



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Wednesday, 21 October 1998

Legislative Council

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

NAVAL BASE, PORT

Petition

Hon Jim Scott presented a petition, by delivery to the Clerk, from one person praying that the Legislative Council oppose any moves to establish a new port at Naval Base.

[See paper No 286.]

COCKBURN ROAD REALIGNMENT

Petition

Hon Jim Scott presented a petition, by delivery to the Clerk, from one person praying that the Legislative Council oppose the proposed realignment of Cockburn Road.

[See paper No 287.]

CLAREMONT CRESCENT-SHENTON ROAD RESERVE

Petition

Hon Jim Scott presented a petition, by delivery to the Clerk, from one person praying that the Legislative Council support the removal of the Claremont Crescent and Shenton Road reserve in entirety.

[See paper No 288.]

SPEED LIMIT TRIAL

Amendment to Motion

Resumed from 15 October on the following motion -

That -

- (1) This House supports a trial to increase the speed limit to a maximum of 130 kilometres per hour on specific roads in remote areas of the State of Western Australia.
- (2) The trial should be conducted over a 12-month period, be fully monitored by the Road Safety Council of Western Australia, and appropriate data to be compiled both prior to and during the trial.

to which the following amendment was moved -

- (1) In part (1) of the motion, delete "130" and insert "120".
- (2) Delete in paragraph (2) the words "and appropriate data to be compiled both prior to and during the trial." and substitute -

subject to the following conditions -

- (i) the trial be carried out only on roads designated for the trial following consultation with Main Roads, the Road Safety Council, local government authorities, and other appropriate bodies;
- (ii) the trial be carried out only during daylight hours;
- (iii) the trial be limited to cars, including four wheel drives and utilities, and motorcycles, but does not include trucks or semi-trailers, omnibuses as defined in the Road Traffic Act, or any vehicle towing a trailer or caravan;
- (iv) probationary drivers are not to be included in this trial;
- (v) the trial to be fully monitored by Main Roads, and appropriate data to be compiled both prior to and during the trial, and this information to be supplied to the Road Safety Council; and
- (vi) the trial be implemented as a trial conducted over a 12-month period to increase the speed limit to 120 kmh in line with the limitations placed by this motion.

HON B.K. DONALDSON (Agricultural) [4.04 pm]: Before the debate was adjourned last week, I was supporting Hon Kim Chance's amendment. It is a good compromise and is achievable because it does not ask for a speed limit of 130 kmh which we all understand would really mean a speed limit of 135 kmh. I, like many members in this Chamber who travel many miles of country roads, have seen a great improvement on many of our roads over the past few years. I was travelling between Quairading and Bruce Rock a while back and the only car I saw was a police car coming the other way. The driver put on the lights, turned around and stopped me. I was not speeding. He was doing a licence check.

Hon N.D. Griffiths: He must have recognised you.

Hon B.K. DONALDSON: No. We had a good discussion on a number of issues because he lives in Bruce Rock. He said to me, "You are the first car I have seen. I am out on patrol." That is a good road. Anyone who has travelled along that road will know it is a very good road. There are a couple of areas where drivers must slow down, naturally.

Hon N.D. Griffiths: Mainly when you see a police car.

Hon B.K. DONALDSON: No. My car was on cruise control of about 112 kmh which is acceptable in today's standards. It was interesting because the officer said that my car was the first car he had seen. I suppose he wanted to get numbers up for contacts; that is their usual criteria. I said, "Yes, it was quite a pleasant surprise. You really shocked me when you put on your lights to pull me over. I could not understand it. I looked at the speedo." He said, "No, I am just doing a licence check, sir, to pass the time of day."

Hon Kim Chance: He was bored.

Hon B.K. DONALDSON: I would not show my disrespect to a policeman. He did not indicate whether or not he was bored. It was interesting because it is a good road and normally I could have been travelling safely at 120 kmh without any problems at all. It is being able to drive to the conditions. It brought me back to a situation in Perth two or three years ago when we had a complete blackout. Members will recall the morning when there were no lights. The weather was not the best that morning. A huge traffic jam and snarl was expected; however, the traffic flowed better than it ever had. People were more courteous and responsive to one another, realising that other people were on the roads besides themselves. The police manned only a couple of intersections, those which were more congested than others. It goes to show that possibly the traffic light synchronisation is poor, but it was incredible the way the traffic cleared that morning. The police made a statement that when people are more courteous to one another and adopt a better attitude to driving, fewer accidents occur. There were fewer accidents during that peak hour than on a normal day.

Road safety does not relate only to what is contained in legislation, but also drivers must be educated to substantially change their attitudes. We all tend to be a little aggressive. We probably tend to let our emotions or other events in our lives - for example, possibly we are in a hurry - take over and when driving we do not take as much care as we should. It is not the speed limit that is necessarily the inherent factor in the cause of our road trauma. It is important to recognise that.

It was interesting also to look at the statistics to which Hon Murray Nixon referred. Two years ago the road statistics showed an increase. I cannot remember the exact figure, so I will not cite it. The statistics indicate that in that year there was an increase in the number of fatalities of pedestrians, motor cyclists or cyclists. We recognise that one fatality is too many. In a number of cases the fatalities were possibly the result of carelessness or pedestrians taking risks that they should not have taken, although I am not aware of individual cases.

We desperately need every motorcycle to be driven with its lights on. Many motorcyclists who do not turn their lights on during the day have a bad habit of slipping between the traffic. It is difficult to see them when they are coming up on one's left; they cannot be seen in that blind spot in one's mirror. I would have no hesitation in supporting the mandatory use of headlights on motorcycles. I always appreciate the courtesy of those motorcyclists who do turn on their lights. Many drivers travel on country roads with their lights on. However, I believe that turning one's lights on full beam defeats the purpose. In places like Sweden the parking lights of cars built after a certain date automatically turn on when the key is inserted in the ignition.

Hon Peter Foss: They have what is called driving lights.

Hon Murray Montgomery: It is interesting that some car firms produce lights that have 80 per cent illuminating power and they are turned on automatically and cannot be turned off while the key is in the ignition.

Hon B.K. DONALDSON: That is a positive move. I do not like full lights being directed at me during the day. Some cars are difficult to see against the backdrop of the road surface or vegetation and some colours like bronze are difficult to see at certain times of the day. I prefer white cars for that reason, although even they can be absorbed into the background. I would not suggest that everybody should drive the same colour car, but motor vehicles, and certainly motorcycles, should have illumination of some sort during the day.

I have also noticed the yellow strips which are located on the approach to curves on some country roads - for example, on Great Eastern Highway and Great Northern Highway. Hon Eric Charlton made sure those yellow strips were installed. They

are an excellent idea because they stand out at night. A driver knows that a bend is coming and he or she should take more care. Greater use of those yellow strips on bends on roads would not go astray.

The use of the yellow, indicative speed limit signs is also very important. Before the trial commences, any bend which is not suitable for a speed of 120 kmh should be signed with an indicative speed limit sign. There would be very few bends on the roads in the north west where that would be necessary. However, where there are bends or blind corners, we should use those yellow markers.

I spoke to Hon Eric Charlton and to Hon Murray Criddle about the success of amber flashing lights on some major roads such as the Tonkin and Roe Highways. I saw them in use some years ago while I was overseas. I cannot remember whether the green light flashed, or the amber light flashed with the green light. However, the technology is available to forewarn people about the imminent change in those lights.

Whether the use of red light cameras is good or bad, it is policy, so I will not argue about it. However, red light cameras cause confusion. Nobody wants to get caught by a red light camera, but sometimes a light can change quickly after a certain amount of traffic has flowed through and one can see people hesitate. I asked Hon Eric Charlton whether road crashes increase at intersections when red light cameras are installed, and he said yes. I do not know the statistics upon which he based his answer, but that was his comment on that day. I will take up this issue further with Hon Murray Criddle, and the possibility of monitoring certain intersections in the metropolitan area to judge the benefit of installing red light cameras, and of monitoring some of the worst intersections where crashes occur. The warning lights at other intersections have meant a better flow of traffic, and people are warned before the light changes so they know whether they can make the light or must slow up.

Hon Peter Foss: If they can see the amber light they know they will not make it; they must stop.

Hon B.K. DONALDSON: Yes, drivers can ease back off the accelerator rather than charge forward. The technology is available and the Main Roads officers to whom I spoke thought it was an excellent idea. Seven or eight years ago when I was in local government I was fobbed off by Main Roads with the excuse that the cost did not warrant them. However, as traffic flows increase I am sure we should be considering at least a pilot project to evaluate flashing traffic lights. It is possible, and I encourage the Minister for Transport to consider a pilot project. I will get in touch with him on this matter.

Although the speed limit on a number of dual carriageways has been lifted from 70 kmh to 80 kmh we need a comprehensive study to examine whether we should increase the speed on single carriageways from 70 kmh to 80 or 90 kmh. The speed on many dual carriageways is still 70 kmh, despite there being no incoming traffic or residences fronting the road. I do not know the reason. I had hoped to receive a copy of that report. The minister should be encouraged to consider the overall picture of speed limits not only in the metropolitan area but also in country areas.

I support the amendment moved by Hon Kim Chance. It was arrived at through consultation, and it meets people's requirements. We should not adjust the law to accommodate the speeds motorists travel. However, anybody who travels in the north west and on some of our more remote roads - many of which are good quality roads - will realise that 120 kmh is not an unreasonable speed, and we should have a trial. From some comments that have been made it seems the general public has shied away from 130 kmh. However, I hope that as a result of the process in this House the Government will carefully consider a 12-month trial at 120 kmh to monitor and assess the ramifications - for example, accidents that may occur. The indication is that drivers and the public generally support this trial.

At times our attitude while driving on our roads is at fault. We may be a bit cavalier or aggressive at times; however, I do not think road trauma in Western Australia will decrease merely by imposing on people a set standard to which they should drive, because at the end of the day statistics are very rubbery. Hon Kim Chance may remember trying to get statistics on the number of fatalities in country areas attributable to metropolitan drivers. Those figures were not available six or seven years ago. There is no conclusive data. Hit and miss decisions are made on the causes of accidents. Fatigue has become one of the great burdens of country driving. One becomes very complacent. The use of a speed -

The PRESIDENT: Detector?

Hon B.K. DONALDSON: No, a cruise control. The use of a cruise control can be very dangerous. I am sorry, Mr President, you were close! I am wary of cruise controls in certain conditions, especially after lunch or on a long drive. I think Hon Murray Criddle said - and it has been mentioned in the House - that one concentrates more at a speed of 120 kmh than at 110 kmh on cruise control. I know I am more attentive to what I am doing.

Hon J.A. Cowdell: I would not have thought that you were a cruise control man.

Hon B.K. DONALDSON: I am in certain instances. I do not use cruise control at night on a road that I do not know because I like to keep control of the car on corners and bends. One does not have the feel of the car unless one has one's foot on the accelerator. Hon Peter Foss was going to tell us about Citroëns that he no doubt dragged around corners. I hope he does not spill too many beans about the speed at which he used to travel. I support the amendment and the principle of

the original motion of Hon Greg Smith. If the motion is accepted with the amendment, the trial will have a greater chance of success. I believe there would be a public outcry if we tried to introduce a speed limit of 130 kmh.

HON PETER FOSS (East Metropolitan - Attorney General) [4.22 pm]: I support both the original motion and the amendment. I would like to pick up a couple of points raised by Hon Bruce Donaldson. He mentioned motorcycles keeping their lights on. The question of the safety of motorcycles with their lights on is important, not only during the day but also at night. I remember being involved in a coronial inquest many years ago on the death of a motorcycle rider. During the course of the evidence it became clear that a motorcyclist was driving along an unlit road with his lights on but obscuring one light of a following vehicle. A person who was at a side road saw what he thought was a car coming towards him with uneven headlights. What he was actually seeing was one headlight of the car in the distance and the light of the motorcycle. He, therefore, thought that the car was a considerable distance away, which it was; unfortunately, the motorcycle was not. As he drove out into the road, he clipped the motorcycle. I think we all know what happens to a motorcycle that gets clipped by a car. There is a very small chance that the motorcyclist will survive. Since that time, I have believed that motorcycles should have a different lighting system from other vehicles. It would be preferable if they had two lights. A number of them have two lights and that would probably be sufficient. Possibly their lights should be one above the other and maybe one should be a different colour. I do not like to mention the French again, but they drive with yellow coloured lights. It may be that something which distinguishes motorcycles at night from other vehicles is important because we use a lot of visual cues to determine how far away another vehicle is. It was an eye-opener to me on how easy it was to mistake the distance of a car. One of the things that is so dangerous about driving with one light on at night is the inability of people to judge how far away a car is.

At this stage I should tell a joke on the question of lights. I think it is apocryphal, but it may not be. A bloke was heading up the Princes Highway in New South Wales in a car carrier. He was driving along and the lights on his truck went out. He got out of the truck and turned on the headlights of the car on the top part of the car carrier. As he was driving along he saw a car suddenly coming in the opposite direction which swerved from one side of the road to the other and back again and then drove straight off. He stopped to inquire from this person what happened. He said, "I saw your car coming up. I thought if it is that high, how bloody wide is it?" However, we do have visual cues and I believe that lights at night need to be able to convey those cues, and motorcycles are particularly vulnerable in that area.

The other thing mentioned by Hon Bruce Donaldson was yellow advisory signs. As a driver of cars for many years, I wondered why the authorities bothered to erect them because I used to go around corners and there never seemed to me to be the slightest need to slow down to the speed indicated by the advisory signs. That continued to be the case until I bought an 11 metre long, 11 tonne bus. When one is driving an 11 metre long, 11 tonne bus, one suddenly realises what those signs are for because it is necessary to slow down to the speeds indicated on those yellow signs if one is driving something as big as that. Obviously, there are even bigger vehicles than that and those advisory signs are very important for the type of vehicle that is being driven. Therefore, advisory signs are useful and the use of them may be capable of being taken further than it is currently. Advisory signs are vital.

That brings me to the next point; that is, it is important to consider the vehicle being driven. The point was made by Hon Kim Chance that the situation on our roads is very different from the situation of 10 or 20 years ago. The quality of cars, their safety and certainly their internal safety is far greater than it was. I certainly agree on the internal safety question. However, on-road safety is a fascinating point. I am grateful to Hon Murray Nixon, who mentioned that he had some information on the Citroën. He kindly lent me his book on the Citroën. It is sometimes called the DS and sometimes Deesse which, of course, is French for goddess. It was known as the Citroën Goddess. This car is remarkable. I will read some passages about the vehicle. Hon Kim Chance said that in the past 10 or 20 years these improvements have taken place. The passage reads -

When it first appeared almost forty years ago -

It is now more than 40 years ago. It continues -

- on Thursday 6th October 1955, at the Paris Motor Show, the Citroën DS19 caused an absolute sensation. Launched well before the arrival of the Sputnik and the Space Lab, this futuristic vehicle turned Science Fiction into Science Fact!

Hailed as a masterpiece of automotive engineering and aesthetics, the DS was a car so original in concept that the motoring world shook with the impact of its radical appearance and revolutionary construction. Never before in the history of the automobile had a mass-produced, mass-marketed car achieved so great an improvement in safety, comfort and performance in one single step. Never again would a car manufacturer have the courage, audacity and technical resources to carry progress so far forward by offering so many advanced and original ideas in one single package.

The list of new ideas and innovations on board was extraordinary. Fully independent rising-rate suspension by gas springs, unaffected by changes in the loading of the car and interconnected by hydraulic fluid to give the security

of a constant ride-height and attitude adjustment on the move - a revolutionary new technology which, as a bonus, provided a superbly comfortable ride. Front-wheel-drive transmission incorporating leading arm, double wishbone suspension and centre-point steering geometry, to allow unerring control and stability when moving at high speed over poor road surfaces. Michelin X radial tyres giving unprecedented standards of road holding. Inboard disc brakes operated by high-pressure hydraulic power, with split circuits fore and aft allowing automatic distribution of braking force according to the load carried on the vehicle and, thus, a standard of safety unknown elsewhere at that time.

