government decided to review it. That placed the member for Collie in an invidious position and her constituents are giving her a hard time.

Mr C.J. Barnett: Her constituents are very happy, because despite your best efforts, after four years they have a decision and a project. The credibility of the Labor Party in Collie comprised wandering around there for the last six years and promising things which never eventuated.

Mr Grill: Have you signed the agreement?

Mr C.J. Barnett: The exchange of letters has occurred. The signing will be a formal signing, and I will invite the member, if he likes. The ABB representatives are coming from Switzerland and the Japanese representatives are coming from Japan. The date has not been set.

Mr Grill: When will that be?

Mr C.J. Barnett: To my knowledge, late this month.

Mr Grill: Not within a few days?

Mr C.J. Barnett: No. The exchange of letters has occurred, though.

Mr THOMAS: I know many of the member for Collie's constituents, and they are not too happy. They are particularly unhappy with the Deputy Premier.

Mr Cowan: They are not complaining at all. They know they have got stage 1.

Mr THOMAS: When the Deputy Premier announces shortly before the next election that they will have stage 2, will they believe him as they believed him last time?

Mr Cowan: Yes, because they will see stage 1.

Mr THOMAS: The Government betrayed the people of Collie, and when the Government says that it will build stage 2, they will say "You promised us a 600 MW power station last time and we got a 300 MW power station. We do not believe you." The Government's credibility is shot.

I turn now to Mabo. The agreement which has been reached between the State and the proponents of this project essentially indemnifies the proponents against any compensation costs arising from the Commonwealth and State Mabo legislation.

Mr C.J. Barnett: The State legislation does that in any case.

Mr THOMAS: I discount the State legislation because I have no doubt that in due course the High Court will consign that to the rubbish heap. The agreement between the State and the proponents is fair and reasonable and I have no problems with it, but I was intrigued to read in the financial Press some months ago that both the proponents and the State were happy to come to this agreement and said that they had reached the agreement easily because they were confident that no substantial compensation would need to be paid; hence the State entered into that indemnity without exposing the people of Western Australia to any great risk. I believe that assessment is correct. One assumes that the State had access to good legal advice in construing the Commonwealth legislation, which the Government deplores so much, and that it acted upon that advice. It would be irresponsible for the State to do otherwise.

However, when I read about that indemnity agreement between the proponents and the State, I asked myself what was all the fuss about last year, when we sat here day after day and were berated by Minister after Minister, principally the Premier, and told that the Commonwealth Mabo legislation would bring the sky down and would be the end of resources development in Western Australia. Do members remember the maps which showed the substantial areas of this State in which there would be no further resources development because of the Mabo legislation? The Premier said that people's backyards were under threat because of the Mabo legislation, and he cited a number of projects which were at risk because of that legislation, which the Government regarded as so terrible. What has happened? What has been the risk or the threat to resources development? This is a project to build a pipeline from the Pilbara to the goldfields across some of the most remote parts of the State. We have been shown on a confidential basis what is regarded as the most likely route. I have no doubt the Minister will say in

his response that a certain form of land tenure prevails in that area and there has always been an understanding that Mabo claims do not apply to that form of land tenure.

Of course, that is referring to pastoral leases which cover a substantial portion of this State. When all of this hysteria was taking place last year when people were claiming that the sky would fall in as a result of the Commonwealth Mabo legislation, no mention was made then that land subject to pastoral leases would not apply. People said, "It has not been tested. We do not know whether it will apply, but it probably will." The Premier used that famous phrase that "backyards were under threat". That was the 1990s equivalent to the "reds under the bed" phrase. It was selfish scaremongering for political purposes.

The fact is that the State freely entered into this agreement in a responsible manner with indemnity for the proponents and that indicates that the Mabo campaign last year was a fraud. My conclusions in this regard are reinforced by an article which appears in the business pages of tomorrow's *The West Australian*. This indicates that Western Australia is leading the way in the search for minerals, not withstanding the cloud over the continent claimed to be the Mabo issue. The article outlines an all time record in the amount of exploration and investment in minerals.

Finally, like the member for Eyre, I will be interested to hear the principles which will apply when the agreement is finalised. I was interested to read the side letter of 24 March which was tabled by the Minister on 29 March. The letter referred to the principles to the third party access and tariffs. The letter sets out what seemed to be comprehensive guidelines, and I assume that there is little room for movement. I will be interested to see how much detail can be added to the conditions which will apply. The Minister has stated that he will not be able to require the joint venturers to provide tariffs on a marginal costing basis. I presume that the companies will be eager to achieve that concession so they will not be disadvantaged in relation to competitors.

Mr C.J. Barnett: That would deny them the opportunity to recover overheads, and it will give an advantage to competitors. It could be argued that way if the asset were paid off.

Mr THOMAS: Like the member for Eyre, I will be interested to see the principles involved. These are critical to ensure that the proponents, who are given the right to develop the pipeline across a large part of the State, will operate on the principle of build, own and operate. These principles are desirable and should apply to not only the pipeline but also the power station at Collie. This will provide the energy structure without encumbering the State. One way to achieve that is to ensure that other operators do not develop the infrastructure. As the Minister said in response to a point made by the member for Eyre, the proposal must be designed in such a way that potential future competitors to the proponents of this project are not disadvantaged in the future.

We eagerly await the public release of those guidelines. The public must be able to be satisfied that potential future industries are not disadvantaged by an agreement. We have seen agreements containing diseconomies which are disincentives to the establishment of new industries four, five or ten years after the agreement is signed. It is important to ensure that no great advantage is given to the proponents in this regard. They must receive a fair return for their investment in the State, but that should not disadvantage future competitors.

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [11.15 pm]: I am pleased that the Government has taken on the proposal to have a pipeline built from the Pilbara to the goldfields. As indicated by the member for Eyre, the previous Government wanted to pursue this policy as was indicated in its platform in the goldfields prior to the last election.

The proponents who have put this proposal together leap out as obvious choices for this type of development. I hope that BHP Minerals Pty Ltd can hang in there as a participant, although I suspect that the company has its arm twisted behind its back regarding its participation.

Mr C.J. Barnett: Not true.

Mr TAYLOR: That company must be careful in pursuing this issue. Having dealt with Western Mining Corporation Holdings Limited and Normandy Poseidon Limited in the past, I am aware of their concerns on energy issues. They are not concerned only about price. The biggest issue for these companies is the continuity of supply. I am well aware of their interest in the Muja to Kalgoorlie powerline and their concerns about the regular outages which occur at times of high demand. Those problems affect the economics of the companies' operations. The price of energy is not the be-all and end-all for these operators as the continuity of energy supply is essential.

Undoubtedly, the decision to build the Kalgoorlie to Muja powerline was the correct decision. The most modern technology was used by the State Energy Commission of Western Australia to try to prevent outage problems caused by electrical disturbances, especially thunderstorms. Another problem was the line loss involved with transmitting energy over vast distances. One can compare those losses with the problems associated with transporting water over vast distances and maintaining a reasonable pressure at the other end. SECWA used the best technology to be found in the world to overcome this problem, and it is a world leader in this regard.

Mr C.J. Barnett: The loss is not only caused by distance. When demand is strong, the more one must push through the energy and the higher the proportion of energy loss.

Mr TAYLOR: That is why I said it was like transporting water over vast distances and achieving necessary pressure. When demand reaches 130 MW, 140 MW and 150 MW, the loss of power is greater for SECWA.

I am concerned about whether SECWA was discouraged from being part of the gas project. I can understand some interest from that body in being part of the project. If BHP Minerals Pty Ltd drops out of the project, SECWA would be a likely competitor; it would have an interest in providing energy and selling the gas, but I do not know whether that will turn out to be the case.

Briefly, I shall refer to other matters associated with the nature of this agreement. I will not expand on what has been said about the Mabo issue; however, this agreement makes it clear that that issue is but a shadow of its former self in relation to its impact on resources development in Western Australia. The Government's position in outlining this agreement is very different from the problems it outlined a few months ago regarding the Mabo issue.

I have some concerns about the apparent use of Chinese wharves by Western Mining and Normandy Poseidon Limited in their pipeline operation. When it comes to goldmining products, there is no real competition. We have as much gold as we can produce and it can be sold. When it comes to other base metal projects, for example nickel, there is real competition in the marketplace for the output of those products. If there is a way to keep a competitor out of business or to increase the costs of that competitor, most companies in that competitive area of our economy would do their best to make sure that they make it more difficult for the competitors to operate.

In this case, while efforts are made to ensure that that does not happen, I still have worries that these make believe wharves may be put under threat by this agreement, particularly by the participants and the third party users. The member for Eyre mentioned the issue of rail lines in the Pilbara, where third parties have wanted to use the rail lines to get their products off the land and to the port. Although there are arbitration processes in those agreement Acts and although third party participation is mentioned in those agreement Acts, it has been next to impossible to ensure that under those sorts of agreements third party users are given access to those rail lines. We may - I emphasise "may" - find similar sorts of problems in this agreement. It will be very important to ensure that third parties do have access not only to this gas at a reasonable price but also to the transportation costs which are the key components in the construction of this line.

Another important issue is the operation of the line. I understand that the participants, the joint venturer, will look at having someone who has technical expertise operate the line. Very often those from outside who try to make a go of these sorts of propositions find it very difficult to cope with the complexities of operating a line over such an

enormous distance and with great technical problems in trying to supply gas of the right quality, at the right price and at the right time. I expect that the participants will go outside of their own companies to ensure that they have an operator who knows exactly what he is doing.

There is an expectation, at least in the Kalgoorlie-Boulder area, that the pipeline will provide cheap energy. I am not sure whether the joint venturer expects that to be the case. Much of that will depend on the cost of energy that can be gained elsewhere. The Minister may have to dampen down that expectation. Those people also expect that there will be reticulated gas to their households. That expectation not only has to be dampened down but also put out of their minds over the next year or so. The likelihood that that will happen is very remote, as I understand it.

Mr C.J. Barnett: I would like to make it achievable. I am optimistic that that can be achieved.

Mr TAYLOR: I do not know whether the Minister's optimism is shared by his officials. We got the message that the nature of the gas that will be reticulated along the pipeline will be gas that is far more suited to major energy projects which use gas turbines rather than householders who burn gas in stoves. It may be possible that that could be changed. Many of us would remember that, when the State Energy Commission of Western Australia first brought the gas to Perth, a major operation was undertaken to alter the gas jets on all of the gas stoves in the metropolitan area and other places where the natural gas was to be used. Perhaps that could happen in Leonora, Kalgoorlie and Boulder. The price of domestic gas in those places at the moment, as in many remote areas, is very expensive. I continually get representations about gas and the price of gas cylinders. If we can find a way to bring some real competition into that marketplace, it will make a significant difference to the people in those areas.

Mr Bloffwitch: The pipeline to Geraldton made an enormous difference to the commercial outlets and restaurants.

Mr TAYLOR: I am aware of that. This sort of gas could probably be used in restaurants and hotels where the burners used are quite different from those in the ordinary home. I hope the gas is reticulated to those places.

I well recall that the Minister in the past has made comments about agreement Acts. He had a concern about giving stamp duty exemptions to bring about projects. I notice that the Minister is giving some flexibility for an exemption period for stamp duty during which the assignments will take place.

Mr C.J. Barnett: They are reassigned. I have softened. That is pretty standard.

Mr TAYLOR: That is what I used to point out to the Minister in years gone by. The issue of the training levy has always been a real concern to companies in the mining and development industries.

Mr C.J. Barnett: This is the State industry construction training fund.

Mr TAYLOR: I know it is the State one. I recall that Woodside Offshore Petroleum Pty Ltd discussed that with us for its project. Does the Minister have any idea of the revenue forgone for the training levy exemption being granted to this project?

Mr C.J. Barnett: No. I cannot answer that offhand. In projects such as this, to me, the training levy is a nonsense. But I could find out what it would be, if you like.

Mr TAYLOR: I find that I have a small sense of personal satisfaction to see the Minister softening on these sorts of issues.

Mr C.J. Barnett: I have always regarded the VCTI as a nonsense. When I was at the Chamber of Commerce and Industry of Western Australia I regarded it in that way, and I have done so since.

Mr TAYLOR: I am pleased to see that the Minister is softening his view about training levy and stamp duty issues, recognising that they play a part in trying to get major projects off the ground.

Mr Kierath: Careful, you might have him looking like a wet yet.

Mr TAYLOR: I think the Minister is gradually getting there. He is getting a bit damp at the moment.

Mr Kierath: Just a bit moist.

Mr TAYLOR: I congratulate the Government in getting this project as far as the Minister has. To bring the Bill before the House and to get it through the Parliament is of some significance. I am well aware of the sorts of hours and the head banging that go into making sure that these projects are drawn to a conclusion. The Minister has done it in a reasonably quick time. This is very important for the project, although it has not come to fruition yet, and much work still has to be done. As far as the Opposition is concerned, the Minister only has to ask for any assistance and support that we can give to bring this project to fruition.

I have a particular concern given that my electorate is at the end of the pipeline. It will make a difference to the goldfields. I am well aware that forces out there would have the Government decide to bring forward Breton Bay as a heavy industry site to take the place of Kwinana. We made the decision not to go ahead with Breton Bay as a heavy industry site for all sorts of reasons, the most important being that we tried to bring about a greater focus on regional development. I would be very disappointed, and regional development would be set back for many years, if the Government made the decision to go ahead with the site at Breton Bay before the end of this decade. It would be the wrong decision for planning purposes and in terms of the environment and regional industrial development in Western Australia. Although the pipeline is the right decision, the Government could set back all of the pluses of this decision for many years if it were to open the gates at Breton Bay. I conclude by saying that we do support this Bill. Some matters in it are not perfect; but we can never have perfection when we are going into new areas and those that are associated with light handedness for industry regulation. I think the Government has done a good job, and we will do our best to ensure that this project comes to fruition.

MR GRAHAM (Pilbara) [11.30 pm]: As other speakers have pointed out, the Opposition supports the project provided for in this Bill. I make the trite point that has been made before - that this is simply an agreement, not a project. There is a significant difference. It is always of some interest to me in political circles how agreements are waved around as developments. They are not.

Mr C.J. Barnett: Not by this Government.

Mr GRAHAM: They may be a precursor to a development, but they are not developments. In the 1970s they were misconstrued as developments.

This Government gave an electoral commitment for this sort of project in the election campaign as it gave a commitment to call off all bets on BHP proposals. To date it has delivered on both of those commitments. Sadly, it has delivered on the second commitment to considerably delay BHP's Pilbara energy project. There is nothing that company can say about it because the person to whom they would complain if they had a mind to is the person with whom they must negotiate to get the project running. It is interesting how the Press in Western Australia has not picked up on the delays with the BHP Pilbara energy project as it did with the previous Government concerning the alleged delays on the Marandoo project. There should be no doubt that the Pilbara energy project has been delayed, because the Minister for Resources Development, on 23 September 1993, put out a press release that the agreement between the Government and BHP would allow the Pilbara energy project to meet a schedule to start construction of the Karratha to Port Hedland pipeline later this year. So by the Minister's own press release, the project was due to start at the end of last year. It still has not started and today the last pieces of legislation -

Mr C.J. Barnett: The project has not been delayed one day; it is on schedule. It is awaiting all its environmental approvals. The legislation will go through the upper House either tonight or tomorrow.

Mr GRAHAM: The Minister was wrong in September?

Mr C.J. Barnett: That was the advice I had at the time. The project has not been delayed from BHP's own timetable. There has been no delay caused by the passage of the legislation.

Mr Court: Things have never been better in the Pilbara.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr GRAHAM: The interjections from the Minister that there are no delays are interesting. He was either wrong in September or he is wrong now. The two statements are mutually exclusive. In September the Pilbara energy project was to start construction later that year; that is, the end of 1993. It did not; it has yet to start construction. The Minister cannot now say that it could have, would have or should have.

Mr C.J. Barnett: It could not because it did not have environmental approval.

Mr GRAHAM: The Minister said it would. He should not throw in red herrings. The point I have put to him is that the Port Hedland project is delayed. That is what he said he would do prior to the election.

Mr C.J. Barnett: Okay, it is delayed.

Mr GRAHAM: In that case the Minister's press release in September was wrong.

Mr C.J. Barnett: Perhaps it was.

Mr GRAHAM: I am happy with that; we now know the Minister is human. He has made a mistake; I can accept that. The Government then tied the two projects together.

Mr C.J. Barnett: Not true; BHP decided to become involved in gas to the goldfields. When I heard about that it had become involved.

Mr GRAHAM: On 8 July in a similar debate to this the Minister made the point by way of interjection that the projects were not unrelated, but were connected. The Minister was either wrong in July or he is wrong now.

Mr C.J. Barnett: They were only related once BHP became part of the goldfields venture.

Mr GRAHAM: That is not what he said in July when he was a gung ho new Minister.

Mr Minson: This is not one of your better efforts.

Mr Grill: He is going very well.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr GRAHAM: The other thing about this project that is worthy of some scrutiny is its cost. The Minister said in his second reading speech that no expenditure was required by the Government for this project to get off the ground. The Government's policy, as elucidated during the election campaign, was to encourage the private sector to construct the pipeline. Therefore, it is not a Government project. The Minister tells us that no Government guarantees or assurances will be provided. Those undertakings were sought from the Minister by me in various speeches and ultimately given. Therefore, it was of some surprise just before Easter to find that the legislation contained a clause that allowed for the State to meet the compensation costs of the joint venture partners.

Mr C.J. Barnett: You should not have been surprised because I said that publicly, from memory in about April, May or June of last year - almost 12 months ago. It has been on the public record ever since. The Premier has repeated it on several occasions in the meantime.

Mr GRAHAM: It seems to escape the Minister's attention that there is a significant difference between what he says publicly and what he says in Parliament. I have no ability to hold him accountable for what he says publicly, nor has anyone, other than the voters, but we have some ability to hold him accountable for what he says in here.

Mr C.J. Barnett interjected.

Mr GRAHAM: There is a significant difference. In this Parliament I asked whether any Government funds would go into this project. The Minister said no.

Mr C.J. Barnett: There may not be. At that time you asked whether we were guaranteeing contracts, the price of electricity and the like. I said, "No, there will be no Government investment in the project", and there will not be.

Mr GRAHAM: I asked exactly what the Minister had done. All he had to say was, "Yes we will give them a guarantee so that if the Mabo legislation is enacted -

Mr C.J. Barnett: It was publicly known. You were talking about guaranteeing the project.

Mr GRAHAM: I was not talking about that at all. I was trying to determine from the Minister whether he was going to enter into some form of arrangements to make the proposal stand up. However, six months later he has brought in legislation that includes provision for the Government to pick up the bill for claims.

Mr C.J. Barnett: It has been in the public arena for more than 12 months.

Mr GRAHAM: It was not in the Parliament's arena. I grant the Minister that it was in the public arena in the Government's policy. The Government accepted in that policy that there were some difficulties with Mabo. It states in part -

> The uncertainty now created by the MABO decisions will be immediately addressed to ensure existing titles are secure and future developments will not be inhibited.

I have no problem with that. However, when the Minister was quizzed, he did not say in this place that that was what he was going to do. There is a difference.

Mr C.J. Barnett: You are implying that I misled this place in some way. You were talking about guaranteeing contracts or constructions, and I said there would be no subsidy.

Mr GRAHAM: When I get to the part when I suggest that the Minister may have misled Parliament, I will say that. The Minister should not put words in my mouth. The Minister had a course of action outlined with this project to which he has adhered. That included delaying the BHP proposal and putting in the required guarantees for the project to be started in whatever form, which would require SECWA to lose money. The project is already different from what the Minister has led me to believe in Parliament. Let us consider what the other costs may be with the project. I have no great desire to be critical of the project. I have neither the knowledge nor the expertise to know whether it is good or bad; however, people tell me it is probably a good project if it stands the test of time.

A transmission line connects Kalgoorlie and Boulder with the Muja power station that was built in 1984. That line has yet to be paid for. It has an outstanding balance of $81.3m. There will be a loss of electricity sales to SECWA in that region as a result of this pipeline. The Minister admitted in answer to questions in this House that SECWA was already having difficulties dealing with that debt.

Mr C.J. Barnett: The reality of that power line is that it cannot cope with the load. Some part of that load will be reduced when the pipeline is operating. Many of the smaller mine operations will continue to use SECWA, particularly those mines with limited life. They will not invest in new capacity.

Mr GRAHAM: Is the Minister saying that SECWA will not lose sales in the area?

Mr C.J. Barnett: SECWA will lose sales, but I cannot give a figure; neither can SECWA. That will not be known until the contracts are signed for the pipeline.

Mr GRAHAM: That is exactly the point I am making. I am glad the Minister has said that and was not silly, because he has said before that SECWA would lose sales.

Mr Wiese: At the same time extra growth will also make up for some of that loss.

Mr GRAHAM: Is that not to be serviced by the pipeline?

Mr C.J. Barnett: Not necessarily.

Mr Wiese: There will be extra small factory growth. All of that sort of thing will happen with the changes in Kalgoorlie.

Mr GRAHAM: Is the Minister for Police saying that there will be no loss of SECWA sales?

Mr Wiese: I am saying that to some degree the loss of the gas will be compensated for by a gain in growth in the area.

Mr GRAHAM: At the end of the day there is no doubt that SECWA will do dough as a result of that transmission line out of Muja, and the Minister concedes that. That was not the case the Minister put in July 1993 when I asked specifically about SECWA's ability to play its role with this pipeline, its commercial involvement and the effect overall with SECWA. In July 1993 the Minister said there would be no difficulties, there would be no losses, and there would be no Government injection of funds into the project. However, that is not the case. I do not know how one goes about determining the value of a project such as this and the overall benefit to the State. I am clear in my mind that the Minister had a course of action that he set out to follow on this project and he followed it, right or wrong. However, I would like to hear from the Minister in his response to the second reading debate on how the agreement was negotiated and who the people were who negotiated the agreement. The Act is relatively simple and includes only six clauses. The working part of this Bill is the schedule, which is the agreement between the joint venture partners and the Government. What was the process by which the State determined that this project was of benefit to Western Australia? I am not about to enter into an argument on whether it is or is not.

Mr C.J. Barnett: The value of this project is self evident. Your own leader knows the importance of it in his area.

Mr GRAHAM: I do not, and I am asking the Minister to tell me, as a member of Parliament, how he arrived at that conclusion. The Minister may say that I am a little slow.

Mr C.J. Barnett: I have a fair idea now why you guys didn't get any jobs created in the State.

Mr GRAHAM: The Minister must speak slowly for those of us from the Pilbara so that we can understand what is going on. I do not accept that these things are self evident. I need to be convinced by the Minister and by some sort of process that this project will have a net value to the State. I am sure the Minister ran the project through a computer model; I just want to hear how that was done and who was involved. I also want to know about the relationship between the proposal in this Bill and the Pilbara energy project. I am not clear on how they are related, other than the Pilbara energy project is being delayed in order that this Bill is passed.

Mr C.J. Barnett: That is not true.

Mr GRAHAM: I am not sure how the two interrelate. The Minister keeps telling me that the project is not delayed, but all the evidence says that it is. It seems that there is a strategic and industrial advantage for that happening. That is not necessarily bad.

I also have some concerns about the access to the pipeline. Clause 20 of the schedule refers to access by a third party to the pipeline. In particular, subclause (3) requires the joint venture partners to provide information to the Minister where requests by a third party have not been met. Subclause (4) requires the joint venturers to use all reasonable endeavours to develop the capacity of the pipeline. Subclause (5) refers to the Minister having those powers to direct for a proposal to expand the pipeline if the joint venture partners say they are not capable of doing so. That seems eminently reasonable so far. In subclause (6) we come across the argument we have had before, and will continue to have, about the use of agreement Acts to force people to do things. Subclause (6) states that all these previous provisions apply and the Government will get all the information,

but the joint venturers shall not be required to implement such proposals where it is not technically or economically feasible for them to do so. That is the end of the matter. In deciding whether it is economically feasible to do it, the only regard is the legitimate business interests of the joint venture partners, and not the State or the third party. It further states how other things should happen. It is stated in other clauses that the Minister may give directions but they do not apply to the initial committed capacity. That means the joint venture partners can carve up the initial capacity of the project and, to all intents and purposes, that is the end of the story. I know what the Minister's letters say.

Mr C.J. Barnett: It is their own capacity and the contracted capacity of third parties at the start of the project. They can market it as they wish, off-sell and do what they like.

Mr GRAHAM: I am aware of the letters and they are interesting, but the reality is that the legal and binding agreement and the Act of Parliament are of substance. I need to be assured of that. I need to be assured about subclause (10), which states that the joint venturers shall comply with any reasonable direction by the Minister - that is about access. However, as with the iron ore agreements, parts of the secondary processing agreements, and the third party access on the railway lines with the iron ore agreements, the outcome is economic viability. I have argued with the Minister previously that while he may think - as did the people in the 1960s - that these agreements lead to these provisions being complied with, they do not. In fact, they lead to a number of studies showing why things cannot happen.

Mr C.J. Barnett: Have you read the Bill I introduced today?

Mr GRAHAM: I will have something to say about that also. Historically, these sorts of clauses have traditionally not led to the desired result, but rather to an outbreak of studies showing why it is not in the joint venturers' interest to carry out the terms of the agreement.

Mr C.J. Barnett: A new era of obligation started today with the BHP processing legislation.

Mr GRAHAM: We will deal with that during debate on the Bill. The third part about which I want to be assured, to avoid the need to go through the Committee stage, is the question of local content and labour. There is no point my explaining the terms and provisions of the agreement Acts because the Minister is aware of them more than anybody else. However, they are not dissimilar in their terms to the iron ore agreements and the Woodside Offshore Petroleum Pty Ltd gas project agreement. It is interesting that already the Minister has watered down the legislative proposals by agreeing at an appropriate time to extend the reporting period for the companies from one month to three months, by the Minister's side letter. I am not arguing that the Minister does not have the power to do so, but I query the sense of doing so.