On the DS19, gear shifting and clutch actuation were achieved by hydraulic servos, aircraft style, in accordance with the vehicle's travelling speed. Similarly, its rack and pinion steering was operated by high-pressure hydraulic power. And, as if that were not enough, this remarkable mechanical conception was wrapped in a futuristic, streamlined body of extremely high aerodynamic efficiency, and featuring detachable panels for easier repair and maintenance.

One could do many things with a Citroën. To change the tyres on the car, all one had to do was set it to tyre-changing height, have the engine on, and it instantly took all the slack out of the suspension. One would then put the jack underneath and do a couple of moves, and it lifted the tyre completely off the road. Therefore, the normal procedure of pumping away at the jack for half an hour and finding that the wheel would not come off the road was a thing of the past for Citroën owners. The other thing about the Citroën was its immense stability. At page 46, this is mentioned -

On 22nd August 1962, the Citroën Deesse once again made headline news around the world. While travelling in a DS19 from the Elysee Palace to the Villacoublay military airfield, the President of France, General Charles de Gaulle, was ambushed by the terrorists (OAS) at Petit Clamart on the southern outskirts of Paris. Two cars blocked the road and as the DS approached, twelve gunmen sprang out from hiding and opened fire with automatic weapons. The first burst of machine gun fire narrowly missed its target in the back seat but badly damaged two of the Citroën's tyres, flattening the rear offside wheel completely. Even so, its driver was able to accelerate away at high speed, swerving around the road block in a violent manoeuvre that would have overturned a conventional car. Having avoided the would-be assassins, de Gaulle's car then sped away to safety, driving at top speed on three wheels, so saving the General from certain death and also saving France from political turmoil. Probably no other car of the period could have made this amazing escape in such a dramatic and unorthodox manner!

The authors later talk about the following model, which was the CX, and they say -

The CX had gone into production immediately after its launch in October 1974. It is often regarded as the last of the 'real' Citroëns, being, along with the GS, the last to be truly designed 'in-house' before the take-over by erstwhile rivals Peugeot. The car was a natural successor to the DS, with its self-levelling suspension and associated assisted braking and power steering. Its shape owed much to the SM, but also to the GS, these two owing much to the DS themselves of course! The ride was superb, and the handling impressive. The car looked futuristic both outside and in; the instrumentation being contained within a space-age pod.

I am raising this because I find it extraordinary that in 1955 a car existed which had all those features. In 1974 a further model was brought out with further improvements, and yet to this day major manufacturers are still manufacturing cars that do not have those features. I say this with some feeling because, as was alluded to by various people in this House, shortly after I became a member of Parliament I took delivery of a Ford Fairlane. Up to that time I had driven a Citroën CX Pallas. It is an unusual but remarkable car. Tests have been frequently carried out with this car to show its stability and control. In South Africa the Citroën was driven over a spiked plate which had been positioned on the road, and that took out various tyres from time to time. That was done at 100 miles per hour. Then, with no hands on the wheel, the driver braked and brought the car to a safe halt. One of the reasons for that, of course, is that it is incredibly stable, and it does not need to have more than three tyres. In fact, it can sometimes operate on two and a half, as was the case with General de Gaulle. The Citroën has a superb steering system which gets heavier as the car goes faster, and it also becomes far more centralising. One could drive a Citroën on a straight road, take one's hand off the steering wheel, then grip the steering wheel, pull it down to swerve it - of course the car would swerve as one pulled the steering wheel - then come back to straight on, and the car would go straight ahead. The car would just swerve and go straight ahead. One would never feel for the slightest moment that the car was out of control or that something nasty was about to happen. The car was absolutely brilliant in the way that it sat on the road.

The other thing the authors mentioned was this futuristic space pod where one had access to the controls. One did not need to take one's hand off the wheel to operate any control. By keeping one's hands in the 10 to 2 position on the wheel, one could reach all the controls one needed to reach to operate the car, such as the horn, the lights, the windscreen wipers, high and low beam. All of those could be used by just lifting a finger and touching the controls while keeping a hand on the wheel. One would think that would be an easy thing to do.

Hon B.K. Donaldson: If one turned the wheel, would one get lost?

Hon PETER FOSS: If one does proper push-pull steering, it is not a problem at all. For the benefit of *Hansard*, I should mention that Hon Bruce Donaldson gave a demonstration of somebody turning a wheel by moving his hands around, whereas we all know that proper push-pull steering generally keeps one's hands close to or at the 10 to 2 position. The other thing is that it was very easy to do 10 to 2 push-pull steering with a Citroën because it had one spoke on the wheel. It was quite disconcerting to get into the car and see it, and many people found it rather peculiar to look at. I have a picture here for members who can see this. There is a circle and one spoke going from the ring of the steering wheel to the central part of the steering. However, it works wonderfully, because it means it is so easy to slide one's hands around the wheel. It encourages push-pull steering.

Another thing is that although it was not an automatic, it had a totally different system of driving. It had an hydraulic system of torque exchange. It had three gears. One could put it into first gear, start off, and drive to about 100 kmh. If it was put into second gear, one could start off and drive to about 140 kmh. If it was put into third gear, one could start off and drive to goodness knows what. The Citroën did move reasonably quickly. I can remember in England being able to drive at 120 mph in a Citroën without any difficulty whatsoever. It would cruise along comfortably and reliably. One gear would be selected, and one would drive in that gear. It would depend whether one was going uphill, downhill or along the straight as to which particular gear was chosen. Most of the time around the city second gear would be used. On most roads out in the country third gear would be used, occasionally dropping down if one wanted to overtake. Going up mountains or doing a hill start, first gear would be used. However, the rest of the time the car would be kept in either second or third gear, depending on the location.

I raise that because, as I said, I took delivery of a Ford Fairlane in 1989 when I became a member of Parliament. I was cruising down to Pemberton, I think, where the Liberal Party was having a party meeting. I was driving along Waterloo Road. I am not sure how many members are familiar with Waterloo Road. It is a straight road, lined with jarrah trees on both sides. I had the car in cruise control. I had had the car for about 12 hours. Perhaps I should not have been using cruise control, having had the car for only 12 hours. However, it was a long, straight stretch. I saw something on the road. To this day I do not know what it was because I did not have an opportunity to go back and inspect it in view of the events that subsequently occurred. However, I drove around it like one would in a Citroën. There I was, cruising along at 110 kmh with my cruise control, and I went like that. For the benefit of *Hansard*, I made a sharp right turn, not using the push-pull method, and a sharp left turn. A Citroën would just have gone around. Ford Fairlanes do not just go around, particularly that model of Fairlane, which I later learnt had serious problems with its rear suspension. It was not until some years later that somebody told me these cars were notorious for the problems they had with their electronic rear suspension. However, the car started to behave in a most peculiar fashion. First of all, the Ford steering at that stage did not get heavier as one went faster; it got lighter. The rear suspension, which was very nice for levelling things out around the city, when given a short, sharp shock started to oscillate. The back of the car started doing the most amazing things. There I was travelling at 110 kmh with the car out of control due to an oscillating back suspension.

Hon Kim Chance: It is called doing the elephant walk.

Hon PETER FOSS: I am glad to know what it was. It was an unusual experience for me. My car prior to the Citroën was a Mini. Of course, their steering is pretty good too, as is their ability to stay on the road. I had never come across a car which did these things. I held on. I did not know what to do because to turn off the cruise control I would have had to look down at the steering wheel. At this stage I was not very keen on taking my eyes off the road because I was seeing alternately the line of trees on the left hand side of the road and the line of trees on the right hand side of the road, which appeared to be impenetrable. On the other hand, I could have put my foot on the brake to take the cruise control off but the difficulty with doing that is that it is not a brilliant idea to put one's foot on the brake while a car is out of control. So I held on. Luckily, I do not know why, the car decided to leave the road at the one point where there was a gap in the trees. It flew off the road and went over a one metre wide and one metre deep ditch. It was flying so fast that it managed to get across the ditch, although one of the front wheels collapsed when it hit the far side of the ditch. It went through a fence and for some reason, which I then did not appreciate, it did a 180 degree turn and came to a halt. I attempted to get out of the car. The car's electric aerial was going up and down for some reason. I found that neither of the front two doors would open. There was a lot of shattered glass all over the place. I had to climb over the back of the seat and get out of one of the back doors. At that stage I sustained my only injury. I cut myself on some of the broken glass.

Hon Muriel Patterson: We wondered why you were late.

Hon PETER FOSS: It is said that people have the most ludicrous ideas go through their mind when they face death. My only thought when I flew off the road at 110 kmh was, "What on earth will they say in the party room?"

Hon J.A. Scott: There would be another position open!

Hon PETER FOSS: That is right. June van de Klashorst would have got in nearly three years earlier.

I hopped out of the car and being the good lawyer that I still was, I thought of the camera in the car. I started taking photographs of the scene so that I would have a full record of what had happened. It was then I noticed that immediately

in front of the car a tree was lying down. I thought, "Who on earth has been cutting down trees?" Then I realised I had cut down the tree, and that was the reason I had gone through a 180 degree turn; my car had scythed the tree as it came through the fence, turned 180 degrees and came to a halt. I walked through the fence, which had a hole in it at that stage, and hopped over the ditch. I think I hurt my back a little bit while hopping over the ditch. Some locals turned up, along with an ambulance. I insisted that I was perfectly all right and did not need to an ambulance. I was driven back into Bunbury by the police who very kindly deposited me at the railway station, where I caught the train back to Perth. Much to my chagrin another thought that went through my mind was, "Blow! I forgot to bring my gold pass." I was not expecting to come back by rail. Since then I have religiously carried my gold pass with me.

Probably the person most affected by this was my wife. I rang home to advise her of the event. I spoke to my mother who was looking after my children and told her what happened. She got a little alarmed about it, but that was probably all right. The problem was that she told my daughter. As my wife came home, my daughter rode out on her bicycle and said, "Daddy's had an accident" and rode off. She did not mention what were the consequences of that accident, as to whether I was alive, mangled or anything else. For a short period of time my wife went into extreme shock, which she did not get out of until I arrived on the train back in Perth. What really struck me about all this was that here I was with the latest model of Ford Fairlane and it did not have any of the sensible features that my old Citroën had. Mine was a 1978 Citroën, a model basically designed in 1974 and for its fundamental features one could say designed in 1955. I had what was considered the second highest model in the range of Fords. The only difference between it and the LTD is the internal appointments and not the car itself, as I understand it. Despite that it did not have any of the fundamental safety features of the Citroën. To this day it is really so far behind in safety design.

Every time the manufacturers change the models one seems to end up with some new inconvenience. I can remember when I took delivery of a V8 Caprice. It is a wonderful car but do not ever expect to be able to sit in it on a hot day; in fact, do not expect to be able to sit in it sometimes on a cool day. The overpowering smell of petrol is enough to drive anybody absolutely barmy. One wonders why manufacturers cannot design a car so that it does not kill people. I would never go near a V8 Caprice because it will universally try to poison the people inside the car by feeding petrol fumes into the cab. Why is it that we in Australia still do not seem to be able to have cars that are capable of being designed by learning from the past? It seems extraordinary that in this day and age when manufacturers can amortise the cost over so many years that they do not try to put in some of the features that Citroën was able to put in its cars in 1955. They are all fundamental and fairly straightforward features. Interestingly enough, the Citroën's suspension was later translated into the Rolls Royce. It may even be in the model that Hon Max Evans has parked outside the House. Rolls Royce did not call it the Citroën suspension but the silver something-or-other suspension, I think. It was definitely the same suspension. Any Rolls Royce driver who wanted to keep the price of maintenance down would buy his parts from the Citroën dealers instead of from Rolls Royce dealers.

There are many aspects to take into account when driving, not only the state of mind of drivers, but whether they are tired or under the influence of some drug, and how long they have been driving. Even if drivers are not tired, they can lose attention on the road. The nature of the road also affects safety. There is no doubt about it; in some ways our country roads are safer to drive on because of their straightness, but also at times they are dangerous to drive on because of their straightness. The question raised by Hon Greg Smith was whether drivers are better off getting along those straight stretches as fast as they possibly can rather than sitting on them and being mesmerised by the tarmac passing beneath the car.

Hon Norm Kelly: That is why highways are designed with gentle curves.

Hon PETER FOSS: That is right. The Brand Highway is like that.

Some interesting physics relate to forces applying when vehicles leave roads, particularly those relating to the road surface. When one loses any form of traction due to the way one drives and the nature of the surface of the road, significant changes occur. The experience of the driver is obviously a very important factor.

I have repeatedly made the point that the vehicle one is driving is also important. Some positive points were made by Hon Kim Chance about modern vehicles; however, these comments only apply to previous models of those vehicles. Some vehicles on the road are a disgrace given their safety features when one considers the excellent safety systems which have existed in standard production cars since 1955. The Citroën in France was a standard car, although some luxury models were made. It was not a super special vehicle. It costs a great deal of money here as more expensive models tend to be imported. It was not radically different from our cars regarding its place in the market. Nevertheless, the quality of the safety measures built into the car was far in excess of other cars in 1955, and even in excess of that of quality luxury cars in Australia to this day.

I can understand that some of these things cannot be made to Australian Standards. As well as dealing with emissions standards in a futuristic way, and stating that standards should be met by a certain date, why not make certain safety features apply by a certain date? Why have we not encouraged people to move to radial tyres or safer forms of suspension? How can the Ford Fairlane have trouble with its electronics, yet no-one be told about it? When I had my problem with that car, I was not told, "Oh yes, we've had 40 problems with those all over the place." A couple of years later people discussed their

troubles with the cars wobbling on the rear suspension. It turned out that everybody had trouble with them. No-one said earlier that it was a common occurrence. Hon Kim Chance knows the experience.

Hon Kim Chance: I had the same model.

Hon PETER FOSS: It was not too good, was it, in that regard?

Hon Kim Chance: No.

Hon PETER FOSS: Of course Governments should continue to improve the quality and safety of roads. However, it seems that one person is missing in this equation; namely, the car designer who concentrates on the duco colour and appointments of vehicles rather than dealing with straightforward, already solved engineering problems. We should be saying to car manufacturers that if a problem has been solved, such features should be incorporated into vehicle design. Cars will not all look the same, but we should insist on certain safety standards.

Blanket limits are a problem as limits need to be varied. One must draw people's attention to changing styles. If we experiment with speed limits of 120 kmh or 130 kmh, I would like not only advisory signs, but legal limit changes from time to time. This would draw people's attention more forcibly to the fact that an area is more dangerous than others, and requires a change in the pace of driving. England has limits of up to 90 miles per hour on some of the motorways. However, everybody seems to ignore that limit. I drove to Southampton late for a funeral one day in my Citroën, which goes very well at speed.

Hon Derrick Tomlinson: You might have arrived early!

Hon PETER FOSS: Yes. In common with many other people, I was travelling at 90 mph in an 80 mph area. People were zooming past me when I was travelling 10 miles over the speed limit. I went past a little byway or ramp on the side of the motorways on which the police sit. I zoomed past at 90 mph and saw the police. I then slowed down to 80 mph, and everybody went past even faster - including the police! They were certainly not interested in somebody driving at 90 mph, or even those at 20 or 30 mph over the limit. Other matters were of concern.

United Kingdom roads have far more traffic than Australian roads. Admittedly, the motorways are divided highways, but one could easily go off the side. However, they allow a limit of 90 mph. The biggest problem in the UK is with fog and people not slowing down.