I accept that we cannot amend the Bill and I do not seek to do so; however, I seek the Minister's advice on the process by which he will ensure these things will happen. It is not explained in the Bill, which contains only a statement that people are required to report to the Minister. Will it be done as it was at Woodside, where a local group of workers, union people, company management and Government representatives went through the tenders and sought Australian and Western Australian companies to apply for tenders and actively pursued the local content? If that is so, I will encourage and applaud the Minister for his actions. If, however, he will leave it to the proponents, I suggest he will end up with an arrangement similar to that at Hamersley Iron Pty Ltd with its locomotives. In that case the company showed the Government it was not in its economic interests to have the locomotive work done in Western Australia, although it was clearly in the interests of this State. The work could, and should, have been done in Western Australia. How will the Minister make these things work? I do not want to argue about whether the Minister is right or wrong, but I know that the Minister's personal preference is for little regulation and leaving people alone to get on with the job. Historically we have not done particularly well on these projects with that type of approach. However, we have done well on those projects where the Government has

interfered in the arrangements to ensure that local work is carried out. In some of these North West Shelf projects the Government waived stamp duty, taxes and the like to get the work done locally. I have no difficulty with that approach. The Government can perhaps not do it because it has said that no Government money will go into the project.

I ask the Minister to respond in the second reading debate. I have asked some serious questions about which I need reassurance. I do not want to go into the Committee stage and if these matters are dealt with now, it will not be necessary.

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [11.57 pm]: I thank the four members opposite for their support of the project, which is appreciated. The member for Eyre described it as a gutsy project, and I like to think it is visionary. I have no doubt the project will go ahead and provide immense benefits to the Pilbara, north eastern goldfields, goldfields, State and national economy. On an anecdotal note, although it is not the largest project undertaken in Western Australia in the 1990s, it has the greatest external benefits and ability to generate new investment around it. In the Eastern States it is the project talked about in business circles with the greatest sense of excitement of any project in Australia, because of its spin-off benefits.

Members opposite raised general points, policy points and a number of quite detailed matters to do with specific clauses in the legislation. I will do the best I can to answer those queries, although I will not have definitive answers for all the detailed aspects raised. However, I will undertake to provide detailed answers in writing to each member who feels that my answers tonight are inadequate. The member for Eyre pointed out that within the joint venture Western Mining Corporation has 62 per cent of the project and, therefore, is taking a large share of the risk. That is true, but Western Mining is also the most energy sensitive of the groups involved and, therefore, wants to take on the risk and stands to make most from it. A question was raised by several speakers about the Broken Hill Proprietary Co Ltd participation. It is in a difficult position. It is involved in the Pilbara energy project - its own project - and it became involved in the gas to the goldfields project. BHP's problem is that its diesel power generators at Newman are aged; they are becoming unreliable and threaten production. Given the lead time of perhaps up to 18 months to buy new gas turbines, BHP is running out of time coming up to the stage when it must make a decision to buy new turbines for Newman. BHP is keeping open both options. It has been made clear to me and to its partners in the gas to the goldfields project that its preference is gas for the goldfields. That is the one it wants to see take place. But at its cost and inconvenience BHP is keeping alive the possibility that it will have to do the Pilbara energy project and also have a powerline to Newman. That will occur only if some unforeseen delay occurs in the gas to the goldfields project. If it runs to schedule - and it is a tight one; a project committed to November this year - BHP will make it. It will stick with gas to the goldfields and the line will go through Newman rather than south of Newman. That is the objective of BHP, the other partners and the Government. Through the various departments we are doing everything possible to ensure that approvals go through quickly to give BHP the confidence -

Mr Grill interjected.

Mr C.J. BARNETT: Probably it will be affected by the traditional land use native title one. If some unforeseen delay occurred in that area, BHP may run out of time on the gas to the goldfields project. Because of fears about the major failure of the generating capacity at Newman, it will have little choice but to commit to building a transmission line to Newman. BHP is incurring substantial extra expense to keep both options open as long as possible. I am confident the pipeline will go through Newman but BHP is playing safe.

A question was asked whether this legislation is a model for the deregulation of the Dampier to Perth pipeline. In many respects, it is. But different issues arise with the Dampier to Perth pipeline. The most significant is the $1.2b debt. I have made it clear that the issue of the Dampier pipeline will be one that the new Government will take on next year after the split in SECWA is achieved. My preference is to see at least part privatisation of the line. I hope that the ownership of the pipeline will be split -

Mr Grill: Do you expect privatisation?

Mr C.J. BARNETT: That is my preference but I will not take it on as an issue until we have done other things - particularly the split in electricity and gas into separate facilities, and getting that up and running. I foresee a possibility where the gas utility and the electricity utility, perhaps the North West Shelf joint venture and Alcoa, and perhaps other groups, own shares in the pipeline. That is a desirable result, but we must follow the logical sequence.

Mr Grill: Is this agreement Act in any way a model for the Dampier to Perth pipeline?

Mr C.J. BARNETT: I think it is, in terms of access rules. To do that, we would like a light-handed regulation. Unique problems are involved with the Dampier to Perth pipeline, not the least of which is the North West Shelf contract, and what that implies both to SECWA, and Alcoa Australia Ltd as a major customer. They have particular rights. That is another topic but negotiations are proceeding.

A question was raised about the guaranteeing of the subsidiaries of Normandy Poseidon and Western Mining Corporation, and why not BHP Minerals. I think I have answered that. BHP Minerals is the original partner. That is a group of substance, in any case.

The best estimate I have of the cost of the pipeline is around $400m. That seems to be a fairly consistent figure. As to viability, it is fair to say that the project at least in the early stages is marginal. I am sure there would be more attractive investments around for Western Mining or BHP or Normandy Poseidon Limited to undertake, if the objective were solely the rate of return from the project. While it must have an acceptable rate of return, the reason to commit to it is as much a strategic reason. They want some control over their energy costs, continuity of supply, and a degree of independence. It is more difficult to quantify an objective as a strategic decision; it is a corporate decision to be made that perhaps makes them willing to go ahead with a project which shows a fairly marginal rate of return. However, given the prospect for growth in the region, the project will become increasingly more attractive. It is not beyond the realms of possibility that the project will be sold to a professional pipeline operating company within the first five years of operation. At the end of the day, the companies concerned are mining companies. They want energy, and they do not necessarily want to be in the pipeline business. They consider their financial strength and commitment is necessary to get the project up and running. Long term, probably not all will stay in the project.

Mr Thomas: Would it not be more likely that they will obtain equity?

Mr C.J. BARNETT: They might. They might become a passive shareholder. They do not really want to be in the pipeline business. It is peripheral to the main operation.

The agreement states that the size of the pipeline will be 400 mm to Newman and then taper down to Kalgoorlie. The extra capacity requirement is 50 per cent above the initial commitment. That will be used up fairly quickly. I am confident there will be new projects along the pipeline route. A lot of negotiation surrounded that 50 per cent extra capacity, with the Government wanting more spare capacity and the proponents wanting less to reduce construction costs. I think 50 per cent is a fair and reasonable result. The timetable is extremely tight, considering the environmental process. I was hoping that we might be able to curtail the environmental approval process - not change the procedures but perhaps try to cut down some of the consultation periods. That has not happened and the normal approval process takes several months. There is the normal traditional land usage process to go through. All that leaves very little leeway.

The issue of energy costs was raised. The figure quoted by Western Mining to me in the early days was that it expected to save between 30 per cent and 50 per cent. Perhaps 50 per cent is optimistic. Significant savings will be made and, as the member for Cockburn pointed out, continuity of supply is just as important. I take the point about domestic users. There probably is a perception that ordinary householders in the goldfields will make great savings. That is unlikely. Unlike members opposite, I am fairly confident we will see the reticulation of gas through Kalgoorlie. At this stage nothing is stopping any company, organisation, group or individual from effectively putting in a bid to reticulate

Kalgoorlie; to contract the capacity in the pipeline, to buy gas to reticulate. SECWA may undertake that role. It is up to SECWA. I have applied no pressure either to do it or not to do it. Some interest has been shown by Eastern States utilities in taking up that role. That is a way to become involved in the Western Australian energy market. This State is seen as having expanding energy opportunities in Australia. There is a lot of competition between national and international groups to get a toehold in Western Australia. That provides fairly small business opportunities, but they can become involved -

Mr Grill: It has been said to us that it is highly unlikely that gas will be reticulated to domestic users.

Mr C.J. BARNETT: I am more optimistic. I take the point made about specifications and so on. I am sure the member for Kalgoorlie will cooperate to find a way to empower someone to do that. It may not happen, but I believe it will. The opportunity is there, and I will do what I can. For the companies involved in the project, the reticulation of gas is a nice community side benefit, and that would appeal to them. It is not a core operation from their point of view. It is not something I would expect those companies to pursue. I expect SECWA or another prospective utility to be involved in that area.

A fair bit was said about competition and about the transmission line from Perth. SECWA will lose some revenue. The pipeline operator will face competition from SECWA and vice versa. SECWA will continue to sell electricity into the goldfields. While it may lose some revenue, competition in the energy market in the Pilbara is a desirable aspect.

Mr Grill: Will they be given that freedom?

Mr C.J. BARNETT: Yes. It is likely that SECWA will become a power generator. It essentially has 50 MW of unused gas plant installed in Kalgoorlie. Nothing is stopping SECWA from operating that as a power station in Kalgoorlie.

Mr Grill: That would be fairly expensive power.

Mr C.J. BARNETT: It depends how it is operated, but that plant is installed and is essentially unused. SECWA has an investment in gas capacity; whether it uses it will be a commercial decision of SECWA. A few things have been implied, not in this debate, but previously, that somehow I have been pressuring SECWA. I have made it clear that SECWA is free to participate in this project in any way it wishes. I have no objection if SECWA makes a commercial decision to try to buy equity in the project, particularly given the corporatisation process going on. But it is more likely that SECWA either will be a seller of gas - it could sell inventory gas into the pipeline - or it could buy or use its own gas and distribute it. If SECWA wants to do that, I am happy for it to participate. I made some comments on the freedom of information point earlier. I will take that up and get a written response and more details on how it will apply. It is quite complicated.

With regard to access I understand that Australian Gas Association rules have not necessarily been accepted in any case. What has been applied in this Bill is consistent with the Commission of Australian Governments on pipeline rules; so it is up in front with the practices that apply. The trend is that of light handed regulation. It is essentially uncharted water, a philosophical approach, a practical one, and it will take a bit of working out. There will be probably be hiccups, but it is better than going down the highly regulated route. I am confident it will work, and it will be fair to all parties. It has fairly explicit reporting requirements built into it. The only hesitation I have is that the Minister of the day will find himself faced with some pretty difficult decisions in that it will fall on that person often to decide where there is a dispute.

Mr Grill: I raised with your officers during a briefing the ultimate penalty that could be applied in the event that the joint venture was defaulted. The Government has the option of giving 12 months' notice in determining the agreement or to move in and remedy the fault itself and then collect the cost of remedying the fault from the joint venture partners. Outside of that it does not appear to have any penalties, or remedies. As the Minister mentioned, these are uncharted waters, but it is an area that worries me a little in terms of ultimate sanctions and penalties that could be applied.

Mr C.J. BARNETT: The agreement is built on a lot of good faith. The history of agreement Acts is that they have worked. The member for Pilbara may disagree, but the State has never reneged on an agreement Act. They do not end up in major litigation. An agreement Act is a stated principle of how it should work. We are dealing with three highly respected and reputable companies. They will want various things from the Government, and situations will arise that we do not anticipate; it is something that must be managed. We are relying on good faith from them and they are relaying on that from us. If the Government wanted to spike the project it could; so could the proponents, but it is in no-one's interest to do that. It is not as though it is unique. There are plenty of private pipelines around the world and a lot of that experience has been applied.

The member for Cockburn made the point that the agreement is not a project. I agree, and the decision on committing to construction will not be made until November this year. The proponents tell me they are determined the project will go ahead, and I am confident that will be the case. It is not as though they have sat back and negotiated an agreement with the Government and then thought they would do some work. They are well committed and advanced in their environmental and engineering planning. They have been working on the project with a team for about nine months. Large amounts of money and commitment have been made to this project. These are companies that do not go into things in a flippant way. There have been cases where agreement Acts have been passed through this Parliament and been used as a prospectus or marketing document to try to raise funds for a project. I am critical of those, and they have occurred under Governments of both political persuasions. There have been a few recently and some going back a long time. This does not fall into that category. The amount of $400m is not a problem for the companies concerned. They can raise it; they can bankroll the project. It is in their interests to do it. The market is there, and it is not speculative in that way. It will depend on viability, and the approvals process. Given the amount of planning that has occurred both within the joint venture and within Government I am confident that it will go through relatively smoothly.

With respect to Mabo and the question of indemnity, I do not believe that any problem - if there is a problem - with native title or traditional land usage will occur with compensation. If there is a problem, it is not so much that a claim will proceed and will require compensation, but the process of making claims and court injunctions presents a threat of delay to the project rather than a successful claim for compensation. Even if a claim were successful the monetary value of compensation is unlikely to be great. This pipeline will be below the ground; it will weave in and out and avoid sites of significance, and can use existing road and rail reserves. It can use a whole lot of existing easements and has all the flexibility inherent in a pipeline. There is concern about claims and injunctions. If they occur, or if there is any disruption to Aboriginal communities, it will be during the construction phase. Equally, that phase will offer many employment opportunities for people along the way. We will encourage and make sure that as much work is given to local people, to Aboriginal people and other local contractors within the area.

Mr Graham: How?

Mr C.J. BARNETT: The Bill is not all that specific. The member for Pilbara has a valid point. We will have to work through that. I will try to get the member an answer. I am not about to set up a heavy bureaucratic process, but I am concerned that as much as possible of that work is done locally. It depends on how the project is constructed. If it is broken up into sections that will mean more jobs, more contracts and probably makes the thing more labour intensive. The estimates are that between 500 and 1 000 jobs will be created during construction, depending on the type of construction. It is not a particularly long construction period. It will be built pretty quickly. One of the other differences is that throughout that region, particularly around Kalgoorlie, there is a significant number of very productive, well equipped contractors which can undertake this work. Perhaps that was not available in the early days of some of Pilbara projects. Those firms will be competitive, and unless I am missing the point, the construction is simple. The major cost is buying the pipe and if BHP is involved it is a fair bet where the

pipe will come from. Once the pipe is purchased it is essentially a matter of digging a trench and laying it. I hope local contractors, particularly in the goldfields area, will pick up the lion's share of the work.

Mr Graham: By what process will you let us know?

Mr C.J. BARNETT: I will respond to the member in writing and I welcome the member's suggestions. The reticulation point was again raised by the Leader of the Opposition and I will happily work with him to try to achieve that in Kalgoorlie. The member for Pilbara had quite a lot to say about Collie, the goldfields gas pipeline and the Pilbara energy project. All I can say is that they are all happening. That is something to be pleased about.

Mr Graham: I recall vividly your supporting comments when we said that about Marandoo.

Mr C.J. BARNETT: The member for Pilbara raised a number of points about how the agreement was negotiated. I was not quite sure what the member was getting at. The work was done by the Department of Resources Development, particularly Mr Bill Power, and Bob Neil, who was the major negotiating person for the joint venturers. The Department of Resources Development had a team, as did the joint venturer. I played a role in policy issues. I did not get involved in the detailed negotiations but I did give advice and direction on policy matters which arose continuously during the process. It is an appropriate role for a Minister. Occasionally I had to deal with Western Mining and other companies at a senior level, but not very often. Generally problems were resolved. Because it was a new area of negotiations with lots of unknowns, it was pretty complex. Both parties - the Government and the joint venturer - did an outstanding job in bringing the project to this stage within a year.

The question was raised whether the project had a net value for the State. I answered that it was self-evident. If the project has a positive net rate of return to the proponents - clearly it will have, otherwise the joint venturer would not be proceeding with it - the project can only create external benefits to the State. The rate of return to the State as a whole is probably some multiple of the rate of return to the proponents.

Mr Graham: I will tell the Minister why I asked about that. I am keeping an eye on the time because I do not want to go into Committee.

Mr C.J. BARNETT: I am doing my best to avoid it, too.

Mr Graham: The Minister is doing well so far. When the Pilbara energy project was originally put up, the Department of Resources Development ran it through a computer program that showed there would be no net benefit to the State of Western Australia. Obviously, a computer program works that out. Was this project run through that computer program?

Mr C.J. BARNETT: I have not seen that computer program run. I would find it extraordinary to conclude that building a pipeline from the Pilbara through the centre of Western Australia would create no net benefits. I envisage that there would be enormous net benefits. Perhaps the member may think I am naive; but I take it as being self-evident that the project will have a direct net benefit to the joint venturer, the participants, the gas sellers and gas customers, and a great external benefit to the State. I am quite excited about it.

Mr Graham: I said that about BHP's energy project for similar reasons, but the department found differently.

Mr C.J. BARNETT: The member for Pilbara also raised questions about the relationship between the Pilbara energy project and the gas to the goldfields project. The Department of Resources Development prepared a general benefits analysis in the early stages of the project which showed that it was positive. The expression of interest processes were assessed against criteria of State benefit. I answered a previous parliamentary question on this matter, which I will dig up for the member. In terms of the relationship between the Pilbara energy project and the gas to the goldfields project, I will trace the story as it happened.

During the election campaign, as an Opposition, we promoted gas to the goldfields as our lead project in developing the State. We certainly had the support of some of the companies involved. We have proceeded straight down the line of what we said we would do. The Pilbara energy project had been negotiated by the previous Government. An announcement was made during the election campaign, and it became an issue. I, with the support of the Premier, made it clear that, although we did support the Pilbara energy project, we did not support BHP being let off all processing obligations under the four iron ore agreement Acts. In coming to Government, we found that the strict Cabinet decision and the correspondence to BHP let that company off the Iron Ore (Mount Newman) Agreement Act. We honoured that. For the three other agreement Acts we set about negotiating a new processing obligation. If there was any delay to the passage of the legislation on the Pilbara energy project, it was solely to conclude and draft legislation which I introduced today, which detailed the new processing obligation for iron ore for BHP. I wanted all of those pieces of legislation to be in the Parliament and on the public record. They are now at that stage.

The upper House either tonight or tomorrow will pass the Pilbara energy project legislation, and BHP will have all of the necessary approvals for the project construction to start. It has not delayed the project. BHP still must go through the normal planning and environmental processes. It will now have a clear way to develop the project. The processing obligation is now agreed, and that is very complicated. It took a lot of negotiation. It is in a legislative form and is now before this House.

As I said in the second reading speech earlier today, effectively that deal is done; it is final; it is in the public arena; and BHP can go ahead. In purely an informal way I encouraged BHP to get involved in the gas to the goldfields project seriously. It was obvious that a pipeline that went through the Pilbara would affect BHP as the major customer and it would go through Mt Newman. In the early days we talked about an alternative of running a line off somewhere out of the Gascoyne, coming off the main Dampier to Perth line, and simply shooting out to Kalgoorlie. That was an alternative investigated by the State Energy Commission of Western Australia. While it was a second solution, it was very much a second best solution.

I was very keen that we should have the more expansive, visionary project that went through the Pilbara and the central part of Western Australia. For that reason, purely informally, I encouraged BHP to look at it and it gave me no response either way until it announced that Western Mining, Normandy Poseidon Limited and BHP had formed a joint venture for the project. Those negotiations took place without my knowledge. When it was announced I was delighted. However, I had not played a role, other than informally suggesting to BHP on a few mine visits that it should get involved in this project. The company, unbeknown to me, was negotiating with the others and not telling me about it. It was their province and it is good that it happened that way. I am delighted that those companies are involved, and they will stay involved.

Mr Grill: I was going to ask whether you had seen the Westralia proposal and whether it was feasible in terms of the current pipeline.

Mr C.J. BARNETT: The Westralia proposal was one of two that were held in reserve. Once the gas to the goldfields joint venturer had been selected, there was a period during which the Westralia proposal was held in reserve and another project - I think it might have been AGL - might have been held in reserve. The Westralia proposal had some very interesting features. It was a visionary project that had a lot of merit. The people involved in those proposals and in other proposals are now free and have been having discussions with the joint venture partners. There is nothing to stop them from becoming involved in some way. We may see lateral pipelines built in the future. That is totally open. We are trying to allow anyone to be involved in the project, to bring in concepts and to try to develop these concepts. There is a lot of goodwill amongst companies that might otherwise be seen to be competing in selling their product; in trying to reduce their input cost, there is a lot of goodwill.

Access rules were raised by the member for Eyre as well as the member for Pilbara. The site letter explains that in great detail. Those rules are consistent with what has been

agreed by the Commission on Australian Governments and with what is done internationally in access to pipelines. They are very fair. If the members want more detail on that, I will undertake to go through *Hansard* and provide answers. Short of going into the final detail, I will provide some written comments to each of the speakers on the specific points raised, and I welcome any other queries they may have. I certainly do not have a definitive knowledge of all of the clauses in the Bill.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr C.J. Barnett (Minister for Resources Development), and transmitted to the Council.

BILLS (2)

Messages - Appropriations

Messages from the Deputy of the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Iron Ore Processing (BHP Minerals) Agreement Bill
2. Acts Amendment (Mount Goldsworthy, McCamey's Monster and Marillana Creek Iron Ore Agreement) Bill

House adjourned at 12.31 am (Thursday)

QUESTIONS ON NOTICE

FIRE BRIGADE - VOLUNTEER FIRE FIGHTERS
Government Health Insurance, Compensation for Injury or Death

1933. Dr CONSTABLE to the Minister for Emergency Services:

(1) Does the Government provide volunteer fire fighters in Western Australia with -

(a) health insurance;

(b) compensation for injury or death while providing these voluntary services?

(2) If yes, what is the extent of the insurance and/or compensation?

(3) If not, why not?

Mr WIESE replied:

(1) (a) No.

(b) The Western Australian Fire Brigade Board provides the Western Australian Fire Brigades volunteer fire brigade members and other volunteers with workers' compensation insurance and/or personal accident cover.
Bush Fires Board of Western Australia - Volunteer Bush Fire Brigade members receive injury cover and compensation under the Bush Fires Act 1954 section 37(1) which requires - a local authority that maintains a bush fire brigade shall obtain and keep current a policy of insurance that insures volunteer fire fighters for compensation payable for injury caused to them while they are engaged under this Act in normal brigade activities.

(2) WAFBB - Workers' compensation insurance - full entitlement as provided for in current legislation. Personal accident - death, capital and weekly benefits, medical, funeral and domestic assistance.
BFBWA - As for workers' compensation insurance above.

(3) Not applicable.

APPEAL COSTS BOARD - CHAIRMAN; MEMBERSHIP

1944. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Appeal Costs Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Appeal Costs Board?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1) R.E. Cock.

(2) Three years.

(3) P.H. Atkins and J.F.M. Gillett.

(4) Three years.

(5) Mr Atkins nominated by the Legal Practice Board.
Mr Gillett nominated by the Law Society of Western Australia.

(6) Chairman is a public servant - no remuneration for meetings. Members paid $60 per hour for meetings.

(7) Mr Cock - 26.10.92
Mr Atkins - 23.9.85
Mr Gillett - 13.9.87

BARRISTERS BOARD - CHAIRMAN; MEMBERSHIP

1945. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Barristers Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Barristers Board?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

There is no Barristers Board. In February 1993 the Legal Practice Board was established following extensive amendments to the Legal Practitioners Act.

CHARITABLE COLLECTIONS ADVISORY COMMITTEE - CHAIRMAN; MEMBERSHIP

1946. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Charitable Collections Advisory Committee?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Charitable Collections Advisory Committee?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1) Mr Lloyd Stewart.

(2) For the life of the Charitable Collections Act 1946 or to 30 June 1994, whichever is the sooner.

(3) Ms Rosemary Peek
Mr Alan Pallot
Ms Sue Price
Mr Russell Stranger.

(4) For the life of the Charitable Collections Act 1946 or to 30 June 1994, whichever is the sooner.

(5) The members of the committee are appointed by the Governor on the recommendation of the Minister.

(6) Each member is paid $73 for each meeting attended and the chairman is paid $97 for each meeting attended.

(7) Mr Stewart, Ms Peek, Mr Pallot and Ms Price were appointed on 17 August 1993. Mr Stranger was appointed on 14 September 1993.

COMMERCIAL TRIBUNAL - ADVISORY COMMITTEE FOR LANDLORDS - CHAIRMAN; MEMBERSHIP

1947. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Commercial Tribunal - Advisory Committee for Landlords?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Commercial Tribunal - Advisory Committee for Landlords?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(2)

The Commercial Tribunal has no advisory committee for landlords. There is, however, a landlords' panel. The panel has no chairman.

(3)-(4),(6)-(7)

Panel members, their dates of initial appointment, their present terms of appointment and this financial year to date remuneration are -

P. Bridgement	Mar 1993	15.3.93 - 14.3.96	$716.67
R.J. Hepburn	Oct 1985	13.4.92 - 12.4.95	0
M.L. Langson	Mar 1993	15.3.93 - 14.3.96	$1 537
A.W. Lennon	Oct 1985	13.4.92 - 12.4.95	0
R. Packer	Mar 1993	15.3.93 - 14.3.96	0
G. Pinkus	Mar 1993	15.3.93 - 14.3.96	0
R. Bridgement	Jan 1994	10.1.94 - 9.1.97	0
P. Oldershaw	Jan 1994	10.1.94 - 9.1.97	0
G. Armstrong	Jan 1994	10.1.94 - 9.1.97	0

(5) Ms R. Bridgement, Mr P. Bridgement, Mr Packer, Mr Pinkus, Mr Oldershaw and Mr Armstrong were nominated by the Building Owners and Managers Association of Australia Limited. Administrative responsibility for the tribunal was transferred from the then Ministry of Consumer Affairs to the Ministry of Justice in 1993. Records available to the ministry do not clearly indicate who nominated the longer serving members.