Hon Tom Helm: Or slowing down, which also causes problems. People in front slow down, but those behind do not.

Hon PETER FOSS: Hon Tom Helm makes a good point. One dare not slow down in fog because if one does, someone behind could run into one's rear at 90 mph. One is caught. Does one continue at 90 mph and find somebody in front has slowed down, or does one slow down to find somebody behind has not slowed down? It is risky either way. The best remedy is to turn off the motorway and wait until the fog clears.

Hon M.D. Nixon: Overall, they are still the safest roads in Britain.

Hon PETER FOSS: Indeed they are, despite the very high speed limit. I support the trial because we need to see which of the many factors is most important on Western Australian roads. At the moment, we are all guessing. We could all have tuppence on what we think may happen, and we may or may not be right. Some people say that the speed limit is too low and is causing accidents. Other people say that if vehicles travel faster, accidents will be caused. If one has an accident when travelling faster, certainly one has a greater chance of being killed. It is the $\frac{1}{2}mv^2$ equation which we all learnt at school; namely, the force involved varies with the square of the velocity. Therefore, a 10 kmh increase does not add a tenth or an eighth to the velocity of impact; it adds significantly more to that impact. I am not for one moment suggesting that we do not take the matter seriously. However, in view of the fact that people are driving at high speeds, and the Kwinana Freeway experience with less traffic conflict, it is worth undertaking the experiment. Provided it is appropriately conducted and we use it properly to find a solution, it will be worthwhile. I support the motion and the amendment. I hope that when it is properly conducted, we will discover some useful information to benefit the people of Western Australia, particularly those travelling in country areas.

HON GREG SMITH (Mining and Pastoral) [4.59 pm]: I speak against part (1) of the original amendment and in favour of its part (2). I speak against part (1) of the amendment because part (1) of the motion refers to this House supporting a trial to increase the speed limit to a maximum of 130 kilometres per hour. We could leave the first part of the original motion, and still carry part (2) of Hon Kim Chance's amendment. If we conduct the trial proposed under the parameters outlined in part (2) of the amendment, and find that after 12 months no significant increase in accidents occurs, we might decide to leave the limit at 120 kmh for another 12 months. However, we may decide to increase the speed limit to 130 kmh in two or three years' time. If we do not amend part (1) of my motion, it will still read that the House should support a trial to increase the speed limit to a maximum of 130 kmh. The word "maximum" is the only issue. It can be compared to a fine. Legislation passes through this Parliament all the time with provisions for a maximum penalty of, say, \$10 000, but it does not mean that amount will be the fine imposed for any breach. Smaller amounts can be imposed. It allows the flexibility to move to a speed limit of 130 kmh at a later date.

I draw the attention of the House to an error in the amendment at clause (2)(i) where the word "out" has been omitted after the word "carried".

One of the reasons I wanted to be a member of Parliament is that I was always amazed that commonsense did not always seem to prevail when politicians made decisions. The only reason for this proposal is that the people who are experienced in driving on these roads think it is straight-out commonsense that the speed limit be increased. They are not speed freaks or nuts, and they do not want to risk their lives. It is a matter of straight-out commonsense prevailing.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

SELECT COMMITTEE ON IMMUNISATION AND VACCINATION RATES IN CHILDREN

Extension of Time

Hon Barbara Scott presented a report of the Select Committee on Immunisation and Vaccination Rates in Children seeking an extension of time in which to report be extended from 29 October to 17 November, and on her motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 291.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on Forest Management Amendment Regulations (No 2)

Hon Nick Griffiths presented the thirty-fifth report of the Joint Standing Committee on Delegated Legislation in relation to the Forest Management Amendment Regulations (No 2) 1998, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 292.]

PROHIBITION OF FISHING FOR PINK SNAPPER (SHARK BAY, EASTERN GULF)

Motion for Disallowance

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

That Order No 6 of 1998, made by the Minister for Fisheries under section 43 of the Fish Resources Management Act 1994, the Prohibition of Fishing for Pink Snapper (Shark Bay, Eastern Gulf) Order 1998, published in the *Government Gazette* on 9 June 1998 and tabled in the Legislative Council on 16 June 1998, be and is hereby disallowed.

HON KIM CHANCE (Agricultural) [5.38 pm]: I move this motion with a sense of déjà vu. We went through the same process last year and on that occasion voted to disallow virtually an identical regulation. My submission is that nothing has changed sufficiently to give us reason to alter our position on this occasion. After last year's disallowance, the Minister for Fisheries announced a new management plan for pink snapper in the eastern gulf of Shark Bay. That plan was widely welcomed and I publicly supported it on behalf of the Australian Labor Party. It was a plan which took account of local expert opinion and went much of the way towards healing the rift between the minister and the Shark Bay community that had developed over the period in which the earlier regulations entailing a total ban were in place.

In the media statement that heralded the new plan which was released by the Minister for Fisheries on 12 June 1997, the minister noted -

... the plan was implemented after a number of meetings with the local community. The minister also met with the key interest groups in Shark Bay recently as part of this process.

"This package will assist in sustaining pink snapper breeding stocks in Shark Bay," he said.

Members should bear in mind we are now talking about the package which was implemented by the minister after the disallowance of similar regulations last year. The media statement continues -

Mr House said under the proposed package all fish stocks in the region - including pink snapper - would be conserved at sustainable levels.

The scientific advice from the Fisheries Department was that the plan would provide significant protection for immature and large spawning snapper.

Key elements in the plan included a bag limit of two pink snapper per angler in the Eastern Gulf with an increase in the minimum legal size to 50cm and a maximum size of 70cm.

Western Gulf fishing rules remain at a bag limit of four pink snapper per angler, a minimum size of 45cm, with only two snapper over 70cm.

"An important component of this package is the introduction of a clearly marked no fishing zone around the main spawning area in the Eastern Gulf," Mr House said.

"Local advice indicates the majority of spawning pink snapper have been caught within this aggregation over past seasons.

"An important additional conservation measure in this package is the protection of all species in the Shark Bay area by implementing a new mixed bag limit of seven fish through the entire area."

Mr House said that community support was a key to the future quality of our recreational fisheries and the advice from the Shark Bay community had been invaluable in further refining management for this important fishery.

"Shark Bay is one of Australia's premier recreational fishing destinations and I look forward to seeing the area become increasingly valuable for fishing based tourism," Mr House said.

Complementary proposals are being developed for the commercial beach seine fishery in the inner gulfs, which takes about 10 per cent of the total estimated snapper catch.

Mr House said the new plan would come into effect on Friday, July 4.

The plan would be reviewed again next year following further research on the condition of fish stocks in both gulfs.

It is important to note one paragraph in particular of what the minister said in that press statement. That is the fifth paragraph, in which he said -

The scientific advice from the Fisheries Department was that the plan would provide significant protection for immature and large spawning snapper.

It is important to hold that fact in mind. It is not the intent of this disallowance motion to disable the proper process of the management of this particular recreational fishery. Indeed, we support that process, and we identify with the need for it.

The expression of our support for that process lies in our agreement with the comments that the minister made in his media statement of 12 June 1997, from which I have just read. Where we have a difference is in the matter of degree. The minister has said that the plan put in place last June introducing a bag limit of two pink snapper per angler would provide significant protection, and that that was based on scientific advice. I agree with the minister's assessment. Therefore, why are we now willing to endorse a plan that sets aside the widely accepted, successful and scientifically supported strategy in favour of one involving a total ban, which does not have local support and is no more scientifically valid than the two-fish bag limit?

All indications are that the minister was dead right in his comments in June last year. The plan was successful. It had the desired effect of ending the gross over-exploitation of the resource which had been occurring and which peaked in 1995 when Fisheries Department research indicated that recreational fishers had taken over 100 tonnes of snapper from the gulf. Indeed, we note in a recent publication that that 100 tonnes had come from an area so small that it was described as being no larger than Subiaco Oval.

The new plan also met another key objective. It allowed the continued and responsible use of the gulf's resources. It did not completely ban the taking of a limited number of snapper and thus permitted local businesses to continue their careful use of the stocks. That remained the case until these new regulations were gazetted imposing a total ban. It is those later regulations that this motion seeks to disallow.

In the last paragraph of the minister's statement he said that the plan would be reviewed again next year following further research on the condition of fish stocks in both gulfs. I, along with everybody else with an interest in this matter, welcome that statement, and we look forward to sharing in the results of that later scientific research. It is certainly true that some further scientific research has been carried out. However, what have we learnt from that research and how extensive was it? More critically, does the outcome of that research justify a return to a total ban on fishing for pink snapper in the eastern gulf?

In the winter 1998 edition of the Fisheries Department magazine *Western Fisheries*, the executive director of Recfishwest, Mr Frank Prokop, identified that research to have been: First, collecting information from locals who provided details of where the snapper were; second, the use of fish traps to catch juveniles; third, the use of plankton nets to catch eggs; and, fourth, the use of volunteer anglers to catch larger fish. From that research, Recfishwest determined that the results were definitive and indicative of the need for immediate action in the form of a closure of the gulf.

One of the purported findings, reported on page 23 of the *Western Fisheries* article, was that there were very few juvenile fish. I have been to the eastern gulf this winter at the invitation of local people. I have met with the shire president, with local business people, and with Mr Dickie Hoult, who is a commercial fisherman with decades of experience in the Shark Bay region and one of the traditional owners of the region. Each of those persons has assured me that there is no shortage of juvenile stock in the eastern gulf.

Due to the generosity of the Minister for Fisheries and local officers of the Fisheries Department, Fisheries devoted the time of three officers for a full day, as well as the use of the Fisheries vessel in the region, to provide two other opposition members and me with a detailed practical briefing on the marine ecology of the two gulfs and the state of the snapper stocks in the area.

I will divert a little at this point. I must acknowledge that those Fisheries officers also prevented me from drowning. It is not something I have revealed publicly because I would be very concerned about the future of their jobs should the minister ever find out. However, at this stage I should acknowledge a debt of gratitude for being saved when I was swept away on the tide.

Hon Ken Travers interjected.

Hon KIM CHANCE: There is photographic evidence, as Hon Ken Travers has pointed out. I do not present a single day's experience as being worthy of comparison with the kind of research that has been done but I am able to say that any statement which presents the stock of juveniles in the eastern gulf as being very few is simply absurd. There is a huge number of pink snapper in that gulf from my observation, limited though that might be, and also from the observation of people who have an intimate knowledge of the region, which is decades long.

In that *Western Fisheries* article Mr Prokop certainly indicated four points on which the research effort has been concentrated. Research is all about time and money. I am never critical of the amount of time and money spent in the analysis of a fishery like this because I know that there are a lot of calls on the resources that Fisheries has to allocate to research. By far the most significant of the four points was the third; that is, the use of plankton nets to catch eggs. The use of plankton nets and the resulting egg count which follows the entrapment of the eggs is being used by Fisheries as a tool, and I believe it is a valid tool, to indicate the extent of spawning in a particular fishery and to extend from that knowledge of the spawning the health and numbers of the fish stock available to breed in a particular area.

There is a problem with any objective scientific measurement, particularly with the measurement of a seasonal event such as spawning. The problem is that people take a shot in a particular time frame. In this case the trawl shots for these egg counts operated over a four-day time frame. I know that other work has been done since, but the work which generated the results which led to the application of the total ban amounted to four days of egg entrapment. The process of counting those eggs is much longer and more tedious, but fundamentally the research information results from the four days of egg counting. It is axiomatic that if that four days of egg counting is conducted when for one reason or another the number of eggs present is relatively low and not indicative of the stock - if that picture is only one week wrong - the resulting final egg count indicating the stock level is inaccurate. I will illustrate that. I was shown data by Dr Jim Penn from Fisheries' research section relating to the western gulf. It was taken at much the same time as the research on the population of the pink snapper in the western gulf, and on one occasion the data which had been generated in exactly the same way showed levels to be dangerously low. However, the researcher felt that there might have been something wrong with that picture, so he went back and tested again about a month later. That data showed abundant stock, particularly in the Nanga region further down the gulf.

Hon M.J. Criddle: That is in the western gulf, is it?

Hon KIM CHANCE: Yes. On the information that was available at the time the decision was made to proceed with the total closure of the eastern gulf. The only facts that were known were the results of that one four-day series of egg counts in the eastern gulf, which was taken at roughly the same time as the very low count in the western gulf showed up. I am aware that further egg entrapment has been done. I think it was done in the month of August, because I believe it was either going on or had just been completed at the time I was there. I am told that the results of those egg counts will not be known until nearly Christmas. To count the eggs is a very long and involved process. My purpose in recounting the results of those two snapshots taken in that time in the western gulf is that estimates of the stock arrived at by using this method - I have acknowledged it is a valid method - can vary widely according to the time at which they are taken and, indeed, sheer luck. There may be a variation in the currents; that is, currents are expected to be found behind the spawning aggregation but perhaps they have deviated and the sample is taken just outside where the currents are running and produce an entirely different picture.

Having said that I was there and having come to the conclusion that there is no apparent shortage of juveniles in the eastern gulf, I must say that in every area in which we fished the eastern gulf, both on the day when I was in the company of Fisheries officers and on the next day which was spent with a charter fisherman, we found abundant numbers of juveniles. It is true that there were not many big breeders.

Hon M.J. Criddle: They have to be 70 centimetres to be breeders in the eastern gulf.

Hon KIM CHANCE: Yes, on average these would be about 24 or 25 centimetres.

Hon M.J. Criddle: It takes about four years for them to become breeders.

Hon KIM CHANCE: I am told that on average these fish would have been two or three years old, well under breeding age, but they were not in the aggregation grounds. One would not expect to find large breeders in the areas we fished. In one area called "80 acres" we were fishing in about three metres of water. The water was so shallow that I could clearly see the bottom. Even using rig which we had been using in deeper water, which carried quite a bit of lead, it was impossible for the bait to reach the bottom of the sea floor before it was taken by snapper. We virtually unloaded the gear overboard and, bang, it was off.

Hon N.F. Moore: It sounds a bit like a fisherman's story.

Hon KIM CHANCE: Had I been on my own I would be reluctant to relate the story, but a number of people were on board, including three highly professional Fisheries officers, one of whom I owe my life to.

Hon M.J. Criddle: Was it high tide or low tide?

Hon KIM CHANCE: That is a good question. I am not sure. We were in such shallow water that we could see fish moving around in shoals underneath. In the one or two seconds in which it takes a lead to hit the bottom of the ocean, the bait was taken up by snapper.

Hon M.J. Criddle: Was that in the eastern or the western gulf?

Hon KIM CHANCE: The area called "80 acres" would be about 6 kilometres from the tip of Cape Peron, relatively close to where one might expect to find oceanic stock. The estimate of the total stock which had been projected from the research and which was being relied upon to justify the ban is given in the same article of *Western Fisheries* as being from 5 to 30 tonnes in the whole of the eastern gulf. I am sure that many members here would have been to the Shark Bay region and would have some idea of the scale of the western and eastern gulfs. They are very big bodies of water. If members travel to the middle of the eastern gulf just north of Faure Island, it is the only land that they will see for a very long time. It is a huge body of water; it is much longer north to south than it is east to west. To suggest that there is only 5 to 30 tonnes in the whole of that area given the obvious abundance, not only where we were in the "80 acres", but everywhere else we dropped line into the water, is beyond me.

Hon M.J. Criddle: Is that breeding stock?

Hon KIM CHANCE: No, it is total stock, as I understand it. The article certainly does not specify breeding stock. If we assume that the average size of the snapper in that 5 to 30 tonne biomass is 2 kilograms, which takes account of the high proportion of juveniles in the area, it equates to only 2 500 to 15 000 snapper in that vast area of the gulf. I do not find that credible.

Sitting suspended from 6.00 to 7.30 pm

Hon KIM CHANCE: Before the House suspended I mentioned that the projections in the available scientific advice indicate that there is a stock of only 5 to 30 tonnes of snapper remaining in the western gulf. I extrapolated that, assuming a 2 kilogram average and taking into account the size of juvenile stock, and concluded that it equated to only 2 500 to 15 000 fish. There was some conjecture about whether I was referring to the tonnage of breeding-size stock or the total stock. I referred members to page 23 of the *Western Fisheries*. I must clarify that situation.

The article to which I referred in the *Western Fisheries*, winter 1988 edition, page 23, indicates that the estimate of snapper remaining in the eastern gulf was between 5 and 30 tonnes of the original 300 tonnes. I read that as being the total stock and not the breeding stock; there is no question of its being breeding stock. If it were, and one assumes an average weight of breeding stock at closer to 5 kilograms rather than 2 kilograms, one would be talking about a very much smaller number of fish. I do not want to split hairs about this; I simply want to indicate that the research available at the time that the zero catch limit was gazetted is unbelievable. No-one who knows anything about the gulf, the Shark Bay region generally and the fish stocks in that region and who lives locally has any inclination to give a statement like that credibility. To my mind and from my limited observation, the projection of stock levels that low is a complete nonsense. It has the effect of casting doubt on the basis of the research upon which the total ban relies.

I mentioned earlier that I had a briefing from Dr Jim Penn of the Fisheries Department research section. Dr Penn is widely recognised as a world-class fisheries research scientist, and I share that very high estimation of him. I make no secret of the fact that Dr Penn supports the department's line and the need for the total ban. However, in the briefing that I was fortunate to receive from him, Dr Penn went through extensive information. He described the information he was providing to me as similar or identical to the briefing he gave the Shire of Shark Bay some time earlier.

I do not have the graph with me, so I cannot table it. I must therefore repeat it from memory, which is always fraught with danger. The graph Dr Penn provided illustrated the number of years it would take to regain what the Fisheries Department had deemed to be a safe level of stock of pink snapper in the eastern gulf, and that level was deemed to be 100 tonnes. The graph line began from a figure of 5 tonnes, which is the bottom end of this projection. It showed two lines climbing steadily towards the 100-tonne mark in the horizontal scale, which indicated the years. Members can imagine the graph climbing 30 degrees from left to right and crossing a horizontal line set at 100 tonnes. The vertical line extending from the point at which the lines intersected indicated the year in which lines representing the two different management schemes bisected; in other words, the year in which the safe level of 100 tonnes would be reached. I found it interesting that the first line - to the left - was extended on the basis of the zero ban and its continuation, and the second line - to the right - was the estimated rise in the graph assuming a continuation of the two-fish bag limit, which is essentially the position the Opposition is arguing. As members might imagine, with a zero bag limit, the line that reflected the total ban bisected the 100-tonne safe level point earlier than the line projected on the basis of the two-fish bag limit, but only by two years. With the total ban, the 100-tonne safe limit was projected to be reached in 2007. However, on the basis of a two-fish bag limit, assuming - as I established later - a zero mortality as a result of the limit, the 100-tonne safe level would be reached in 2009.

In this place we sometimes have to make value judgments about what may or may not occur if we do certain things or fail to do certain things. Indeed, earlier today we were talking about a matter of human life and human trauma related to an increase in the speed limit. This is no different. Make a mistake in this matter, as I am sure the minister will tell us shortly, and we could destroy the population of pink snapper in that region. I am sure the minister will hold us responsible for that. All I can say is that based on the best scientific advice available, the only difference a total ban will make, even assuming every argument that Fisheries WA has presented, is that that safe level will be reached two years earlier.

In making a decision, sometimes we must strike a balance between what is good for the ecology and what is good for the people of Western Australia. If those graph lines are anywhere near correct, I would be happy to trade off reaching that safe level two years later if that meant the continued economic health of the people of Shark Bay. There may be other lines that can be projected. However, all I can say is they are the best available.

I have referred a couple of times to the Fisheries article of winter 1998. I will not denigrate the article. Some of my colleagues suggested to me after it appeared that I might want to reconsider my position on the matter. That caused me to reread the article in a self-critical frame of mind. However, there is nothing new in it. Every argument in the article is an argument that we considered at length last year when we came to what I believe was the right decision in disallowing that regulation. I hold the view now that nothing has changed. There is no reason for us to take a different position this year.

HON GIZ WATSON (North Metropolitan) [7.42 pm]: I rise to speak again on the matter of pink snapper in Shark Bay. I would choose again to put this issue that we are debating tonight in a broader context. It is very important that when these matters are considered, especially management issues, they are considered in the appropriate context. I remind members that the area of Shark Bay that we are talking about is an area of very low productivity. It is an area which has a high degree of local endemism. We now know that the species in the different areas in Shark Bay are, as much as science can identify, isolated species. Indeed, earlier this year a species of pygmy snapper was discovered in the area which was to be contained within the extended area for the Useless Inlet salt ponds. It is highly likely that that unique species has been lost as a result of the extension of those ponds. On the evidence that I have read, all the signs point to the species of snapper in the eastern section of the Shark Bay gulf that we are talking about being a separate species.

We are looking at managing in an area fraught with difficulties. It is different from managing fish stocks in a highly productive area which has large numbers of fish. However, we know from world experience that we do not even get that right. With some of the best science that is supposedly around, we can completely lose fisheries management on the Grand Banks about which scientists thought they knew everything. My point on these questions, particularly fisheries management, is that we need to err on the side of caution. The other matter that has not yet been raised this evening is that the area we are discussing, which contains a species that is hotly contested currently, is a World Heritage area. It has been listed as being of world significance for both its landscape and environmental values. It is also a marine park. It has two management plans. Therefore, both as a statewide community and a national community, we must recognise that all fish species swimming around in Shark Bay are of particular importance.

I point out that there are very minimal no-take areas in the management plans currently in force for the Shark Bay Marine Park. It is a topic that is dear to my heart. We must think again about the role of no-take areas in the maintenance of fish stocks. I would argue that one of the tools in successful management is to leave aside sufficient areas. Even if we argue it from a purely scientific monitoring point of view, how can we say what an impact has been if we do not leave an area untouched? I know for a fact that the Shark Bay Marine Park has what I would describe as insignificant no-take areas. I encourage both the managers and members in this place to familiarise themselves with the benefits of no-take areas in marine management.

We also need to look at what is happening now in Shark Bay in a historical context. In my last job I took some time to look at the history of Shark Bay, particularly in its fisheries exploitation. At times that area has been totally overfished. We are

dealing with an attempt to manage a system which has already been severely depleted of significant amounts of fish stock. I bring this to the members' attention because if we are contemplating management tools, it is important to understand that we are already dealing with a system that has been severely impacted upon. I am also aware that in relatively recent historical times Shark Bay has been again subject to heavy fishing pressures. In the times that I have been fortunate enough to visit that area and speak with both recreational fishers and locals, there has been an enormous amount of recreational fishing effort. I would argue that that is neglect and a very late-in-the-day approach to management.

I also note that fishing nowadays has become a very different operation compared with what it was 20 years ago. The effectiveness of recreational and charter operators being able to target specific areas or locate specific schools of fish means that the impact on the fish stocks is hugely different from that of 10 years ago. The advances such as global positioning satellites and sonar devices really take the so-called sport out of fishing. That is fine. However, that has resulted in a much more efficient taking of fish in this area.

I move on to what we currently know about fisheries science. I do not in any way wish to question the science that has been put to us in defending the need for abandoning the taking of snapper in the eastern gulf. However, I note that, at best, fisheries science is a rough science, and that is one of the problems that we encounter in the debate. There is much conjecture whether the science stands up to rigorous scrutiny. The longer that one is able to do research in an area and the more funding that is allocated to do it, the more likely it is that one will get better statistics and better information on which to base management decisions. Fisheries science and marine science in general have suffered from a lack of early attention and a lack of information. Currently, we have described only roughly 5 per cent of marine species, and most of those are things that we want to eat. Therefore, there is negligible understanding of the role that snapper play in the marine ecology of Shark Bay.

I raise those matters because I want to develop the argument of why, particularly in the case of management of marine ecosystems, we must err on the side of caution. The objectives that Greens (WA) would like to achieve in fisheries management decisions are long-term environmental management objectives. We need to consider the maintenance of biodiversity and long-term recreational opportunities in the area. I note that the debate has centred on whether people's inability to catch snapper at this time will detract from income for the area. That has been a concern of the shire. I am aware that one if not two charter operators are concerned for their livelihood.

I draw to members' attention a report by Reark Research dated December 1995, entitled "A Summary Report of the Findings of the Shark Bay Visitor Survey". The main reasons for visiting Shark Bay are: To see the dolphins in Monkey Mia, 69 per cent; sightseeing, 12 per cent; part of a bigger trip, 9 per cent; attracted by a natural environment and wildlife, 7 per cent; holiday, 6 per cent; recommended by others, 5 per cent; peaceful, quiet and relaxing, 5 per cent; and, finally, fishing, 4 per cent. That is a visitors' survey which lists the main reasons for visiting Shark Bay. That needs to be put into the equation when deciding what will be the impact of a temporary ban on the taking of pink snapper in the eastern gulf. If only 4 per cent of visitors list fishing as their main reason for visiting Shark Bay, we can live with the consequences of a ban.

I should like to strengthen the argument about the need for a precautionary management approach to marine matters. I have mentioned the history and that already we are dealing with an area that has been significantly impacted upon. We are dealing with a situation in which the fishing effort is ever increasing. We are also dealing with matters such as the increasing variability of weather patterns and, potentially, climate change. At this stage, obviously, those impacts are unpredictable, but, when considering environment management, we need to build in sufficient buffers to allow for some variation in factors which obviously have a huge impact on fish spawning and productivity. If we do not build in precautionary approaches, we can contemplate that we might be in the same situation as occurs in other parts of the world where fish stocks and, indeed, whole marine ecosystems have crashed as a result of leaving decisions too late.

I was interested to hear Hon Kim Chance mention how many snapper he caught. I doubted whether his comment was anything like scientific evidence. I am not sure whether that claim - perhaps it was partly in jest - is evidence that there are plenty of fish. I enjoy fishing, but I know that I can catch fish one day but the next day I will sit there twiddling my thumbs.

The issue of fisheries and the right to catch fish is a hot political topic, but the proposed ban on taking pink snapper and support for the previous reduction in the bag limit had unusual consensus across a variety of groups. Indeed, I had not noted that consensus before in marine conservation. I refer to an agreement between fisheries research, fisheries management, conservation people and the recreational fishing representative body, RecFishWest. They all agree that action was needed on the eastern gulf at Shark Bay. That counts for a lot. We should pay attention to that unusual concurrence of opinion.

It is important also to balance local knowledge and local political pressures versus state and national interests in the area. There will always be arguments about who has the best information, who has invested the most and who stands to lose the most, but in this matter each merit must be considered closely. I have not been convinced by the arguments that fisheries research to date is inadequate. I am sure that more research can be done and that more useful information can be gained, but, on the information we have, I am convinced that we need to support a ban at this time.

I reiterate that for the long-term management of the area - I encourage people always to take a long-term view of best

management practices - it could be argued that we should have predicted it sooner. If a management decision had been made sooner, perhaps the pain would not be so great for some local operators. When we have sufficient information to hand, it is important to act. It is important to take a cautious approach to management. As I have said, it is important to have adequate areas which are not open to exploitation, whether that be recreational fishing, commercial fishing or mining, in order to provide refugia for all marine species to replenish. Plenty of information worldwide shows that areas that are left as no-take areas or sanctuary areas are a useful tool in maintaining biodiversity.

It is important to more adequately fund monitoring and research, particularly for marine parks. I encourage the Government to place more emphasis on gaining such information, if for no other reason than it will strengthen its arguments for necessary management decisions. Also, we should encourage a change of attitude to such areas and put recreational fishing into a context which is part of the experience of the area rather than the prime objective for being there. That change in attitude is occurring. We can no longer think of areas such as Shark Bay and Ningaloo Reef just as great fishing spots. We should regard it as a recreational fishing experience which is about catching one or two fish rather than have the objective of taking -

Hon Kim Chance: Exactly my point.

Hon GIZ WATSON: I am speaking in generalities about how we must shift that attitude. If people have made that shift in attitude, they accept the necessary changes to bag limits to adjust to research information.

Another matter which has been raised by the shire, and probably by other people in Shark Bay, is that the finger has been pointed at prawn trawling as possibly impacting on the stocks of snapper. Currently, the evidence indicates that they are not impacting on the eastern gulf population. I would be interested to see more research done in that area. At this point, there is no reason why we do not insist that all prawn trawlers use by-catch reduction devices. It is a win-win for everyone. Admittedly, it is an additional initial cost for prawn trawlers, but the criticism aimed at commercial fishers can be removed if they are doing all they can, not only to reduce the by-catch of incidental species such as turtles, rays and dolphins which occasionally become entangled in prawn nets, but also to take away the criticism that they are responsible for taking a certain amount of fin fish which has been levelled at them by recreational fishers. The technology is there. Trials are being undertaken in Shark Bay. I wish that we had started doing it about 10 years ago. It makes good sense and will make management decisions more palatable to those involved if we know that the prawn trawlers are not having an impact because we require them to exclude snapper from their catch or to reduce it. All those factors would assist in better management and would assist when Fisheries researchers and Fisheries management are having to put on the hard word about reducing effort. The Greens will not be supporting this disallowance.

HON HELEN HODGSON (North Metropolitan) [8.02 pm]: The Australian Democrats will not be supporting this disallowance either for much the same reasons that have been covered by my colleague Hon Giz Watson. When Hon Kim Chance started speaking to this motion, I was a bit perplexed because he kept talking about the disallowance that was moved last year. According to my recollection, although a disallowance was put on the Notice Paper, the matter was resolved by public consultation in the meantime. I had the House records checked and the disallowance motion that was listed last year was discharged on 11 June following consultation in the local area. Question without notice 571 of last year asked about the decision to close the eastern gulf to the taking of pink snapper. Quite a bit of discussion about the consultation took place in the community at the time. The minister at that time, Hon Eric Charlton, who was representing the Minister for Fisheries, went through the local consultation and advice received and explained that there would be a new package, which was a bag limit of two snapper per angler in the eastern gulf and that western gulf fishing rules remained at a bag limit of four pink snapper per angler, with various size limits. This matter came to our attention last year, but I could not recall any disallowance, although we disallowed a number of other Fisheries regulations.

It obviously shows what a good job the member does in his capacity as shadow minister because he talked to so many people about it that he thought we had resolved it in the House, instead of doing the better thing, which was to deal with the community issues through a community consultation process. The important thing about that process last year was that it bought time. The final part of the answer to that question stated -

The results of ongoing research on pink snapper will be available towards the end of this year and the Minister will review the package early next year.

That appears to be exactly what has happened. The review found that the continuing research that took place in the interim indicated that the original decision needed to be maintained. I have some information about the studies that were carried out. I do not pretend to be a Fisheries scientist. From the number of methods that were used, it seems that Fisheries WA has done its best to properly examine the issue and the extent to which fish are available in the gulf. One of the problems that I have had with Fisheries' decisions has been knowing whether the scientists and the community have come together on the issue and tried to resolve these issues. In this case, Fisheries has at least gone through a public consultation process. The extent of that is verified by the fact that the recreational fishing sector is - I will not say happy; I do not think anyone is happy to be told that they cannot fish in Shark Bay - accepting of the ban, knowing that it is probably the best way to preserve the fish stocks. At the same time, the commercial sector is not affected by this because commercial fishermen trawl outside the gulf.