COMMERCIAL TRIBUNAL - ADVISORY COMMITTEE FOR TENANTS - CHAIRMAN; MEMBERSHIP

1948. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Commercial Tribunal - Advisory Committee for Tenants?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Commercial Tribunal - Advisory Committee for Tenants?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(2) The Commercial Tribunal has no advisory committee for tenants. There is, however, a tenants' panel. The panel has no chairman.

(3)-(4),(6)-(7)
Panel members, their dates of initial appointment, their present terms of appointment and this financial year to date remuneration are -

C. Elieff	Oct 1985	13.4.92 - 12.4.95	$2 208.50
C.G. Johnson	Oct 1985	13.4.92 - 12.4.95	$1 512.50
W.P.V. Spencer	Oct 1985	13.4.92 - 12.4.95	$800.00
A. Murray	Jan 1994	10.1.94 - 9.1.97	Nil
I. Colmer	Jan 1994	10.1.94 - 9.1.97	Nil
P. Goode	Jan 1994	10.1.94 - 9.1.97	Nil
K. Bogue	Jan 1994	10.1.94 - 9.1.97	Nil

(5) Mr Murray and Mr Bogue were nominated by the WA Retailers Association Inc. Mr Colmer was nominated by the Retail Traders Association of WA and Mr Goode was nominated by WA Small Business and Enterprise Association Inc. Administrative responsibility for the tribunal was transferred from the then Ministry of Consumer Affairs to the Ministry of Justice in 1993. Records available to the ministry do not clearly indicate who nominated the longer serving members.

COMMERCIAL TRIBUNAL - ADVISORY COMMITTEE FOR VALUERS (EXPERTS PANEL) - CHAIRMAN; MEMBERSHIP

1949. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Commercial Tribunal - Advisory Committee for Valuers (Experts Panel)?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Commercial Tribunal - Advisory Committee for Valuers (Experts Panel)?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(2) The Commercial Tribunal has no advisory committee for valuers (experts panel). There is, however, an experts panel. The panel has no chairman.

(3)-(4),(7)
Panel members, their dates of initial appointment and present terms of appointment are -

G.J. Gauntlett	October 1985	20.5.91 - 19.5.94
R.J. Priest	October 1985	13.4.92 - 12.4.95.

(5) Administrative responsibility for the commercial tribunal was transferred from the then Ministry of Consumer Affairs to the Ministry of Justice in 1994. Records available to the ministry do not clearly indicate who nominated the members of the panel.

(6) None this financial year.

COMMERCIAL TRIBUNAL - FITNESS INDUSTRY PANEL - CHAIRMAN; MEMBERSHIP

1950. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Commercial Tribunal - Fitness Industry Panel?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Commercial Tribunal - Fitness Industry Panel?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(2) The fitness panel of the Commercial Tribunal has no chairman.

(3)-(4),(7)

Panel members, their dates of initial appointment and present terms of appointment are -

V.M. Meikle	December 1988	13.4.92 - 12.4.95
V.M. Payne	December 1988	13.4.92 - 12.4.95
J. Wilks	December 1988	13.4.92 - 12.4.95

(5) Administrative responsibility for the Commercial Tribunal was transferred from the then Ministry of Consumer Affairs to the Ministry of Justice in 1993. Records available to the ministry do not clearly indicate who nominated the members of this panel.

(6) None this financial year.

COMMERCIAL TRIBUNAL - TRAVEL INDUSTRY PANEL - CHAIRMAN; MEMBERSHIP

1951. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Commercial Tribunal - Travel Industry Panel?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Commercial Tribunal - Travel Industry Panel?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(2) The travel industry panel of the Commercial Tribunal has no chairman.

(3)-(4),(7)

Panel members, their dates of initial appointment and present terms of appointment are -

A.J. Coulson	July 1986	17.6.91 - 16.6.94
R. Zar	November 1988	13.4.92 - 12.4.95

(5) Mr Coulson and Mr Zar were nominated by the Australian Federation of Travel Agents.

(6) None this financial year.

EQUAL OPPORTUNITY TRIBUNAL - CHAIRMAN; MEMBERSHIP

1953. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Equal Opportunity Tribunal?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Equal Opportunity Tribunal?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1) Mr Nicholas Hasluck QC.

(2) Three years from 31 December 1991.

(3) Deputy presidents - Mr L. Roberts-Smith QC and Ms C. O'Brien.
Members - Ms P. Harris and Ms B. Buick.
Deputy members -
Mr C. Jacobs
Mr K. Fong
Mr M. Ngui
Ms K. French
Ms L. Newby
Ms H. Cattalini
Dr P. Deschamp
Mr K. Wyatt
Ms D. Potter
Ms P. Thorley.

(4)-(5) The president and members are appointed by the Governor for three year terms, under sections 96(2) and 97 of the Equal Opportunity Act.
The deputy president and deputy members are appointed by the Minister for three year terms under section 102 of the Equal Opportunity Act.

(6) The president and deputy presidents are paid $125 per hour.
The members and deputy members are paid $110 per day or $73 for half a day.

(7) The president was appointed on 31 December 1989 and reappointed on 31 December 1992.
The deputy presidents were appointed on 7 July 1989 and reappointed on 7 July 1992.
The members were appointed on 19 July 1985 and again reappointed on 19 July 1991.
Details about the appointment of deputy members are as follows -
Mr M. Ngui was appointed on 19 July 1985 and reappointed on 19 July 1991.
The following deputy members were appointed on 22 May 1989 -
Ms L. Newby
Ms H. Cattalini
Dr P. Deschamp
Mr K. Wyatt
Ms K. French.
They were reappointed on 22 May 1992.
Ms D. Potter and Ms P. Thorley were appointed on 20 October 1992.
Mr C. Jacobs and Mr K. Fong were appointed on 17 January 1994.

LAW REFORM COMMISSION - CHAIRMAN; MEMBERSHIP

1956. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Law Reform Commission?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Law Reform Commission?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1) Ms C.J. McLure.

(2) Under section 5 of the Law Reform Commission Act 1972, the chairman is elected by the commission from among the members and holds office for a term not exceeding one year but is eligible for re-election. Ms McLure was elected chairman on 17 May 1993 for a period of one year.

(3)-(4),(7)

The members of the commission and their terms of appointment are -

	Appointed	Expiry date
Ms C.J. McLure	28.10.92	27.10.94
Mr P.G. Creighton	19.1.94	18.1.97
Dr P.R. Handford	7.12.93	6.6.94

One full time position and one part time position are currently vacant.

(5) Members are nominated by the Attorney General.

(6) Under the terms of an Executive Council minute, the private practice member receives 35 per cent, and the academic member 20 per cent of the salary of an associate professor. The Government member receives no fee. Ms McLure receives no additional remuneration for acting as chairman. Dr Handford receives no remuneration additional to his salary as executive officer and director of research of the commission.

LAW REPORTING ADVISORY BOARD - CHAIRMAN; MEMBERSHIP

1957. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Law Reporting Advisory Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Law Reporting Advisory Board?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(7) The terms of office of committee members of this board expired on 19 March 1994. New appointments to the board are currently in the process of being finalised.

LEGAL AID COMMISSION - CHAIRMAN; MEMBERSHIP

1958. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Legal Aid Commission?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Legal Aid Commission?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

The answer was tabled.

[See paper No 980.]

LEGAL COSTS COMMITTEE - CHAIRMAN; MEMBERSHIP

1960. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Legal Costs Committee?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Legal Costs Committee?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1)-(7) The terms of office of committee members expired in December 1993. New appointments to the committee are currently in the process of being finalised.

PAROLE BOARD - CHAIRMAN; MEMBERSHIP

1961. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Parole Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Parole Board?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1) Hon Alkin Robert Alexander Wallace AO.

(2) Three years.

(3) Ms Jan Broughton
Ms Helen Liedel
Acting Detective Superintendent Terry Ryan
Ms Patricia Dudgeon
Ms Jacqueline Musk
Rev David Robinson - retired.

(4) Ms Broughton's and Ms Liedel's lengths of term of appointment are at the discretion of the Director General, Ministry of Justice.
Acting Det Supt Ryan's length of term of appointment is at the discretion of the Commissioner of Police.
Ms Dudgeon, Ms Musk and Rev Robinson are appointed by the Governor for a three year term.

(5) Ms Broughton and Ms Liedel are nominated by the Director General, Ministry of Justice.
Acting Det Supt Ryan is nominated by the Commissioner of Police.
Ms Musk and Rev Robinson were nominated by the then Minister for Corrective Services.
Ms Dudgeon was nominated by the Attorney General.

(6) The chairman of the Parole Board is paid at the rate of 40 per cent of the current salary of a Supreme Court judge. Those committee members of the board appointed by the Governor are entitled to payment of a fee approved by the Governor. The current fee as approved in 1988 is -

Full day Parole Board meeting	$108
Half day Parole Board meeting	$73
Preparation allowance	$73

Currently, Rev Robinson is the only member of the board in receipt of a fee.

(7) The chairman of the Parole Board was appointed on 12 July 1993.
Rev Robinson was appointed on 23 July 1991.
Ms Musk was appointed on 22 July 1991.
Ms Dudgeon was appointed on 12 October 1993.

RETIREMENT VILLAGES DISPUTES TRIBUNAL - CHAIRMAN; MEMBERSHIP

1963. Mr GRAHAM to the Attorney General:

(1) Who is the Chairman of the Retirement Villages Disputes Tribunal?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Retirement Villages Disputes Tribunal?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mrs EDWARDES replied:

(1) The Retirement Villages Disputes Tribunal has no chairman. The tribunal comprises one or more referees and panel members. The present referee is Ms A.G. Braddock.

(2) Term of appointment for the referee is for a period of four years commencing 22 September 1992.

(3)-(4),(7)
The Retirement Villages Disputes Tribunal has no committee members. In addition to the referee, it comprises a number of panel members whose dates of initial appointment and current terms of appointment are -

D. Campbell	August 1992	17.8.92 - 16.8.95
G. Collins	"	"
M. Jefferson	"	"
M. Mason	"	"
K. Middleton	"	"
P. Norris	"	"
C. Phipps	"	"
G. Pix	"	"

(5) Administrative responsibility for the Commercial Tribunal was transferred from the then Ministry of Consumer Affairs to the Ministry of Justice in 1993. Records available to the ministry do not clearly indicate who nominated the referee or panel members.

(6) None this financial year.

BUSH FIRES BOARD - CHAIRMAN; MEMBERSHIP

1977. Mr GRAHAM to the Minister for Emergency Services:

(1) Who is the Chairman of the Bush Fires Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Bush Fires Board?

(4) What are the terms of the appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr WIESE replied:

(1) Cr Harold Murray Lang.

(2) Three years.

(3) The board currently consists of eight members excluding the chairperson.
Mr Richard John Sneeuwjagt
Vacant - following the retirement of Mr Ronald Sargent as executive chairman of the WA Fire Brigade Board on 11 February 1994.
Cr Kenneth Ernest Pech
Cr Raymond Allen Lees
Cr William McLean Dinnie
Vacant - following the retirement of Assistant Commissioner Lennard Thickbroom from the Police Force on 10 March 1994.
Cr Gordon Smith
Mr Peter Mew - ex officio - chief executive officer, Bush Fires Board.

(4) Three years.

(5) Messrs Pech, Lang, Lees and Dinnie representing the Western Australian Municipal Association pursuant to section 8(3)(f) of the said Act.
The Commissioner of Police or his nominated representative pursuant to section 8(3)(c) of the said Act.
The Executive Chairman of the Western Australian Fire Brigade Board pursuant to section 8(3)(d) of the said Act.
Mr Smith representing the Minister responsible for the State Planning Commission Act 1985 pursuant to section 8(3)(e) of the Bush Fires Act 1954.
Mr Sneeuwjagt representing the Minister responsible for the Conservation and Land Management Act 1984 pursuant to section 8(3)(b) of the Bush Fires Act 1954.

(6) Remuneration for board members and chairperson consists of the following -

Board Members -	Daily rate - $108 plus any associated mileage/travel allowances claimable.
	Half daily rate - $73 plus any associated mileage/ travel allowances claimable.
Chairperson -	Daily rate - $145 plus any associated mileage/travel allowances claimable.
	Half daily rate - $97 plus any associated mileage/ travel allowances claimable.

Generally all board meetings are half day meetings.