It comes down to the potential impact that the ban may have on the local community through tourism. I appreciate Hon Giz Watson's reading into *Hansard* the figures from the research that was undertaken into the reasons people visit Shark Bay. It is quite clear that if we want a viable tourism industry in an area which has World Heritage listing and is so close to so many natural wonders, we must develop an ecotourism trade and move into that sort of culture. That is not necessarily compatible with unlimited fishing. On the one hand we are trying to preserve the resource for the future and on the other hand we are trying to harvest the resource. There is always a balance, but at this stage we cannot continue to harvest this resource without damaging its future viability. The sort of tourism that needs to be encouraged in Shark Bay is not the sort of tourism that encourages people to take a bag load of an endangered species of fish.

Hon Kim Chance: How do you do that when you have a two-bag limit?

Hon HELEN HODGSON: If that is putting pressure on the fish stock, we must err on the side of caution and protect the fish stock from the two-bag limit. The other issue is that a person can go somewhere else and fish for a different species. We must be aware that there are genetic variations between the snapper in the eastern gulf, the snapper in the western gulf and the snapper in the main ocean. I have not been to Shark Bay, but I imagine it is far more pleasant to fish in protected waters than in the ocean. If a person's purpose is to catch eating fish of the snapper species, that person does not have to catch them in the western gulf, therefore putting further pressure on a genetic stock variation that seems to be in serious trouble at the moment.

The issue of prawn trawling has been raised. If pressure on fish stocks is developing in the western gulf, we may have to look at the best ways of addressing that. If the issue of by-catch is putting pressure on fish stocks in the western gulf, the issue of what is being taken in the prawn trawlers and the by-catch needs to be looked at.

Western Fisheries of August 1998 contains an article about the efforts to reduce by-catch specifically in Shark Bay and commercial trawl fishing. It discusses ways of reducing the amount of by-catch, untargeted fish and marine life caught during fishing. Trials are taking place using grids in trawl nets which are particularly useful for large, unwanted fish such as sharks and sting rays. These grids do not impact on the catching of prawns. Snapper are obviously not as large as sharks and sting rays, but methods can be used to control by-catch. I had heard about some of these devices and in the process of trying to find something on television to help me relax on the weekend I coincidentally caught part of a travel program. In that program somebody was sailing down the east coast of Australia and called into a place where some research was being conducted into the use of these devices which enable fish to escape while trapping the prawns. I found seeing the mechanics of what I had been told about useful and interesting. By-catch is a problem in the trawl type of fishing and we need to address it properly. I am pleased to see that some research has begun on that. I hope that it will also look at snapper and the smaller species of fish. If it is true that the western gulf - which is part of the prawn trawling ground - is also under pressure, the issue needs to be looked at properly.

Where a species seems to be under pressure we must act in whatever way necessary to protect that species. It is significant that in this case most of the stakeholders are on-side. The recreational fishing lobby group accepts the ban because it knows that it needs to maintain the resource for the future. There are ways of ensuring that tourism in the area does not deteriorate because of this decision. The Australian Democrats will not be supporting the disallowance motion.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [8.12 pm]: The Government will be voting against this disallowance motion because of the real concern in the area for the fish stocks. In the good old days, the breeding stock - as opposed to what Hon Kim Chance discussed - was about 300 tonnes. Over a period, particularly in 1995 and 1996, heavy fishing took place. One hundred tonnes of breeding stock was taken in 1995. I am told that it is difficult to judge the amount of breeding stock but it has come back to between 5 and 30 tonnes in 1997.

I know the people in the area well and know that they have a real love for their fishing. Hon Kim Chance mentioned the Holts who have been there for a long time; I have known them over that period. They are good managers of the fishery. The research clearly indicates that the number of fish, particularly in the eastern gulf, has fallen. The figures I quoted were for the eastern gulf. The minister has visited the area twice to speak to the shire and the local fisherman. The fishing advisory council has also given information to the people and has held public meetings to provide the local industry with research and results of the challenges facing the fishery and management. A six week public consultation period was held before the June closure and 80 per cent of the submissions received by Fisheries WA supported the closure to protect the long-term sustainability of fishing in the area.

The eastern and western gulf stocks are genetically separate from each other and the ocean stock. They do not interbreed and are highly vulnerable to overfishing. The specific management objectives agreed with the stakeholders are to stabilise the fisheries at the current levels, and rebuild the breeding stock of pink snapper to 100 tonnes. Further research after the management arrangements in June 1997 indicates that the pink snapper stocks in the eastern gulf are at high risk of collapse. A range of evidence, including trawl surveys, trapping, egg sampling, tagging and catch rates, indicates that the best estimate of the breeding stock is 5 tonnes but it could be in the range of 2 and 48 tonnes, with 95 per cent confidence limits.

Hon Kim Chance: That means there are only 1 000 breeding stock in the gulf.

Hon M.J. CRIDDLE: That is what the research has indicated to me.

Hon Kim Chance: That is just unbelievable.

Hon M.J. CRIDDLE: It is unbelievably low. I have seen two graphs including the one Hon Kim Chance referred to earlier. One shows the 5 tonne rehabilitation and the other the 30 tonne rehabilitation and the number of years it may take to rehabilitate the stock. Modelling for the population recovery to 100 tonnes is nine to 10 years, and to the 30 tonne level, four to five years. The research admits that discrepancy. Even a small level of fishing would prevent rebuilding of the stock and threaten the future. The Government is not prepared to jeopardise the future stocks and has approved the three-year ban on the taking and landing of pink snapper in the eastern gulf. A mixed bag limit of five fish as proposed by the Recreational Fisheries Advisory Council has been implemented to protect the black snapper, the cod and the groper from possible transfer of effort and subsequent overfishing.

Hon Kim Chance: That is a very worthwhile measure which I support.

Hon M.J. CRIDDLE: Everybody understands that. If one cannot catch snapper it is easy to go out, throw them back and take the other fish, which is totally against the spirit of the measure. On-going research will monitor the status of the snapper stocks and the fishery will be reopened when the breeding stock reaches 100 tonnes. The results of sampling undertaken this year will be available in February or March of next year. Should new evidence come to light, the fishery will be reopened within three years.

The long-term impact on tourism of the collapse of the breeding stocks outweighs the short-term concerns, and visitors can catch other key species of fish. Shark Bay still represents an attractive holiday destination. Hon Giz Watson went through the tourist figures and surprisingly the fishing figure was down to 4 per cent, indicating that fishing is not the greatest attraction for visitors. I have been given figures which demonstrate that visitation numbers for 1997 rose considerably, suggesting an increase of 10 000 on 1996 levels. Up to September 1998, tourist numbers increased by around 10 per cent on the 1997 figure.

Hon Kim Chance: Most of those were members of Parliament going to check on the situation.

Hon M.J. CRIDDLE: I have not been to Shark Bay to catch a fish recently but I would like to be there. Careful consideration was given to the public submissions received and strong support came from around the State for further changes to the management to ensure that pink snapper stocks were protected sufficiently to allow for rebuilding. Many submissions supported the closure including the RFAC, RecFishWest, the marine parks and reserve authority and the Conservation Council of Western Australia.

Several members have indicated that the controls on the western gulf are unchanged. They are being reviewed by the Gascoyne regional review process. The current rules are; a bag limit of four pink snapper, a limit of two over 70 centimetres, a minimum legal size of 45 centimetres and a daily mixed bag limit of seven excluding whiting, tailor and mullet. Management controls introduced in 1997 are not enough to allow the stock to rebuild. Modelling has shown that even a small level of fishing will prevent the rebuilding of pink snapper stocks and jeopardise stocks. The stock recovery time for pink snapper caught under the five tonne estimate is significantly longer - nine or 10 years - and in the 30 tonne level it is four to five years.

Hon Kim Chance: Why are those figures different from the ones provided to me?

Hon M.J. CRIDDLE: Those are the research figures that I have been given by Fisheries. I spoke to Peter Rogers this afternoon about the figures so I guess they are right. He is the man who knows a lot about fisheries in Western Australia.

Research is currently being undertaken in Shark Bay and will be ongoing to monitor the rebuilding of snapper stocks. An intensive three-year research program on pink snapper is currently underway which is building on an extensive research program on pink snapper that commenced in Shark Bay in the 1960s; that would be of interest to Hon Giz Watson. This research incorporates a trapping program to estimate the number of juvenile fish, a tagging program to monitor the movement and patterns in the inner gulf stocks, egg surveys to obtain estimates and to ensure a breeding population, and a further biological research to better define the growth rates. A major recreational catch survey is also currently underway to provide information on angler participation and catch rates. The current research program forms part of an intensive research effort on recreational fishing in the region costing more than \$500 000.

The main identified problems with the fishery in the region is in the age group from 0 years to 2 years. That is a concerning factor. That is those small fish that Hon Kim Chance mentioned. Hon Giz Watson suggested leaving part of the area untouched and to have no-take areas. It is probably a little late for it to go ahead at this time; however, the idea is that this area should not have any further take of snapper from it for some time. Perhaps this will go part of the way towards achieving that. High technology fishing takes many fish from the ocean and readily identifies where they are. I know a few people have caught large numbers of fish there and brought them back in previous years. The idea of erring on the side of caution takes me back to the lobster era when I first came into Parliament. Many people would know about the reduction

of 18 per cent of the pot lobster catch. It had a major impact on the lobster industry and helped preserve that fishery. While prices are now low, I think the stocks of lobster are well protected for the future.

A comment was made about the shire's concerns about the immediate impact on incomes in the shire. I think some of the information that I gave earlier indicate that tourism is not one of the industries that has been impacted on to the extent that would be imagined through this fish effort reduction.

Hon Giz Watson raised an interesting point about visitations. I mentioned earlier that 69 per cent of people went to the region to see the dolphins. That is a high figure. Others went there for sightseeing and other trips. She mentioned also the monetary requirement for research. As I mentioned, a considerable effort is going into research - \$500 000. I think she would be keen to hear that.

Hon Helen Hodgson spoke about the methods used for research and reducing the fish effort and the fact that this Parliament had a disallowance debate previously which was not brought to a conclusion. However, the Government does not support this disallowance motion and I urge members to vote against it.

HON KIM CHANCE (Agricultural) [8.24 pm]: I take this opportunity to apologise for misleading the House. I was of the view that the Opposition carried the disallowance motion to its conclusion last year. On the advice of Hon Helen Hodgson, I have researched the record and found that was not the case. I guess the reason I thought it was the case was because I remember the Minister for Fisheries in the other place doing the most enormous dummy spit after we had disallowed one of his regulations. I thought this was it. Unfortunately, I was wrong. It was the regulation relating to the west coast pilchard fishery. I regret that and apologise to honourable members for misleading them in that way and express my appreciation to Hon Helen Hodgson for gratuitously letting me know about it.

I am surprised by only one thing that I heard tonight. That was the information from the Minister for Transport about those graph lines. I had placed a great deal of store on the outcome of those graph lines because it seemed to me that the only outcome of zero catch against a two fish bag limit was those two years; the difference between reaching the target of 100 tonnes by 2009 instead of 2007. It appears that the minister has different information.

Hon M.J. Criddle: I said eight to nine years, not to 2009.

Hon KIM CHANCE: I thought the minister spoke of eight to nine years difference between the two outcomes.

Hon M.J. Criddle: No.

Hon KIM CHANCE: In that case I feel more comfortable because while I do not have a copy of that graph with me, I have a clear photographic memory of it and I also discussed it with councillors of the Shire of Shark Bay, who felt similarly that it was crucial information.

Hon M.J. Criddle: If I said that, I did not mean to.

Hon KIM CHANCE: I probably misunderstood the minister. It is not a problem. The difference in outcome is only two years and that is why I was talking about the balance in the decisions we must make in this place. It is one thing to say the economy of the Shire of Shark Bay suffered by only 4 per cent, therefore fishing is not important. Make no mistake; fishing is important to the economy of the Shark Bay region. Other aspects of that beautiful region are certainly growing in importance. I am happy to recognise that that is something we should encourage. Recreational fishing will always be a key reason for people travelling to the region. Nobody is more at risk than the people in Denham and Monkey Mia who are opposing the total ban. Nobody is more at risk from losing their livelihood if this fishery collapses. It will not matter to anybody else particularly, except in an academic sense. It will matter to the Shire of Shark Bay, the proprietors of the Monkey Mia Resort and to the ratepayers in Denham. They are the people who will lose if a wrong decision is made in this. However, that group of people have unanimously said there is no need for a total ban. Indeed, the local economy will have difficulty sustaining it.

A member interjected.

Hon KIM CHANCE: How many people? Roughly the same number that is projected to be the number of pink snapper in the eastern gulf. It is a significant amount of people if everybody is taken into account who is dependent on that economy. Does it matter how many people? Is this a case in issue? Is it okay to be unfair and unreasonable if one is unfair and unreasonable only to a small group of people as opposed to a larger group of people? I am afraid I do not share that point of view. In some respects other things that I have heard tonight disturbed me a bit. We seem to have this reliance on the fact that there are a completely separate species of fish inhabiting the western gulf, the eastern gulf and the ocean. I am not too sure where that perception came from. There is certainly some limited evidence - it is extremely limited - of DNA differences between the stock living in the hypersaline ends of the two gulfs. That is only because DNA matches for that stock from Nanga and Hamelin Pool have never been found in the oceanic stock. There has been only a handful of samples. There is no evidence that the whole of the eastern gulf and the whole of the western gulf stock is unrelated to the oceanic stock. If members have ever been there, they would know that idea is ridiculous. If they could go to the interface between either gulf and the ocean, where would the fence be? What prevents the oceanic stock coming into the region? What

generates those huge spawning amalgamations of snapper which occur in the case of the eastern gulf right on the edge of the dividing line between the gulf and the ocean? What determines that all the fish in that spawning aggregation off Monkey Mia actually come up from Nanga? It is rubbish. They are oceanic stock.

Hon B.K. Donaldson: Is it genetic separation?

Hon KIM CHANCE: There is some DNA evidence but it is based on such a tiny segment of stock that all one can say is that the match has never been found in the oceanic stock. That is not to say that it is not there. The argument that the gulfs are discrete has been bandied around for some years, but now there is a recognition that is not the case. Even the article in the *Western Fisheries* magazine refers to a limited intermingling. In a letter I have seen recently from Dr Jim Penn he refers to oceanic stock entering into Denham Sound. Does any member have any idea how much of the western gulf is made up of Denham Sound? It is more than half of the gulf. So we have the principal scientific officer from Fisheries admitting that in more than one-quarter of the whole area oceanic stock is freely intermingling with the other stock. As I say, the argument might be able to be developed that the hypersaline areas - those areas greater than 60 parts per million of sodium chloride - may have genetically different stock, but only may have. Certainly in the upper ends of both gulfs it is a rubbish argument. Nobody, certainly nobody locally, begins to believe it. People like Dr Penn have already admitted that it is not the case. Oceanic stock go into the areas quite freely.

I know I said somewhat light-heartedly when I spoke of my experience in the area that there are large numbers of juveniles. Certainly that was the evidence I saw and heard from people who have daily experience in that fishery. The really interesting thing is that the age of the fish, as indicated by experienced Fisheries officers, was between two and two-and-a-half years. This was in the winter of 1998. If they were two-and-a-half years old, every one of those fish was spawned after that massive slaughter of fish which occurred in 1995. Where are their mums and dads? They are the product of that spawning that occurred after the slaughter. There has been no slaughter since then because controls of one form or another have been in place. In the first year of breeding after that slaughter the spawning produced the juveniles that are there now in vast numbers apparently. I am the first to concede that a problem exists in the eastern gulf stock and possibly some problem in the western gulf. It is not a problem, however, that requires the total closure of the area, with the accompanying economic difficulties that will bring to people in the region.