(7)

Member	First Appointed
Cr H. Lang	22.8.88
Mr Sneeuwjagt	25.5.93
Vacant	

Cr Pech	19.3.90
Cr Lees	25.5.93
Cr Dinnie	10.12.90
Vacant	
Mr Smith	25.5.93
Mr Mew - ex officio	25.3.93.

WESTERN AUSTRALIA EMERGENCY MANAGEMENT ADVISORY COMMITTEE - CHAIRMAN; MEMBERSHIP

1978. Mr GRAHAM to the Minister for Emergency Services:

(1) Who is the Chairman of the Western Australia Emergency Management Advisory Committee (State)?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Western Australia Emergency Management Advisory Committee (State)?

(4) What are the terms of the appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr WIESE replied:

(1) Commissioner of Police.

(2) Indefinite term.

(3) Mr K. Byleveld, Executive Officer (advisory member)
Mr L. Ayton, Police Department
Executive Chairman, Western Australian Fire Brigade Board
Mr A. Beer, Emergency Management Branch, Police Department (advisory member)
Mr R. Lynch, Treasury (co-opted member)
Mr K. Price, Department of Minerals and Energy
Mr P. Mew, Bush Fires Board
Mr C. Williams, Department of Local Government (co-opted member)
Dr A. Cumming, Health Department of Western Australia
Mr J. Booth, Department for Community Development
Mr D. Fairclough, Western Australian Municipal Association (co-opted member)
Mr B. Sanders, Water Authority of Western Australia (co-opted member)
Captain R. Purkiss, Department of Transport
Mr R. Sneeuwjagt, Department of Conservation and Land Management
Mr H. Samson, Ministry of the Premier and Cabinet
Mr L. Broadbridge, Bureau of Meteorology
Dr G. Griffiths, Department of Agriculture (co-opted member)
Mr R. Dyson, Western Australian State Emergency Service (advisory member)
Mr Paul Robinson, Telecom (co-opted member)

Note: (a) full member with voting right unless indicated
(b) advisory member - without voting right
co-opted member - on an as required basis

(4) Indefinite term.

(5) Each member was nominated by the chief executive officer of the organisation/department.

(6) Nil.

(7) The required information is not readily available. However, each member was appointed at a different time. A review of the composition of SEMAC membership which consolidated the current membership of the committee was conducted and approved by Cabinet on 20 September 1993.

WESTERN AUSTRALIAN FIRE BRIGADE BOARD - CHAIRMAN; MEMBERSHIP

1979. Mr GRAHAM to the Minister for Emergency Services:

(1) Who is the Chairman of the Western Australian Fire Brigade Board?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Western Australian Fire Brigade Board?

(4) What are the terms of the appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr WIESE replied:

(1) Position vacant. Acting Chairman B.G. Willoughby.

(2) Not applicable.

(3)-(5), (7)

Member	Terms	Nominated by	Date of Appointment
B.G.Willoughby	1.9.94-31.12.96	local authorities	1.1.82
A.W.Llewellyn	1.1.92-31.12.94	local authorities	1.1.89
R.M. Jones	1.1.92-31.12.94	insurance companies	1.1.86
S.J. Parker	1.1.93-31.12.95	local authorities	3.8.92
P.F. Pearse	1.1.94-31.12.96	insurance companies	1.1.91
H.M. Lang	27.9.93-26.9.94	appointed by HE the Governor	27.9.93
R.J. Back	term being clarified	appointed by Perth City Council Cmnrs	20.1.94
R.J. McNally	1.1.93-31.12.95	volunteer fire brigades	6.9.83
B.D. Barker	1.1.93-31.12.95	fire brigades employees	1.1.87
B.E. Bryant	1.1.93-31.12.95	insurance companies	1.1.92
K.M.Castlehow	26.9.90-26.9.95	ex officio member	26.9.90

(6) Chairperson - daily rate $145; half daily rate $97.
Members - daily rate $108; half daily rate $73.

Note: Country members may claim travel allowance as set down by the Public Service Commission.

WESTERN AUSTRALIAN HAZARDOUS MATERIALS EMERGENCY MANAGEMENT SCHEME COORDINATION COMMITTEE - CHAIRMAN; MEMBERSHIP

1980. Mr GRAHAM to the Minister for Emergency Services:

(1) Who is the Chairman of the Western Australian Hazardous Materials Emergency Management Scheme Coordination Committee?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the Western Australian Hazardous Materials Emergency Management Scheme Coordination Committee?

(4) What are the terms of the appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration was paid to each member and the chairman?

(7) When was each member first appointed?

Mr WIESE replied:

(1) Chief Superintendent - Emergency Services Coordination.

(2) Indefinite term.

(3) Officer in charge - Police Emergency Operations Branch
Mr J. Mitchell - Western Australian Fire Brigade
Mr A. Beer - Emergency Management Branch, Police Department
Dr I. Botica - Health Department of Western Australia
Mr J. Hanley - Department of Minerals and Energy
Mr M. Waite - Environmental Protection Authority
Dr J. Langley - Department of Occupational Health, Safety and Welfare
Mr D. McRae - Westrail
Mr P. Moore - Water Authority of Western Australia
Mr W. Sashegyi - Chamber of Commerce and Industry
Mr K. Sneddon - Chamber of Commerce and Industry
Mr N. Bolton - Western Australian Municipal Association
Mr M. Osborn - Trades and Labor Council
Captain C. Deans - Australian Association of Port and Marine Authorities
Mr A. Coutas - Petroleum Industry Emergency Response Committee
Mr B. Harris - Bush Fires Board of Western Australia

(4) Indefinite term.

(5) Each member was nominated by the chief executive officer of the organisation/department.

(6) Nil.

(7) The required information is not readily available. The organisations nominate replacement personnel when a member has retired or transferred to another position.

BOARDS AND COMMITTEES - CHAIRMAN; MEMBERSHIP

2224. Mr GRAHAM to the Minister for Services:

(1) Who is the Chairman of the State Supply Policy Council?

(2) What is the term of the appointment of the chairman?

(3) Who are the committee members of the State Supply Policy Council?

(4) What are the terms of appointment of each member?

(5) By whom was each person nominated?

(6) What remuneration is paid to each member and the chairman?

(7) When was each member first appointed?

Mr KIERATH replied:

This question is only two and a half years late. The State Supply Policy Council was abolished by the Labor Government in 1991.

FIRES - METROPOLITAN AREA
"No Risk to Public" Explanation

2254. Ms WARNOCK to the Minister for Emergency Services:

Can the Minister explain his statement that "there was no risk to the public" from recent outbreaks of fire in the metropolitan area, when on 33 occasions between 16 February and 10 March 1994 fire appliances were decommissioned because there was no staff available to crew them?

Mr WIESE replied:

The practice of decommissioning appliances on a short term basis is one of longstanding brigade policy, used to minimise overtime costs while maximising efficiency in the use of resources, without placing the public at risk. The decision to decommission a fire appliance is taken by the senior fire officer responsible. The officer makes a decision based on the fire weather rating at the time and emergency demands on the brigade. If at any time the senior officer has concerns the officer has the authority to require firefighters to stay back at the end of a shift or to call back off duty firefighters on overtime. This practice creates no risk to the public as it does not affect the board's initial response capability.

WORKING GROUP - REPORTING TO COUNCIL OF AUSTRALIAN GOVERNMENTS, WESTERN AUSTRALIAN REPRESENTATIVES

Microeconomic Reform Working Group, Western Australian Representative

2257. Mrs HALLAHAN to the Premier:

(1) Is Western Australia represented on all working groups reporting to the Council of Australian Governments?

(2) Who represents Western Australia on the microeconomic reform working group?

Mr COURT replied:

(1) Yes.

(2) Don Saunders, Ministry of the Premier and Cabinet, and John Langoulant, Treasury.

CHARLES, PRINCE OF WALES - VISIT TO WESTERN AUSTRALIA, COST

2263. Mr GRAHAM to the Premier:

(1) What was the cost to Western Australian taxpayers of the visit by HRH the Prince of Wales and his entourage?

(2) What is the breakdown of these costs?

Mr COURT replied:

(1)-(2) Most costs associated with the visit of HRH the Prince of Wales were the responsibility of the Commonwealth Government. However, the Ministry of the Premier and Cabinet had responsibility for meeting some costs associated with the Western Australian leg of the visit. These included the following and although not all accounts have been received it is not expected that these amounts will increase significantly.

	$
Accommodation for palace officials not staying at Government House	2 785
Hospitality, including a State reception for 600	13 827
Inter and intrastate air fares for State officials coordinating the visit during the reconnaissance and actual visit	6 676
Printing (State visit programs, daily briefs, invitations etc)	2 661
Incidentals	474

COURTS - COURT OF PETTY SESSIONS, STAFF INCREASE

Staff Levels, Court of Petty Sessions, Perth Local, Midland, Armadale, Fremantle

2278. Mr RIEBELING to the Attorney General:

(1) With the increase in charges in Petty Sessions Courts through the metropolitan area over the past two years, when can a similar increase in staffing levels of the courts be expected?

(2) What was the staff level of metropolitan courts of:

(a) Court of Petty Sessions;

(b) Perth Local Court;

(c) Midland Court;

(d) Armadale;

(e) Fremantle;

as at 1 January 1993 including;

(i) contract

(ii) redeployment

(iii) permanent staff?

(3) What was the staff level of metropolitan courts of:

(a) Court of Petty Sessions;

(b) Perth Local Court;

(c) Midland Court;

(d) Armadale;

(e) Fremantle;

as at 1 January 1994 including;

(i) contract

(ii) redeployment

(iii) permanent staff?

Mrs EDWARDES replied:

(1) Workloads in country and metropolitan Magistrates' Courts are measured by taking all types of work carried out in each location into account. The number of Courts of Petty Sessions charges makes up only part of the total workload at each location. Staffing levels are calculated and allocated at each location on an annual basis. Should there be a workload increase at any location during the year, additional resources may be reallocated from the total agreed Magistrates' Court staffing complement.

(2)	Staff levels at 1 January 1993	FTE*	Total
(a)	Court of Petty Sessions Perth		
	Contract	3	
	Redeployment	5	
	Permanent staff	39	47
(b)	Perth Local Court		
	Contract	1	
	Redeployment	2	
	Permanent staff	33	36
(c)	Midland Court		
	Contract	0	
	Redeployment	0	
	Permanent staff	10.5	10.5
(d)	Armadale		
	Contract	0	
	Redeployment	0	
	Permanent staff	7.4	
	Relief	0.3	7.7

	(e)	Fremantle		
		Contract	2	
		Redeployment	0	
		Permanent staff	10	
		Relief	1	13
				114.2

*Full time equivalent

(3)	Staff levels at 1 January 1994		FTE*	Total
	(a)	Court of Petty Sessions Perth		
		Contract	9	
		Redeployment	5	
		Permanent staff	35	49
	(b)	Perth Local Court		
		Contract	6	
		Redeployment	4.6	
		Permanent staff	25.4	36
	(c)	Midland Court		
		Contract	0	
		Redeployment	0	
		Permanent staff	10.5	10.5
	(d)	Armadale		
		Contract	0	
		Redeployment	0	
		Permanent staff	7.4	
		Relief	0.3	7.7
	(e)	Fremantle		
		Contract	2	
		Redeployment	0	
		Permanent staff	9	
		Relief	2	13
				116.2

*Full time equivalent

JUSTICES OF THE PEACE - CHANGES; NEW STRUCTURE

2279. Mr RIEBELING to the Attorney General:

(1) Are any changes to the way justices of the peace operate planned?

(2) Are any justices of the peace to be removed from the Register of Justices due to:

(a) not passing course within time set;

(b) not doing the full duties of the office?

(3) If yes;

(a) when;

(b) how many for 2(a) and (b) above?

(4) Is a new structure to be established for justices of the peace?

(5) If yes;

(a) what is the structure;

(b) when will it be introduced?

Mrs EDWARDES replied:

(1)-(5) I have commissioned a comprehensive review of the operations of justices

of the peace. The review is expected to conclude at the end of April. The question of any changes to the way justices of the peace operate will be considered by the Government in the light of the review's recommendations.

PRISONS - EXPANSION PLANS

2287. Mr BROWN to the Attorney General:

(1) Have any plans been prepared on increasing the number of prison places at existing prisons?

(2) If so, which prisons may be expanded to cope with larger prisons musters?

(3) Will the security rating of any prison be changed as a consequence of the prison taking more prisoners?

(4) If so, what prisons?

(5) How many additional staff will be needed at each prison earmarked for expansion?

Mrs EDWARDES replied:

(1) Yes.

(2)-(5) Currently under consideration in the 1994-95 budgetary process.

POLICE - COMMUNITY POLICING VEHICLES
Police Radios Provision

2292. Mr BROWN to the Minister for Police:

(1) Will community policing vehicles be provided with police radios?

(2) If not, why not?

(3) If so, when?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

(1) No.

(2) Sponsorship requirements are that the vehicles not be used for police operational purposes.

(3) Not applicable.