I urge my colleagues from the other opposition parties to reconsider their position, and indeed I urge government members to reconsider their position. If I can suggest to them one issue on which they should concentrate; that is, the issue I have identified about that graph line shown to me by Dr Jim Penn. If a two-fish bag limit is maintained, the desired stock level will be reached in 2009. If a total ban on fishing is kept, the same level is reached in 2007, just two years earlier, without taking account of the mortality that is directly caused by the zero bag limit. The zero bag limit means that every time a snapper is brought to the surface, if one is fishing for something else, regardless of whether its flotation bag is blown or not, the fish has to be unhooked and thrown back into the water. The fish floats away dead or dying. Every time one releases a hook from the gills of a snapper and that fish is bleeding from the gills, that is a dead fish within a few minutes. Therefore, that mortality must be counted as well. A total ban does not mean that while any fishing is going on in the area, there is no take of snapper. There continues to be a take of snapper, and that is not taken into account in those graph lines. Even with that important omission, the only difference between a total ban and a two-fish bag limit is that the target is reached two years later. I ask members to consider what effect that might have on businesses that are trying to make a living in the Denham region.

Question put and a division taken with the following result -

Ayes (10)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport

Hon John Halden
Hon Tom Helm
Hon Mark Nevill

Hon Ljiljana Ravlich
Hon Tom Stephens

Hon Ken Travers
Hon Bob Thomas (*Teller*)

Noes (18)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans
Hon Ray Halligan

Hon Helen Hodgson
Hon Barry House
Hon Norm Kelly
Hon N.F. Moore
Hon Simon O'Brien

Hon B.M. Scott
Hon J.A. Scott
Hon C. Sharp
Hon Greg Smith

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Giz Watson
Hon Muriel Patterson (*Teller*)

Pairs

Hon E.R.J. Dermer
Hon N.D. Griffiths

Hon M.D. Nixon
Hon Murray Montgomery

Question thus negatived.

SITTINGS OF THE HOUSE - EXTENDED AFTER 10.00 PM

Wednesday, 20 October

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [8.41 pm]: I move -

That the House continue to sit beyond 10.00 pm.

I regard this motion as insurance. It is moved on the basis that I would like the House to deal with, firstly, at least one speaker on the Address-in-Reply debate; secondly, consideration of the report of the committee stage of the Commercial Tenancy (Retail Shops) Agreement Amendment Bill; and, thirdly, the appointment of the Select Committee of Privilege. In the event that we cannot finish that business by 10 o'clock, I seek that the House sit beyond that hour to do so.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [8.43 pm]: It is always helpful if the Leader of the House is able to mention these things in advance, either at the business management meeting or some other time when he feels it is convenient to let us know what he has in mind.

Hon N.F. Moore: Sometimes I think of things without telling you.

The PRESIDENT: Order! I think the members can discuss these things outside the Chamber if they need to.

Question put and passed.

ADDRESS-IN-REPLY

Motion

Resumed from 20 October.

HON KEN TRAVERS (North Metropolitan) [8.42 pm]: I will touch on a couple of issues, the first being the lack of government commitment to the outer northern suburbs and the second being the lack of planning for Perth's future water supplies. Before I do that, I will comment briefly on the monologue we received from the Leader of the House during Question Time in response to my question about Elle Macpherson. He failed completely to answer the question about whether the Government had considered using any of the local, high profile Western Australian models in those tourism commercials. Surely if we are about promoting a fresh, new, young, breezy approach for the future of tourism in Western Australia, we should have looked at using one of the Elles of tomorrow. In my question I suggested Kate James. I suspect that she will become one of the Elles tomorrow, and we could have given her a chance to achieve that by having her star in those commercials.

Hon N.F. Moore: Don't you understand that the commercial is not to promote somebody called Kate James or Elle Macpherson, but Western Australia? The problem is that you're so thick!

Hon KEN TRAVERS: Do people want to see Elle Macpherson, when they know she will not be found here? What nonsense! Is the minister saying that Elle alone will bring people to Western Australia?

Hon N.F. Moore: That is what people take notice of.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Ken Travers will address his comments to the Chair.

Hon KEN TRAVERS: What is the point of taking footage down south? Why not have one picture of Elle floating around? Why take her to the Valley of the Giants and Rottnest? People come to Western Australia because they see the natural beauty of the place. In fact, to be honest, no-one need front the commercial. However, if someone is to be used, why not promote some local content and talent? All the minister cares about is getting some glossy photograph taken beside Elle Macpherson. Where was Liz Hurley until she was seen in that dress?

Hon Max Evans: She was noticed when her boyfriend got into trouble.

Hon KEN TRAVERS: No. It was that dress by Versace with the safety pins in which she was photographed which drew attention. People will be drawn to Western Australia by its natural advantages and beauties; namely, the Bungle Bungles, the golden mile and the Valley of the Giants.

Hon N.F. Moore: Exactly right. They need to have their attention drawn to them.

Hon KEN TRAVERS: Why waste \$1m on Elle?

Hon N.F. Moore: People take notice of Elle Macpherson, whether you like it or not, just as you take notice of the lady pinned to your office wall.

Hon KEN TRAVERS: Who is that?

Hon N.F. Moore: The one you just told us about - the one with the pins.

Hon KEN TRAVERS: She is not pinned to my wall, but I am glad the minister agrees that people take notice of an attractive woman. They will take notice of the advertisements if they include someone who is good looking, attractive, young and free.

Hon N.F. Moore: They take notice of people who are international icons, one of whom is Elle Macpherson. That is why General Motors-Holden uses Greg Norman.

Hon KEN TRAVERS: Why not use Rolf Harris if an international icon were needed? The minister missed the opportunity to promote someone from a Western Australian perspective. That does not surprise me. The minister was happy to hand over the taxing arrangements to the Federal Government. He nicked them off as well.

Hon W.N. Stretch: I suppose you will want to use Cheryl Kernot next!

Hon N.F. Moore: Perhaps we could use her next time.

Hon KEN TRAVERS: I am glad members are getting excited.

The DEPUTY PRESIDENT: Order! Minds are wandering, members.

Hon KEN TRAVERS: Clearly, the Government has missed an opportunity. We will return to that issue another day.

Tonight I concentrate on the lack of action by the Government in the northern suburbs.

Hon Greg Smith: That is a joke!

Hon KEN TRAVERS: Exactly. The action of the Government is a joke.

Hon Greg Smith: The northern suburbs have heaps.

Hon KEN TRAVERS: Name them.

Hon Ray Halligan: The \$30m worth of schools.

Hon Kim Chance: The great railway line.

Hon KEN TRAVERS: What else did the Romans give us! I will return to the schools, which I am glad Hon Ray Halligan mentioned. Does anyone else want to list things the Liberal Government has done in the northern suburbs? Total silence. Is that not golden?

Hon Kim Chance: They had Eoin Cameron for a while.

Hon KEN TRAVERS: Indeed.

Hon B.K. Donaldson: Low mortgage rates; I could keep going for hours.

Hon Bob Thomas: You have flattened the economy.

The DEPUTY PRESIDENT: Order! This interchange is very interesting, but the member will return to his speech.

Hon KEN TRAVERS: I was interested to re-read the Governor's speech to note that it was very up tempo and positive about the future of Western Australia. It said that we should not worry about the Asian economic crisis as we are going great guns in Western Australia. I am glad to hear it, as plenty of money should be in the coffers to provide what is needed.

I noted in my first speech to this place the Government's lack of commitment to the North Metropolitan Region. Nothing has changed. In my inaugural speech I referred to the wasted opportunity with the Government building a tunnel in Northbridge, and not using the money to develop regional areas of the Perth metropolitan area. We now have \$100m directed to a convention centre in the CBD. Last weekend, \$80m was directed to build a belltower and make a few amendments at the Barrack Street Jetty.

Hon Greg Smith: With only \$4m of government money.

Hon KEN TRAVERS: Will Hon Greg Smith print the rest?

Has Hon Greg Smith picked up all of One Nation's policies yet? Hon Greg Smith has always been good at picking up the policies of One Nation, and he is now printing the money for the next one!

The proposed convention centre could be built in the north west corridor or the south west corridor, where people need jobs. If the Government wants to spend \$100m on a convention centre, why does that need to be in the central business district?

Hon Bob Thomas: That is where the private sector wants to build it.

Hon KEN TRAVERS: Only if it gets \$100m.

Hon N.F. Moore: It does not need to be in the CBD if someone puts up a proposition that we can accept.

Hon KEN TRAVERS: I am glad to see that Viagra is alive and well in this Chamber! The \$80m that will be spent on the belltower could be used to build 20 new primary schools.

Hon N.F. Moore: That is an incorrect figure, and you know it as well as I do. The belltower will cost \$4.5m. Why not look at the facts?

Hon KEN TRAVERS: When we said in this place that the Northbridge tunnel would cost \$400m, the minister said we were wrong and it would cost only \$350m. The tunnel has now cost well in excess of \$400m. We were right then, and we will be right again.

Hon N.F. Moore: To go from \$4.5m to \$80m is a bit of an exaggeration.

Hon KEN TRAVERS: All the figures that I have heard and seen in all the radio reports and press releases -

Hon N.F. Moore: Do you believe everything that you read in the paper?

Hon KEN TRAVERS: I urge members to go back and read, as I am sure they do fairly regularly, my inaugural speech, and to see the great quote that I used from the Minister for Planning, which summarises this Government's commitment to the central business district: Forget the regional centres; forget the suburbs; Richard Court and his mates want to take care of their mates in the CBD. Perth stops at Newcastle Street - now the Northbridge tunnel. Do not worry about anything north of that!

I looked at the Governor's speech to see if it said anything about what this Government will do for the northern suburbs, and I could not find anything.

Hon Greg Smith: Do you not think the Northbridge tunnel will help the people of the northern suburbs, because they will not need to sit in a traffic jam that goes all the way up to Whitfords Avenue?

Hon N.F. Moore: He has not worked that out yet! He probably comes to work every day on the train, looking after public transport!

Hon KEN TRAVERS: I will explain to members the principles of public transport versus road systems. All the tunnel will do is increase the traffic load. It will not remove congestion. The experience in the remainder of the world is that the purpose of a freeway system should be to carry the off-peak load and that we will never be able to build a freeway system that can carry the peak load. What we need to cater for the peak load is a public transport system. Professor Stephenson was the first one to tell us that in 1955. He said that we should model ourselves on cities like Melbourne. Although Kennett now wants to spend money on a tunnel, the population of Melbourne is far larger than the population of Perth, and it has never been necessary to build a tunnel in Melbourne because that city has a decent public transport system that can cater for the peak loads. It is during the off-peak periods that we need a freeway. The tunnel will not help us, because it will not be able to cater for the peak periods. We need to put in place public transport infrastructure to give people an alternative during the peak periods.

Now that we all understand that, I can come back to the issues that I want to cover in the order in which I want to cover them. The first problem that is faced by people in the Wanneroo area is jobs. That is a pressing issue for all of the people in the northern suburbs, particularly those in the Shire of Wanneroo. One of the things that had not come to my attention previously about the result of splitting the former City of Wanneroo, and which gives me great concern, is the disparity between the unemployment rates in the City of Joondalup and the Shire of Wanneroo. For the information of members, I indicate that in the March quarter the unemployment rate in the Shire of Wanneroo was estimated at 11.7 per cent, which is more than double the rate of 4.9 per cent in the City of Joondalup. Those figures compare with an unemployment rate of 7.9 per cent in Perth and 7.7 per cent in Western Australia. I did not realise until I researched this speech that it is another problem the people must face in the Shire of Wanneroo. They are already the poor cousins among the ratepayers in the northern suburbs, but they now must cope with the problem of high unemployment rates. Some areas in the northern suburbs definitely need more employment opportunities. Mention was made in the Governor's speech of the Government's moves to provide more jobs at Jervois Bay, but no mention was made of the northern suburbs. The opportunity to build convention centres or provide some jobs in tourism has been completely missed by this Government. It has done nothing about providing jobs in the northern suburbs.

The second issue that people in the northern suburbs will need assistance with is transport links. I will talk about the need for some work on freeway extensions, but it must be weighed against the need to develop railways and public infrastructure for peak periods. There is no doubt that the freeway should be extended in the northern suburbs, but this Government has taken no action whatsoever. On the books is a proposal from the Government to extend the freeway from Ocean Reef Road

to Hodges Drive, a wonderful 2.6 kilometres. That is paid for with federal funds, and not one cent will come from the State Government's coffers. Recently the Minister for Local Government argued that the City of Joondalup could pay for part of that extension, the Eddystone Avenue bridge. What is the history of this extension that should have been in place a year ago? On 13 November 1996 a press statement was released by the Premier as follows -

"This extension will happen. The funding is now there - unlike unfunded 'promises' on extending the freeway already made by the Labor Party.

It further stated -

The design and public consultation period would take around 12 months,

That would take it to November 1997. The press release also stated that once a contract was awarded, construction time was estimated to be between 12 and 15 months. People sitting in the northern suburbs on 13 November 1996 who read reports in the local media about the extension of the Mitchell Freeway could have expected the freeway extension as far as Hodges Drive to be completed by November 1998. They could have expected it to be completed, at the very latest, just after Christmas. However, the contracts have not even been let. To indicate the complete mismanagement by this Government of this project, I refer to a press release by the then Minister for Transport, Hon Eric Charlton, on 25 March 1997 in which he stated that -

"Tenders for construction will be called in March 1998 and the construction phase will take about 18 months after the contract is awarded," . . .

By that time the period had increased from between 12 and 15 months to 18 months.

Hon J.A. Scott: Like the southern railway extension.

Hon KEN TRAVERS: I will get to the railway extension. There is a litany of disasters in the northern suburbs from this mob.

Hon Greg Smith interjected.

Hon KEN TRAVERS: I would not mind if the Government was spending it in the southern suburbs but all the money is being spent in the central business district. I would expect a country member to want some money spent outside the CBD of Perth.

Hon Greg Smith interjected.

Hon KEN TRAVERS: By the next election the seats of Wanneroo and Joondalup will have more electors than the whole of the Mining and Pastoral Region.

Hon Greg Smith: What is the rate of growth up there?

Hon KEN TRAVERS: I cannot say off the top of my head, but it is significant. Every day the place changes.

Hon Greg Smith: Does growth lead to jobs?

Hon KEN TRAVERS: Only if we create jobs with growth. The construction phase of that segment of the Mitchell Freeway will take about 18 months. It was due to commence in March 1988, but still we wait for this Government to do something about the freeway extension to Hodges Drive. Is it new that the Liberals in this State have been inactive in building railway lines or extending the freeway system? No; it is not unusual.

I researched the history of the construction of the Mitchell Freeway. I am pleased to say that the Labor Party can stand proudly because it played a part in virtually every stage of the Mitchell Freeway from where it began to where it is today. In fact, I suspect the only reason the Government is building the Hodges Drive extension is that we said we would do it during the last election campaign.

The first and second stages of the Hamilton and Narrows interchanges were built in 1971 and 1972 under the Tonkin Labor Government. Good on ya John! Then in March 1972 planning began for the Hamilton interchange to Vincent Street - again by a Labor Government. Construction was completed in March 1976. Then in 1974 - as I said, this is the only stage on which the Labor Party missed out - planning started on the Vincent to Hutton Street extension. It opened on 2 June 1978. Planning commenced in 1978 on the Hutton Street to Erindale Road section, but like everything under conservative rule it took a while to progress. Construction was not completed until 21 September 1984. Well done Labor again! Stage 4, Erindale Road to Warwick Road, commenced about September 1984 and was completed on 6 August 1986. Stages 5 and 6 were built together and they took the freeway from Warwick Road to Ocean Reef Road. They were opened on 12 July 1988. Where does the freeway end today? It ends at Ocean Reef Road. Contrary to popular myth, the freeway to the north has not been extended any further since 1988.

Hon Ray Halligan: Who was in government from 1988?

Hon KEN TRAVERS: If we throw out the fishing line we catch a snapper every time!

Hon Ray Halligan interjected.

Hon KEN TRAVERS: I have Hon Ray Halligan covered. At every turn with a Labor Government another extension was added to the freeway because the Labor Party acknowledged the needs of the northern suburbs. The funding for the Hepburn-Ocean Reef Road segment was broken up into the State's providing \$9.7m, the Commonwealth \$5.2m, the City of Wanneroo \$1.3m, the Joondalup Development Corporation \$1m and the developers \$300 000. It is a shame the State Government is not contributing that amount now. Even \$5m would go a long way towards building the Eddystone Avenue bridge; but no, zippo is happening.

What did the Labor Government do in 1993 when it was in power? It built a railway line, which is the most significant improvement in transport links between Perth and the northern suburbs ever. The freeway was first widened to allow that to occur and that work was completed in June 1992. As I have said, we built the railway line that was opened in November 1992. The Mitchell Freeway has been stalled at Ocean Reef Road since 1988. For more than 10 years we were on a great run. Members opposite can talk about Laurie Connell, etc, but at the end of the day we put in place the public infrastructure -

Several members interjected.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The Leader of the Opposition and Hon Ray Halligan will come to order, or we will stop the debate until they finish or leave.

Hon KEN TRAVERS: The freeway can carry the off-peak loads and the public transport system should carry the majority of the peak transport loads.

We have not seen any new transport links into the northern suburbs in five years of the conservatives being in power. All the conservatives have done is prop up the central business district.

Let us look at the growth in the northern suburbs during that time. A publication on the Joondalup demographic profile is based on the 1986 census statistics. It lists a number of suburbs north of Ocean Reef Road. In 1986 there was no-one living in most of those suburbs. The most recent Joondalup demographic profile was released in May 1998 and cites statistics from 1991, which was two years after the Mitchell Freeway was opened. It lists the number of residents in a range of suburbs: Clarkson, five; Connolly, 2 000; Currambine, 52; Iluka, three; Joondalup, 2 500; Merriwa, 583; Mindarie, 125; Ocean Reef, 5 297; Quinns Rock, 1 940; Carabooda, 318; Two Rocks 1 400; and Neerabup, 669. In 1989 most of those suburbs did not exist. By 1991 they had started to appear. By 1996 the number of residents in Clarkson was 4 800; Burns, 940; Connolly, 3 900; Currambine, 3 862; Iluka, 923; Kinross - which had none in 1991 - 4 997; Merriwa, 4 000; Mindarie 2 190; and the list goes on. According to this document, the total population in the northern suburbs in 1991 - most though not all being north of Ocean Reef Road - was 26 876. By 1996 the population was 55 269; and by 2001 it will be 77 488. The growth has continued, but the infrastructure has lagged behind.

Let us consider this area according to the number of seats. In 1986 the City of Wanneroo comprised part of the seats of Karrinyup and Balga, and all of Whitford and Wanneroo. In 1989 the seat of Kingsley was added and currently it comprises part of the seats of Carine and Girrawheen, and all of the seats of Hillarys, Joondalup, Wanneroo, and Kingsley. Hillarys, Joondalup and Wanneroo are three of the largest Legislative Assembly seats in this State, and by the next election, the number of electors in two of those seats will equate to electors in the Mining and Pastoral Region.

Hon Greg Smith interjected.

Hon KEN TRAVERS: We certainly miss out on the sheep votes!

The seats that are wholly contained in the City of Wanneroo - Hillarys, Joondalup, Wanneroo, and Kingsley - which, by quota standards, equate to almost five seats, are all held by Liberal members of Parliament. I note that Hon Ray Halligan has moved his office there. We have a sea of Liberal Party members, but have they been able to get anything done? We have all those Liberal members floating around in the northern suburbs, but have they been able to get any action from the State Government in that area? Not a single thing. We also had three federal Liberal Party members in that area: Eion Cameron, Paul Filing and -

Several members interjected.

Hon KEN TRAVERS: He was a memorable character. Can members tell me whom Graham Edwards defeated?

Hon Tom Stephens: I have forgotten.

Hon Greg Smith: Copycat!

Hon KEN TRAVERS: Of course, it was Richard Evans. I knew I would think of it. It is a disgrace. The Liberal Party

members wandering around in the northern suburbs should hang their heads in shame. They have been able to deliver nothing, despite being in office for five years.

Hon Greg Smith: The area must have something going for it - everyone is moving there.

Hon KEN TRAVERS: It is the only place people can afford to live. The interest rates might have gone down, but people are living in fear under this Government's workplace agreements legislation. They cannot get a loan because they do not have job security. Their wages are being driven down.

Hon Tom Stephens: And prices are being driven up at the prospect of a GST.

Hon KEN TRAVERS: The simple threat of a GST has led to an increase in the cost of leased vehicles. The price has already gone through the roof as a result of the GST or the threat thereof.

Let us consider what happened on 20 November 1996. The Premier issued a press release stating that the northern suburbs transit system would be extended to Neerabup Drive, Clarkson at a cost of \$40m. He tried to have a go at members of the Labor Party because we said that the railway line should be extended to Hester Avenue. He went on to say that our proposals were uncoded and so on. That was nonsense. He said that the Government had budgeted \$40m for the line and rolling stock. The rolling stock is only now coming on stream, but that will barely pick up the current requirements on that line. He then stated that construction could start on the Clarkson extension within 15 months of completion of initial planning, and the extension to Alkimos would be a longer-term project. I think he also said in his campaign launch that during this Government's term in office it would extend the railway line to Clarkson. An extension only to Meerabup Drive would be an extension into the bush where no-one lives at the moment, but at least it would make it closer and would improve the chances of those who live in those suburbs having access to a decent public transport system. Have we seen any action? No. I have put some questions on notice and I look forward to seeing the answers. The answer to my question without notice gave me great cause for concern.

The residents of the northern suburbs desperately need the railway line extended. If members want to see a big crowd they should watch the people at Quinns Rocks shopping centre on a Saturday morning collecting signatures on a petition calling for the extension of the railway line. Hoards of people line up to sign it and I hope to present it to the House shortly. Many people say that that is what is needed in that area.

Even though the Liberal Party has a plethora of members in the area, it cannot deliver a single thing. The member for Rockingham, Mark McGowan, can do a better job in opposition than all the Liberals combined in the northern suburbs.

What are some of the other issues those residents looked to this Government to address in the Address-in-Reply speech? Law and order would have been a good start. I turn to no greater authority than the famous former Liberal member for the federal seat of Moore - one of the few honest Liberal members to occupy that seat because he became an Independent - Mr Paul Filing. He put out some very telling figures during the federal election about the lack of effort by this Government and what the police ratios are in the northern suburbs. They are a disgrace. I saw the press release by the Minister for Police, who tried to justify the figures. However, Mr Paul Filing was absolutely right. He stated that our area has four times fewer police to do the job than are located in other districts. This is not acceptable, and the situation is getting worse, not better. I could not agree more with Paul Filing on that issue. However, what do we have from our local Liberal members in the northern suburbs on law and order? We have had them running all over the place calling for people to sign petitions advocating flogging. Their response to the law and order issue in the northern suburbs is to run around the northern suburbs writing out petitions calling for zero tolerance for all crimes and for mandatory minimum sentences for violent criminals to include, where appropriate, flogging.

In the plethora of petitions that they have been running, the members for Hillarys, Joondalup and Carine - all the ones who can write - have been putting out petitions. We can work out which members have not yet put out a petition. What have we seen? Have they got the Government to do any of the things they are calling for? Has the Attorney General come in here and told us he will bring back flogging? No. That is probably the reason why in the earlier petitions they called for flogging but in the later petitions they called for mandatory minimum sentences for violent criminals. They are running around trying to beat up the issue and trying to convince the people in the northern suburbs that they are doing something.

Hon Greg Smith: What is your answer? Have you got an answer for it? No.

Hon Tom Stephens interjected.

The DEPUTY PRESIDENT: Order!

Hon KEN TRAVERS: I suggest that Hon Greg Smith read the policies that the Labor Party put forward at the last election and wait to see the policies that we will bring forward at the next state election. The answer is not to hand over the streets to the bikies and say, "Go and put on your little display of strength."

Hon Tom Stephens: That is right. The Government is organising a state funeral for one tomorrow.

Hon KEN TRAVERS: Yes.

Hon Tom Stephens interjected.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition will come to order.

Hon KEN TRAVERS: Previously the Labor Party has offered a whole range of suggestions. The members in the northern suburbs -

Hon Tom Stephens interjected.

The DEPUTY PRESIDENT: Order! Would the member sit down. The Leader of the Opposition will come to order. Hon Ken Travers.

Hon KEN TRAVERS: It is not just me who does not agree with what these people are calling for. They cannot even convince the Cabinet, and correctly so, because some of what they are calling for is absolute nonsense. I agree that more police should be out on the beat, such as the Government promised at the last state election and has failed to deliver.

Hon Greg Smith: We have provided 800 more police.

Hon KEN TRAVERS: Since the last state election?

Hon Greg Smith: Since we promised. We put extra police on when we said we would.

Hon KEN TRAVERS: Come on, let us play hang the man.

Hon Greg Smith: We have provided 800 more police.

Hon KEN TRAVERS: What is the ratio of police to population in the northern suburbs? It is about 1:10 000. In New South Wales it is 1:3 000. It is a good starting point to get some actual police out on the streets. The answer is not to run around with nonsense petitions about which the members promoting them cannot even convince their own members and the Government to do something. While they run around in the northern suburbs with their petitions, the burglaries and graffiti and other crimes continue.

Let us consider health care. Again this great man Paul Filing came up with many other points. He noted that the Government's great icon in the northern suburbs is the Joondalup Health Campus. Again, in a brochure that he put out during the previous federal election, in regard to Joondalup hospital, he commented that -

Constant complaints are being received about the level of service at Joondalup Hospital. Privatising hospital services hasn't proved to be the success the Government told us it would.

That is an arch-conservative, Mr Paul Filing, not one of the namby-pamby wet Liberals of which there are few left in the Liberal Party these days. He fell out with the leading lights of the conservatives in the party, for whatever reason. Later on, in regard to health care, he said -

Joondalup Hospital is referring public outpatients who rely on medicare to private doctors. Patients may then face additional, unforeseen charges as a consequence. It's unfair. Is it any wonder the level of bulk billing in our area is declining alarmingly? This is costing you more.

Hon Simon O'Brien: Is that an election advertisement?

Hon KEN TRAVERS: It was a newsletter that he put out, but he was right.

Hon N.F. Moore: Nobody took any notice.

Hon KEN TRAVERS: The minister did not romp it home as he would have liked.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! Members, we are getting out of control again.

Hon KEN TRAVERS: The Labor Party now holds seven out of 14 seats. It won the majority of the vote in Western Australia. Members opposite can look at that any way they like, but we won and they lost in Western Australia. People rejected their solutions for Australia and Western Australia.

Hon Muriel Patterson: I know; that is why we are in government.

Hon KEN TRAVERS: Give us time. Bring on 2001. People will reject the state Liberals, just as they rejected the federal Liberals. Members opposite should enjoy their time on the plush benches. They should enjoy their overseas trips, and take their families on their overseas trips, as they have been doing -

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Ken Travers will address his comments to the Chair, and other members will realise that they do not have the call at the moment.

Hon KEN TRAVERS: Time is running out for them. The people rejected their solutions. Paul Filing highlighted their hypocrisy.

Hon Greg Smith: You have no answers.

Hon KEN TRAVERS: Paul Filing was not a Labor person; he was an arch-conservative of the Liberal Party.

Hon Greg Smith interjected.

The DEPUTY PRESIDENT: Order! Hon Greg Smith will find that he should not have any questions either unless he is recognised by the Chair. We will not worry about answers just at the moment.

Hon KEN TRAVERS: Whenever I hear the answer, I remember that great campaign by Andrew Peacock: The answer was Liberal, but no-one ever worked out what the question was.

Let us move on to education. I was interested to hear Hon Ray Halligan's question this afternoon about what schools the Government has built in the northern suburbs. I quickly noted them down. I am sure that the Leader of the House will correct me if I am wrong, but if I got it right, they are: 1993, Clarkson and Joondalup Primary Schools - they were already commenced under the Labor Government because Jackie Watkins had done the necessary lobbying; 1995, Kinross and Merriwa; and, 1997, Clarkson Community High School and Currambine High School. It is interesting that Clarkson, Merriwa, Kinross, Joondalup and Currambine schools have more than 600 students this year. Next year, Clarkson, Merriwa and Kinross will have about 1 000 students. Those are primary schools, not high schools. It is an absolute disgrace.

Hon N.F. Moore: Are you saying that it never happened when you were in government?

Hon KEN TRAVERS: It never happened when I was in government and it will not happen when I am in government in 2001, because I will go out and get things for the northern suburbs!

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Ken Travers should not need to raise his voice.

Hon KEN TRAVERS: There we have it: More than 1 000 students in each of those three primary schools - the great success stories. That means that there is demand for another three schools.

Several members interjected.

Hon KEN TRAVERS: Let us keep going. Let us move it along and consider other facilities. I am sure the Minister for Sport and Recreation will prick up his ears.

What else did the Government promise the residents in the northern suburbs at the last election? In a press release issued on 30 November 1986 the Minister for Sport and Recreation said -

The State Government, if re-elected, will allocate \$4.5 million for the construction of an Olympic size swimming pool at the Arena Joondalup.

Hon N.F. Moore: We have.

Hon KEN TRAVERS: Another press release on 2 May 1997 states -

Plans to build an Olympic-size swimming pool at Arena Joondalup are still on track.

Sport and Recreation Minister Norman Moore has told the Wanneroo Times that money had been earmarked for the pool in the State Government's forward estimates.

Hon N.F. Moore: Quite right, it has.

Hon KEN TRAVERS: The *Sunday Times* of 1 December 1996 reported -

Mr Moore said that regardless of any council decision, the Coalition was committed to the construction of the Olympic-size 10-lane swimming pool.

He said it was essential there were top-class facilities in the northern suburbs.

Swimmers living in the northern areas were having to travel to train to the stadium.

What is the history of that aquatic pool? It was promised at the state elections. The Government then said that there was a problem and the funds in the budget had run out. However, it had previously said it would go ahead regardless of what the council said.

Hon N.F. Moore: And it will, quite right.

Hon KEN TRAVERS: Because the minister twisted the arms of the commissioners. What did he do to get them to come up with the extra money?

Hon N.F. Moore: We allocated \$4.5m of a \$9m budget. It is now costing \$11m. Nobody twisted any arms, so do not suggest that for a moment.

Hon KEN TRAVERS: The following was reported in the *Wanneroo Times* on 23 June this year -

Wanneroo City Council's finance and community services committee has knocked back a request from the State Government for an extra \$1 million to put towards the proposed aquatic facilities at Arena Joondalup.

The State Government promised that it would build the facility. It then wanted the residents in the northern suburbs to put in more money.

Hon N.F. Moore: Because the cost increased significantly.

Hon KEN TRAVERS: What will it cost them? It will not only be the cost of building the pool. The article further reported -

"The conservative estimated financial impact would be \$150,000 a year for Craigie Leisure Centre and \$50,000 a year for Aquamotion".

A long-term loss is involved here as well. It is not only the construction costs that the minister is making the residents of Joondalup pay.

Hon N.F. Moore: They are already operating out there.

Hon KEN TRAVERS: And they will lose money because of the opening of the pool at Joondalup.