POLICE - TEENAGERS REPORTED MISSING STATISTICS

2293. Mr BROWN to the Minister for Police:

(1) Since 1 July 1993 how many teenagers between the ages of 13 and 16 have been reported as missing?

(2) Since 1 July 1993 how many teenagers between the ages of 13 and 16 reported as missing have been -

(a) located;

(b) located and returned to the family home;

(c) located and placed in safe accommodation?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

(1) 1 128.

(2) (a) 1 121;

(b) 785;

(c) 336.

BOOT CAMPS - RESEARCH AND COSTING

2298. Mr BROWN to the Attorney General:

(1) Has the idea of establishing "boot camps" been thoroughly researched and costed?

(2) If not, when will that research and costing be carried out?

(3) If so, does some of the research show -

(a) a percentage of offenders placed in "boot camps" serve sentences equal to that which they would have served in prison;

(b) the costs per offender are higher than prison?

Mrs EDWARDES replied:

(1) Preliminary costings and analysis of the research regarding work camps have been undertaken in response to the broad model to be piloted. These will be fine tuned over the coming months when investigation of potential sites is completed and a final location has been selected.

(2) See (1) above.

(3) Research findings vary according to the models which operate.

WORKING GROUPS - RESPONSIBLE TO COUNCIL OF AUSTRALIAN GOVERNMENTS

Numbers in Place to Report to Future Council Meetings

2303. Mrs HALLAHAN to the Premier:

(1) How many working groups responsible to the Council of Australian Governments are currently in place to report to future council meetings?

(2) Will Western Australia have a representative on each of these working groups?

(3) Will Western Australia's representative on each of these working groups attend every meeting?

(4) If not, why not?

Mr COURT replied:

(1) There are 11 working groups.

(2) Yes, apart from the National Electricity Grid WG.

(3) Yes, unless other priorities intervene in some instances.

(4) Not applicable.

POLICE - MANPOWER

Midland, Kalamunda, Forrestfield

2349. Mr HILL to the Minister for Police:

(1) What was the police strength at -

(a) Midland;
(b) Kalamunda;
(c) Forrestfield,

for the calendar years -

(i) 1990;
(ii) 1991;
(iii) 1992;
(iv) 1993;
(v) 1994?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

(1) (a) (i) 54
(ii) 54
(iii) 54
(iv) 54
(v) 54

(b) (i) 14
(ii) 14
(iii) 14
(iv) 14
(v) 14

(c) There is presently no police station in Forrestfield. However, a shop front facility is staffed by two officers from Kalamunda.

QASAR - SERIOUS OR FATAL INJURIES

2354. Mr GRAHAM to the Minister for Police:

(1) Is the Minister aware of any serious or fatal injuries in Western Australia resulting from the game of QASAR?

(2) If so, will the Minister provide details of the injuries/deaths?

Mr WIESE replied:

(1) No.

(2) Not applicable.

POLICE DEPARTMENT - YELLOW STICKERS, NUMBERS ISSUED

2378. Mr CATANIA to the Minister for Police:

How many yellow stickers were issued by the Police Department in the years:

(a) 1990;

(b) 1991;

(c) 1992;

(d) 1993?

Mr WIESE replied:

(a) 1989-90 27 156

(b) 1990-91 34 612

(c) 1991-92 37 344

(d) 1992-93 40 078

POLICE - A CLASS DRIVERS' LICENCES, NUMBERS ISSUED

2379. Mr CATANIA to the Minister for Police:

(1) How many new A class drivers' licences were issued in:

(a) 1990;

(b) 1991;

(c) 1992;

(d) 1993?

(2) How many new A class drivers' licences were issued in:

(a) 1990;
(b) 1991;
(c) 1992;
(d) 1993,

following two or more attempts to pass the driving test?

Mr WIESE replied:

(1) (a) 27 710;
(b) 26 278;
(c) 27 573;
(d) 27 225.

(2) (a) 9 357;
(b) 8 625;
(c) 10 136;
(d) 10 464.

PROPOSED VOCATIONAL EDUCATION AND TRAINING ACT - EFFECT ON SECTION 10 OF COLLEGES ACT

2394. Mr GRAHAM to the Parliamentary Secretary to the Minister for Education:

(1) Will the Government's proposed vocational education and training Act affect the application of section 10 of the Colleges Act?

(2) If so, in what way will that section be affected?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

(1)-(2) Concurrent with the passage of the proposed vocational education and training Act, the Colleges Act 1978 will be repealed. Provisions similar to section 10 of the Colleges Act will be made, which reflect the intent of that section.

HAMERSLEY IRON PTY LTD - MARANDOO PROJECT
Approvals, Date

2397. Mr GRAHAM to the Minister for Aboriginal Affairs:

On what date did Hamersley Iron Pty Ltd receive its approvals for the Marandoo project?

Mr PRINCE replied:

Dr Watson, the former Minister for Aboriginal Affairs, informed Hamersley Iron Pty Ltd that she granted conditional consent under section 18 of the Aboriginal Heritage Act 1972 in a letter dated 3 February 1992. It should be noted, however, that the area of land was excised from the provisions of the Aboriginal Heritage Act 1972 by the passing of the Aboriginal Heritage (Marandoo) Act.

PORT HEDLAND REGIONAL MUSIC CENTRE - GOVERNMENT FUNDING

2400. Mr GRAHAM to the Parliamentary Secretary to the Minister for Education:

(1) Is Government financial support for the Port Hedland Regional Music Centre to continue?

(2) If not, why not?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

(1)-(2) Government funding for vocational education and training in Western Australia is now subject to the strategic directions and plans contained in a State training profile. The profile is developed and recommended for ministerial approval by a peak industry-based State training board. While it is recognised that colleges in regional and remote areas have an important educational and social development role in their communities, the music centre's continued funding, other than through fee-for-service arrangements or local sponsorship or patronage, would be dependent upon an assessment of its relative priority in the context of the State training profile.

HOMESWEST - APPEALS TRIBUNAL
Appeals Lodged, Heard, Resolved

2429. Dr WATSON to the Minister for Housing:

Following the appointment of the Appeals Tribunal members -

(a) how many Homeswest tenants have lodged an appeal;

(b) how many have been heard;

(c) of those how many have been resolved in favour of the tenant;

(d) how many have been resolved in favour of Homeswest?

Mr PRINCE replied:

(a) As at 31 March 1994, 23 appeals have been made to the Public Housing Review Panel.

(b) 18.

(c) Six.

(d) 12.

QUESTIONS WITHOUT NOTICE

PEMBERTON SEWERAGE SCHEME - DOCUMENTS TABLING

627. Mr RIPPER to the Minister for Water Resources:

I refer to the Minister's undertaking to the House last week that he would table all documents relating to the Pemberton sewerage scheme and his claim yesterday, at least three times, that to his knowledge he had provided all the documents. I ask -

(1) Can the Minister explain why the Water Authority advised the Opposition late yesterday that there were indeed several other documents which should have been made available, contrary to the Minister's earlier statements?

(2) Was the Minister misinformed by the Water Authority and, if so, what action has he taken?

(3) Does the Minister intend to apologise to the House for his misleading statements yesterday, whether they were the result of his ignorance or outright deceit?

Mr OMODEI replied:

(1)-(3)

I begin with the third question. I make no apology to the House. On Thursday last I instructed the managing director of the Water Authority to

provide all papers relating to the national Landcare plan, which I tabled in this House. As the member knows full well, I stated to him yesterday that he could have access to the papers delivered to the Water Authority yesterday, and I understand the member and one of his offsiders had access to those papers today.

The answer to the first question relating to the Water Authority is that to my knowledge all the papers that were requested last Thursday have been tabled. The Water Authority has not misinformed me. The papers tabled were mainly in relation to the national Landcare plan moneys. Since then all papers available have been tabled or made available to the member for Belmont by the Water Authority on my instructions to the managing director. The Opposition is trying to discredit me and is accusing me of pork-barrelling in my electorate. The people of Manjimup, Pemberton and Dardanup Shires will be talking to the member soon about his attitude to sewerage in country areas.

Mr Ripper: Can the Minister table that letter?

Mr OMODEI: Every time the member makes an utterance about me providing for infill sewerage in the Pemberton area, my vote goes up and the people's regard for the Opposition diminishes by the day.

SCHOOLS - MUNDARING PRIMARY
Generator Provision for Power Failuress

628. Mrs van de KLASHORST to the Minister representing the Minister for Education:

During the recent power failure the children of Mundaring Primary School spent the whole day without water and had no toilet facilities. This occurs each time a power failure happens. Will the Minister please urgently supply a generator capable of running small water pumps to the school immediately?

Mr TUBBY replied:

The Minister has provided the following response -

The Building Management Authority has been instructed to provide a manually operated bypass around the pressure pumps and storage tanks at Mundaring Primary School. In the event of a future power loss, the continued operation of the system will be maintained by activating a hand-operated valve. This will ensure that water will be available for toilet use and drinking purposes during any future power failure. The provision of a generator is not considered to be the most suitable option in this instance.

PEMBERTON SEWERAGE SCHEME - DOCUMENTS TABLING

629. Mr RIPPER to the Minister for Water Resources:

I refer to the Minister's claims yesterday that he had provided the House with all documents on the Pemberton sewerage scheme. Given that the Minister's own department has demonstrated these claims to be without foundation, and that I have perused what appear to be the relevant papers, when will the Minister table the rest of the documents for the information of the Parliament and the public?

Mr OMODEI replied:

The member for Belmont has a low retention rate. I have mentioned the tabling of papers in this House on at least three occasions. The member knows that it would not have been possible for the operational files in the south west regional office of the Western Australia Water Authority to be tabled in this Parliament last Thursday.

Mr Ripper: You told the Parliament that to the best of your knowledge you had tabled those papers.

Mr OMODEI: The papers in relation to policy were tabled on my request to the Water Authority.

Mr Ripper: You misled the House.

Mr OMODEI: I did not mislead the House. I asked the managing director of the Water Authority to provide the tabled papers.

Several members interjected.

Mr OMODEI: I will talk about the question of sewerage later today. The Pemberton sewerage project is proceeding. The operational files are required in the south west for that project to be undertaken. I expect that the project will proceed as normal.

Mr Court: The people of Pemberton will have a sewerage system?

Mr OMODEI: That is right.

Mr Court: That will be better than most of the electorate of the member opposite.

Mr OMODEI: Pemberton will have a sewerage system for the first time, which is a lot more than occurred under the previous Administration. The operational files have now been made available to members opposite and I understand that they have taken the opportunity to peruse those papers. That was made possible only by my direction to the Water Authority to move those papers from Bunbury to Perth. This issue has changed a little. It has gone from the Opposition suggesting that I was pork-barrelling my electorate, that I was corrupt, and a range of other things, to the question of whether all of the papers were tabled. We must return to the nub of the question; that is, whether a sewerage system is being provided for country areas in this State, and at what cost.

SEWERAGE - INFILL PROGRAM, COUNTRY PEOPLE'S CONTRIBUTION, OPPOSITION'S POLICY

630. Dr HAMES to the Minister for Water Resources:

Does the Minister support the Opposition's apparent belief that country people should contribute to sewerage works when metropolitan customers do not?

Mr OMODEI replied:

I take up from where I left off when answering the previous question; that is, the nub of the question. The Opposition believes country people should have to pay at least 30 per cent if they are to be involved in any infill sewerage program. The House knows, as a result of questions that were asked of me in the past couple of days, that I have scrapped the rural sewerage strategy and that country people are no longer required to contribute to an infill program. That brings them into line with what happens in the metropolitan area. If the national Landcare program funds need to be matched by a one-third contribution, the Water Authority can match those funds. However, I do not think it is fair or just for country people in Western Australia to be forced to pay the 30 per cent. What is the Opposition's policy on the provision of infill sewerage in this State? Does the Opposition want to force people in areas such as Denmark and Mandurah to continue to contribute 30 per cent? That is the nub of the question.

Dr Gallop: Was that a Cabinet decision?

The SPEAKER: Order! The member for Victoria Park has already asked that question four times.

Mr OMODEI: The expenditure on sewerage in the past three years was $15m in the metropolitan area and $3m in the country in 1991-92, and $10m in the metropolitan area and $9m in the country in 1992-93. It is estimated that in 1993-94 an amount of $11.4m will be spent in the metropolitan area, and $4m will be spent in the country. The Government knows the Opposition believes if country people want an infill sewerage program they should contribute at least 30 per cent of the total cost. Is is Labor Party policy that any future sewerage program in the metropolitan area will require a contribution of 30 per cent by the local community? I ask the member for Belmont, the shadow Minister for Water Resources, to give me a quick yes or no answer.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: During those three years an additional $12m was provided by the Federal Government and it was spent in the areas known as Balcatta 2R, Willetton 7G and Belmont 9A. The latter area is in the member for Belmont's electorate. In addition to that an amount of $1.338m was spent in his electorate in 1992-93 and $3.56m has been allocated for the 1993-94 financial year. A total of $4.894m out of the $12 is being spent in the member for Belmont's electorate. I do not hear him suggesting that the Belmont City Council should make a contribution of 30 per cent towards the $4.8m! However, he has the temerity to come into this place and suggest that country people should contribute 30 per cent of the cost of their infill sewerage programs when that is not the practice in the city. If he wants to talk about pork-barrelling, 40 per cent of the Federal funds was spent in his electorate. If that is not pork-barrelling, I will walk east.

Several members interjected.

The SPEAKER: Order! There are far too many interjections and I ask the Minister to bring his answer to a conclusion.

Mr OMODEI: A further $500 000 has been spent in Redcliffe 2B, 2Q and 4A, also in the member for Belmont's electorate. As I said yesterday, if ever there was a case of the opposite being reality, this is one of those cases. The member for Belmont stands condemned for perpetrating untruths in this Parliament.

PEMBERTON SEWERAGE SCHEME - MANJIMUP SHIRE COUNCIL'S CONTRIBUTION, CHANGES DECISION

631. Mr RIPPER to the Minister for Water Resources:

I am delighted to give the Minister another chance and I refer to his Pemberton pork-barrelling exercise. Does he accept responsibility for the fact that his decision to waive the contribution by the Manjimup Shire Council to the Pemberton sewerage scheme now means that the State Health Department must make a contribution so that the Pemberton District Hospital can be sewered as it would have been under the original proposal?

Mr Court: He already said that 40 per cent of the funds went into your electorate. What happened to the other electorates?

Mr OMODEI replied:

The Leader of the Opposition should take the shadow Minister for Water Resources in hand because he is slow on the uptake. It appears that the Opposition has one law for the metropolitan area, including the member for Belmont's electorate, and another for the rest of the State. Why should country Western Australians be forced to contribute 30 per cent of the cost of their infill sewerage programs when the people in the metropolitan area

do not? Had this State not received a national Landcare grant the sewerage program would still have proceeded in Pemberton, including the extension to connect the hospital which was part of the original proposal, as it will in Dardanup. The Manjimup Shire Council is not getting a grant. Under the previous Government's rural sewerage program, it and the Dardanup Shire Council would have been forced to raise a loan.

Mrs Hallahan: Exactly, and it will affect your rates.

Mr OMODEI: It is drawing a very long bow to say it will affect my rates. I am pleased that I have scrapped the rural sewerage strategy, because doing so brings equity to the situation.

Dr Gallop: Was it a Cabinet decision?

Mr OMODEI: No, I made the decision to direct the Water Authority to scrap the rural sewerage strategy. It meant Manjimup did not need to raise the $300 000 loan. Why should it anyway, when the rest of Western Australia does not have to contribute 30 per cent to such sewerage programs?

SENATE - WEAKENING OF POWERS AND WESTERN AUSTRALIAN REPRESENTATION

632. Mr BOARD to the Premier:

Is the Premier aware of recent comments by members of the Federal Government attacking the role and powers of the Senate and designed to weaken Western Australian representation?

Mr COURT replied:

In recent weeks a deliberate campaign has been waged by the Federal Labor Party to weaken the position of the Senate in our Federal system of Parliament. A number of comments have been made by senior people, including the Prime Minister, and Senators Robert Ray and Gareth Evans, to reduce the representation from States such as Western Australia. They have also spoken about reducing the powers of the Senate, including its ability to block Supply.

Mr D.L. Smith: The proposal is to change the method of election.

Mr COURT: The Prime Minister is keen to change the representation, and that would work against the interests of this State. It is interesting to note the silence from members opposite while the Federal Government has been running this campaign to weaken the powers of the Senate, to the detriment of Western Australia.

Several members interjected.

The SPEAKER: Order!

Mr COURT: Do members opposite support moves for the political representation from this State to be weakened in the Senate?

Mrs Hallahan: We would like a fair system in this State. Get on with your answer.

Mr COURT: There is no answer from members opposite because they are quite prepared to allow Keating and his people to run this campaign. It will be a litmus test for the loyalty of members opposite and their commitment to this State. All Labor senators from this State should clearly indicate whether they support the moves being promoted by their colleagues, which will work against the interests of Western Australia. Perhaps the Leader of the Opposition will indicate whether he agrees with those moves.

Mr Taylor: You have twisted it all around, of course, which is the usual way you do these things.

Mr COURT: There is no answer and the sooner those senators speak out, the better. This Government would abrogate its responsibility if it remained silent while the Labor Party in Canberra is prepared to weaken the Senate system against the interests of this State.

PEMBERTON SEWERAGE SCHEME - MINISTER FOR PRIMARY INDUSTRY'S ROLE

633. Mr GRILL to the Minister for Primary Industry:

I refer to the Minister for Water Resources' pork-barrelling exercise in relation to the Pemberton sewerage scheme. As the Minister responsible for the State assessment panel which makes recommendations on Landcare grant applications -

(1) What was the role of the Minister for Primary Industry in the Pemberton sewerage scheme?

(2) Will the Minister table all documents in his or his department's possession in relation to the Pemberton sewerage scheme?

Mr Marlborough: All that meat and no potatoes!

Mr HOUSE replied:

(1)-(2)

I am very disappointed I did not get a question about the meat industry. I have been wanting to say really nice things about *The West Australian* and its terrible reporting. I thought I was about to be given that opportunity.

Mr Grill: We will give you another go.

Mr HOUSE: Thank you. I do not believe that I played any role in this decision. However, I will ask my office to investigate the situation. I will make the details available to the member.

Mr Grill: And the documentation?

Mr HOUSE: Yes. I will be happy to do that. Landcare falls within my responsibility.

Mr Taylor: He took your money!

Mr HOUSE: No, he did not. I am happy to make the details available.

GOVERNMENT BOARDS AND COMMITTEES - QUESTIONS ASKED BY MEMBER FOR PILBARA

634. Mr OSBORNE to the Minister for Labour Relations:

The member for Pilbara has been seeking information about a wide range of Government boards and committees. Can the Minister inform the House as to the current status of some of those bodies?

Mr KIERATH replied:

I can understand the member for Pilbara's unease about this question. The member has been running a campaign about regional representation on Government boards and committees. He has almost swamped the Notice Paper with his questions; he has had almost exclusive use of questions on the Notice Paper. He should realise what he is doing. A number of staff in my departments have been snowed under doing all this research for him. Members should see some of the questions asked by the member for Pilbara. I can understand his enthusiasm; he is so involved in his own electorate that he forgot the events in this Parliament last year. He asked who was on the workers' compensation board and when were they appointed. He sat here throughout the debate and was a major participant when the workers' compensation board was abolished. I can forgive him forgetting that fact, because he is so enthusiastic. But he went on to ask

questions about the State engineering works which was abolished in 1988 by his Government, and about the tripartite labour consultative council which fell off the Notice Paper in 1991 because his Government did not proceed with the legislation. The State supply policy council was abolished in 1991 also. He went on to ask another question that I admit was enlightening for me. He asked about a Government body that runs hotels. I was not aware that the State Government had been involved in and owned State hotels. The Government has been out of hotels for 20-odd years, but thanks to the member, we are all aware now that a State body did exist once which ran State hotels.

My plea to the member is that if he wants to use questions on notice as a method of research, he should be selective. He should not fall into the trap - as members opposite used to do when in Government - of saying that he cannot recall. The member should remember events in this Parliament and he should try to ask questions about bodies that exist, not those that have been abolished for some time.

PEMBERTON SEWERAGE SCHEME - MANJIMUP SHIRE COUNCIL'S CONTRIBUTION, CHANGES DECISION

635. Mr GRILL to the Minister for Primary Industry:

There is some meat in this one! Pork! Pork-barrelling, that is!

With reference to the Minister for Water Resources' pork-barrelling exercise in his electorate -

(1) As the Minister responsible for the State assessment panel on Landcare grant applications, was the Minister aware that the Manjimup Shire Council was excused from its one-third contribution to the cost of the Pemberton sewerage project?

(2) Did the Minister support this action?

(3) Did the Minister advise his Federal counterpart of the change in funding arrangements? If not, why not?

The SPEAKER: Before the Minister replies, the use of the word "pork-barrelling" in some circumstances can be regarded as appropriate and humorous. Obviously members on both sides have regarded it in that way today, but if in future people directly accuse a Minister or any other person of pork-barrelling, I will rule the term out of order.

Several members interjected.

The SPEAKER: Order!

Point of Order

Mr M. BARNETT: So that I can understand the justification for that ruling, rather than canvass it, do you, Mr Speaker, believe that pork-barrelling is improper?

The SPEAKER: As I said, it depends upon how the term is used. I thought I made that clear to everybody in the Chamber. If members use the term pork-barrelling in the extreme, it means that someone is involved in corrupt practices which improperly advantage an electorate. If the term is used in that extreme form, I will rule it out of order. If it is used in other ways, I will not rule in that way.

Questions without Notice Resumed

Mr HOUSE replied:

(1)-(3)

The Minister for Water Resources has given a fairly detailed explanation of this matter to the House, including his contribution in last Wednesday's

debate in private members' time. I have indicated to the member asking the question that I will provide him with all the documentation I have.

Mr Court: Give him some photographs of the raw sewage flowing down the streets in Pemberton. This will explain why we are fixing the problem.

Several members interjected.

The SPEAKER: Order!

Mr Grill: Let him have a go.

Mr HOUSE: I thank the member. As the member was formerly a Minister in the portfolio I hold, he would know that a large number of these applications are processed. If I were to try to recall the detail of all those applications, I might make an error. I am not prepared to take that risk. However, I have said that I will provide all the documentation that is necessary on this issue, and I shall.

ROADS - GREENMOUNT HILL
Federal $3m Grant

636. Mrs van de KLASHORST to the Minister for Planning representing the Minister for Transport:

Some notice of this question has been given.

(1) Is the $3m grant to build arrester beds on Greenmount Hill promised by the Federal Minister for Transport a special allocation, or will this amount be deducted from the Western Australian national highways funding?

(2) When will this work commence on Greenmount Hill to make it safe?

Mr LEWIS replied:

(1)-(2)

I thank the member for some notice of the question. In collaboration with the Minister for Transport, I have been advised in the following terms: Federal Minister Brereton has certainly not been specific on whether the $3m promised will be a specific additional grant to normal road funding coming to Western Australia, or will be included as part of the State allocation. He is playing politics.

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: It should be well understood, certainly by members of the Opposition, as I touched on this point last week, that the Federal Government should be absolutely condemned for the way in which it has handled its road funding responsibilities in Australia, particularly in Western Australia. I would like to hear some loudmouthed members of the Opposition support the Federal Government for its inequitable treatment of this State in relation to road funding. For the benefit of the member for Thornlie, the Federal Government collected $9.8b in fuel excise in this country, yet it returns only $1.5b to roads Australia-wide.

Several members interjected.

The SPEAKER: Order!

Mr LEWIS: From almost $10b raised in taxes from the public of Australia, the Federal Government returns a lousy $1.5b to roads! To make matters worse, it treats Western Australia in an absolutely diabolical manner. Western Australia has 4 638km, or 25 per cent, of the national road grid within its borders. Only $55m from that $1.98b is returned to Western

Australia - in other words, only seven per cent is allocated to Western Australia's national highways. The Federal Government collects over 10 per cent of its road revenue from Western Australia which has 25 per cent of the total necessary work.

Mr Court: We used to get up to 18 per cent.

Mr LEWIS: Yes, we are getting done in the eye as a State. It is about time the Opposition told its Federal colleagues just how badly the State of Western Australia is being treated. I will advise what the Western Australian Government is doing in regard to roads.

Mr Riebeling: You are whingeing.

Mr LEWIS: I am not whingeing at all. In 1993-94 the State Government increased the State's contribution to WA roads by $34.7m. The Main Roads Department has calculated that Western Australia needs $94m a year just to maintain its existing national road system. Western Australia needs $94m a year for 10 years, and the Federal Government is returning a lousy $50m for that work. That is a shortfall of $44m. Are members opposite telling the Federal Government that we are getting a raw deal? Is the Leader of the Opposition doing that?

Mr Taylor: The Government raises $1.35m a year from Western Australian motorists, and that goes straight into consolidated revenue.

Mr LEWIS: That goes into a dedicated fund. The Leader of the Opposition should know that. The Leader of the Opposition does not know what he is talking about. It is a Statute, you fool!

Withdrawal of Remark

The SPEAKER: Order! I ask the Minister to withdraw those remarks.

Mr LEWIS: I withdraw, but one does get angry with the ignorance that comes from the Opposition.

Questions without Notice Resumed

The SPEAKER: I ask the Minister to begin to draw his answer to a conclusion.

Mr LEWIS: The Federal Minister is playing funny things with the Western Australian Government with $3m. The arrester beds are currently being designed, and the first two will be installed by Christmas 1994. I will put a caveat on that as testing is required as to their efficiency. Subject to that testing being done before the construction is completed, we like to think they will be in place by Christmas 1994.