Hon N.F. Moore: You are saying they should not open. Would you rather the Government did not do it? Say we should not do it.

Hon KEN TRAVERS: I will tell the minister what I am saying. If he makes a promise at the state election and goes on record in the *Sunday Times* saying the pool will be built regardless of what the council does, he should fulfil his promise and come good with the funds. The minister should not go back and put pressure on the commissioners in the City of Wanneroo to come up with an extra \$1m or \$2m to pay for it. The minister should pay for his own election promises. That is the history. The Minister for Local Government wants the freeway to be paid for by the council. This minister wants the swimming pool that he promised to be paid for by the council.

Hon N.F. Moore: It was given a choice - to make a bigger contribution or have a smaller pool.

Hon KEN TRAVERS: Would a proper Olympic-size training facility be built?

Hon N.F. Moore: A proper size facility would be built.

Hon KEN TRAVERS: Would the proper facilities that the minister promised at the election be built?

Hon N.F. Moore: It would not get that which would have cost \$11m; that was the original proposal.

Hon KEN TRAVERS: The minister never answers the questions.

Hon N.F. Moore: You are so thick that it is a wonder you got out of primary school.

The DEPUTY PRESIDENT: Order! It is not question time.

Hon KEN TRAVERS: I am not thick. I ask questions and the minister cannot answer them. They are not difficult questions. Would the same facilities that the minister promised at the election be built?

Hon N.F. Moore: A \$9m project would be built if the council were not putting any more money towards it.

Hon KEN TRAVERS: Is that the facility that the minister promised at the state election?

Hon N.F. Moore: Yes, of course it is, but it is not the same high tech project.

Hon KEN TRAVERS: Did the minister not promise the people of the northern suburbs a high tech project at the state election?

Hon N.F. Moore: I promised them a facility which was costed at that time at \$9m. The current price is \$11m, but you can reduce that to \$9m if you wish.

Hon KEN TRAVERS: The Government said at the time of the state election that it did not matter what the council did, it would get that facility. The Leader of the House is now saying that the budget has blown out and the council must put in more money. It is as simple as that. Even Hon Greg Smith could probably work it out. I have covered the swimming pool.

What else did the Government promise? It promised an environment centre. I will come back to this at some future time. An article in the *Wanneroo Times* of 8 November 1997 reads -

The Liberal candidate for Joondalup Mr Chris Baker said he wholly supported the Yellagonga Environment Group's proposal for an environment centre on the north-western shore of Lake Joondalup.

Have we seen anything done about that? No, not a thing. I could go on through all the promises, such as the youth facilities that are needed in Clarkson to such a degree that people there have given up waiting for the State Government and have got on with it themselves. When one digests the brochures which the Government brought out and goes through its election promises for projects, some of which had already been carried out and the Government made out were promises for the future, it can be seen that basically not one of those promises has been carried out. I would have thought that two years into the Parliament the Governor's speech would have indicated what the Government would do. It has not acted, is over time or it has had to force the locals to put in more money to meet its election promises.

The Government promised a park a hundred times the size of Kings Park. Apart from a bit of advertising nothing has been happening with that. Education advances are a joke. Nothing has happened on the promised \$40m railway extension. The reference to new services for families did not contain any promises for the future. The brochure says that a \$25m freeway extension had been approved. People are still waiting for it. There was the Olympic-size pool. The list goes on and on. It is a disgrace. The conservatory of Liberal members in the northern suburbs cannot play a tune. I would have thought that we would see that unfortunate situation addressed in the Governor's speech.

I want to take the remainder of my time tonight to address another issue.

Hon N.F. Moore: Your leader said that you would not all be needing an hour each.

Hon KEN TRAVERS: That is the Leader of the House's problem, not mine.

The DEPUTY PRESIDENT: Order!

Hon N.F. Moore: We have to listen to you, that is the problem.

Hon KEN TRAVERS: If the Government had got it right, we would not have to stand up and go on like this all the time. I would love to sit down here and do as the Liberal members in the northern suburbs do - nothing. I would love to put my feet up and say that everything is going along swimmingly and that I do not have to do anything about it. We have to get up here and keep the Government accountable. Somebody has to do it because the Government's back bench cannot do it. We must try to do the best we can to chip away and keep the Government honest from this side of the House.

I want to talk briefly about the water shortage Western Australia is facing and the total lack of planning by this Government. There has been quite a history of documents produced over the years about the future planning for Perth's water supply. The most recent was a document on Perth's water future, which came out in June 1995, which addressed water planning to 2021. A number of follow-up documents have been issued, one of which was issued by the Water and Rivers Commission in July 1997, which critiqued the position in a brief way. In that critique the Water and Rivers Commission called on the Water Corporation to put in place some water-use efficiency measures to reduce the projected demand from 210 kilolitres per person in 2001 to 180 kL, with a long term aim of reducing it to 170 kL per person. That is all good, but Western Australia is faced with a serious predicament. Because planning has been left for so long, Western Australia has a dire shortage of water. About a month ago the Government made a lot of hoopla trying to encourage us to save water. It ran its usual advertising campaign, which seems to be the Government's only response these days to any issue. The Government thinks only of getting out a television campaign or leaflet and not of addressing the issue. It thinks the answer is simply to get a piece of paper going.

Hon Greg Smith: What is your answer?

Hon KEN TRAVERS: If I get an extension I will give it all to the member.

Hon Greg Smith: The member does not have the answers.

Hon KEN TRAVERS: I have the answers; I have them all here. Hon Greg Smith should not worry about that. One thing that concerns me greatly is that the Government tells us that if we reach 250 gigalitres -

Hon Greg Smith: The member has no answers. It is a policy vacuum.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order!

Hon KEN TRAVERS: Hon Greg Smith should settle down and go back to thinking about sheep until I get to the answers.

The Government said we needed 250 GL of water. As of 21 October, 257.49 GL was stored in the dams. Unfortunately, that is about 100 GL less than at the same time last year. If we have the same dry summer and dry winter next year, our storage levels will be critically low. This should have been predicted and addressed a long time ago. If one looks at the facts and figures in the Water Corporation's web site, one will see a major problem is brewing for us.

Hon Greg Smith interjected.

Hon KEN TRAVERS: Contrary to what Hon Greg Smith believes, I go out -

The DEPUTY PRESIDENT: Order! The member should address the Chair and not the far too many interjectors.

Hon KEN TRAVERS: I go out and talk to people in regional Western Australia about water issues, and they hold up one man as an icon in the water industry. It is not Hon Tom Stephens. Hon Kim Chance is held in high esteem, but Hon Ernie Bridge is the one who is the icon. Hon Ernie Bridge was the Labor Minister for Water Resources.

Hon N.F. Moore: This is the answer: Bring the pipeline down.

Hon KEN TRAVERS: No. Hon Greg Smith wanted to talk about it.

Several members interjected.

The DEPUTY PRESIDENT: Order! Members are getting carried away with the pipeline issue at the moment. They will come to order.

Hon KEN TRAVERS: Hon Bruce Donaldson will tell members of the great things that Hon Ernie Bridge, as a Labor Minister for Water Resources, did for water resources in the agricultural regions. When I talk to people out in those areas, they tell me they hold him in very high regard, and they have not had as good a Minister for Water Resources before or since Hon Ernie Bridge. That is the reality of the situation. I am glad to see that I received the recognition from the members of the agricultural regions. Hon Ernie Bridge is not in the Labor Party any more, but he deserves to be congratulated for the work he did. He went out and got it right, and it was not for political votes. Therefore, the Labor Party has a strong history in this area. I can tell members that when I get the job of Minister for Water Resources I want to be up there with Hon Ernie Bridge - that is my aim - and not with a pipeline.

Hon N.F. Moore: Why does the member not invite him back into the Labor Party?

The DEPUTY PRESIDENT: Order! Members will come to order, and that includes Hon Greg Smith.

Hon KEN TRAVERS: At least we had some smart ones to begin with. The Water Corporation has been making record profits. It has repaid \$301m of debts in the past couple of years. It has dropped hundreds of millions of dollars into the Government's coffers to prop up its budget for the past couple of years. Has the Government used that money to develop anything? It is now belatedly accelerating the processes.

Hon Max Evans: We are putting it into the infill sewerage program each year for the next 15 years.

Hon KEN TRAVERS: How much is the Government putting into that program?

Hon Max Evans: It is \$80m a year.

Hon KEN TRAVERS: No, it is not. What is the Government paying out of consolidated revenue for that project?

Hon Max Evans: It is coming out of the Water Corporation.

Hon KEN TRAVERS: The people of Western Australia are paying for it. I will give the minister one bouquet. He is doing a good job.

Several members interjected.

The DEPUTY PRESIDENT: Order! It is not time for ministerial statements. The House will come to order.

Hon KEN TRAVERS: The infill sewerage program is a good one. There is no doubt about that. It is helping the developers in the inner suburbs make lots of money when they rezone their land.

Hon Max Evans: Is Hon Ken Travers saying they should not put the infill sewerage in?

Hon KEN TRAVERS: No. I just said it was a good idea. I just congratulated the minister on that program. I would say the minister could have improved it. What could have been done? Apart from doing better long-term resource planning, what are the things that we need? Here are the positive things.

Hon Norm Kelly interjected.

Hon KEN TRAVERS: I was hoping I would be granted an extension of time. The problem with Hon Norm Kelly is that he does not go out in his electorate often enough to find out what is happening in the areas of the East Metropolitan Region.

The first thing we need is a central contact point that is independent of the Water Corporation. People who have watched all the television advertisements have told me that when they saw water being wasted by sprinklers being on late at night, they reported it to the Water Corporation, only to be told that the people using the water would have to pay for it. The people running the advertisements - the Water Corporation - did not want to know about it. People would see a central contact point as a mechanism -

Hon Bob Thomas: If people are wasting water, they deserve to be dobbed in.

Hon KEN TRAVERS: If people are wasting water or avoiding paying tax, they deserve to be dobbed in. All members on this side have supported both those things. Obviously members opposite do not. We know they do not want to address the issue of people wasting water and avoiding tax. That is the way they operate.

A while ago I commented that the Water Corporation has a conflict in its responsibilities by overseeing water conservation measures, and that responsibility should be within the Water and Rivers Commission or the Office of Water Regulation. I note that the Environmental Protection Authority agreed with me on that issue recently.

We also need a campaign to promote domestic bores. A huge supply of water for Perth is located directly under where we sit. Although we must be careful where we take the water from, the majority of Perth has an abundant water supply the taking of which would involve less environmental damage than taking water from the Gnangara or the Jandakot mounds or the surface water supplies. We need an active campaign to promote domestic water bores in the correct areas. Recently I met a chap who gave me an interesting account of the history of Perth's water supply. He told me that a lock at Herdsman Lake controls the water level under most of the inner northern suburbs. In the 1920s a channel was constructed from Herdsman Lake to the ocean as an outpour because there was concern about the rising watertable in and around Perth. The watertable is set at an arbitrary level as a result of the lock at Herdsman Lake. The watertable in Perth is higher than it used to be. We need a targeted campaign of the new suburbs near the coast which have a high water consumption.

Hon Greg Smith: You have 13 seconds left to talk about something positive.

Hon KEN TRAVERS: I have just said something positive, but the member is so negative that he has not understood what I am talking about. I could go on and talk about the major achievements of the Minister for Water Resources, but I will do that later.

Debate adjourned, on motion by Hon Bob Thomas.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Report

Report of Committee adopted.

SELECT COMMITTEE OF PRIVILEGE

Failure to Produce Documents under Summons - Motion

Resumption from 14 October on the following motion -

That -

- (1) A Select Committee of Privilege consisting of five members, any three of whom constitute a quorum, be appointed to inquire into and report on -
 - (a) whether the failure to produce documents under summons in the circumstances set out in report No 24 of the Standing Committee on Estimates and Financial Operations constitutes a breach of the privileges, or is a contempt, of this House; and
 - (b) if the committee so finds, what penalty, if any, the House might impose for the breach or contempt.
- (2) The committee have power to send for persons, papers and records, including those in the possession or under the control of the Standing Committee on Estimates and Financial Operations.
- (3) The committee report not later than six sitting days of the day on which this order is made.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.44 pm]: This motion requests the House to set up a privilege committee of five members to look at a report relating to an inquiry being undertaken by the Estimates and Financial Operations Standing Committee. The report provided by the committee indicates that an individual appears to have failed to produce documents under a summons.

The committee has requested that a committee of privilege be established to ascertain the circumstances surrounding that

alleged failure to produce documents. The Government supports the motion. It is prepared to support the formation of a committee of privilege, bearing in mind it is a serious issue and needs to be looked at by the House. A privilege committee is the appropriate way to proceed. The motion moved by Hon Mark Nevill is supported by the Government, which looks forward to the committee meeting and making its recommendations on this matter.

Question put and passed.

Appointment of Members

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the Select Committee of Privilege consist of Hons Kim Chance, B.K. Donaldson, Tom Helm, Norm Kelly and Derrick Tomlinson, and that Hon B.K. Donaldson be chairman thereof.

GOVERNMENT RAILWAYS (ACCESS) BILL

Second Reading

Resumed from 10 June.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [9.48 pm]: We are told that this Bill is designed to provide third party access to a number of freight lines, as set out in the proposed code. The Opposition is on record as supporting this Bill in principle; however, it opposes some of its detail. The model chosen unnecessarily restricts the development of open competition which could otherwise be provided. The Bill provides that the Western Australian Railways Commission must negotiate with the regime laid down in the Bill and regulations so other freight operators, such as Toll Rail and Specialised Container Transport, can run their rolling stock over Westrail's track. We know that this move is made to satisfy an Australian Competition and Consumer Commission order following a case taken by SCT according to national competition policy requirements.

Regardless of the order, the Opposition has continually supported the introduction of national rail competition, and has acknowledged this to be the only way to develop a vibrant rail freight industry providing real competition with road transport, especially for long distance haulage. However, the Opposition has grave reservations about this legislation.

A controversy is developing about the issue of privatisation and the likely impact of this policy on the future of Westrail. This Bill is based on the assumption that Westrail will continue to be the owner and manager of the track infrastructure. However, that pre-supposition is inconsistent with the Government's recent announcement that it intends to hand over to a single private company the ownership and management of that infrastructure. Although that answer has been given in a variety of ways, nonetheless that is the answer with which we are left. For that reason, the Opposition is of the view that the Bill must be withdrawn and redrafted, because as it stands currently, the Bill will be completely inoperative once the commission has been divested of its ownership and management rights. That is not to say that a regime of this sort is not necessary, but just that the regime needs to be modified to accommodate the reality that the Government seems committed to visit upon the people of Western Australia with the privatisation of aspects of Westrail's operations.

In our view, there is a lack of impartial rate fixing. The proposed access regime is completely inappropriate where the track is owned and operated by an entity, be that Westrail or its successor, which is also conducting an above the track freight business in direct competition with those seeking access. Under the scheme, access seekers will be compelled to go cap in hand to the competition to negotiate access and price, and in that context, commercially sensitive information about potential customers may need to be disclosed.

In our view, that is as preposterous as handing over the management of the roads to a trucking company and requiring rival freight operators to negotiate the price and access with that company. In our view, ideally the track should be managed by a separate rail track authority which does not have a conflict of interest. Alternatively, the pricing formula should be completely transparent, ensuring a level playing field for all entrants.

The code that is drafted pursuant to the Bill provides for a pricing structure that is based on negotiation between two parameters: The floor price, which is the incremental cost resulting from the operator's use of the infrastructure, and the ceiling price, which is the total cost attributable to the particular infrastructure. Effectively this provides for a pricing band with the marginal cost at one end and the average cost at the other. The track manager can select a price anywhere in between, which may make a substantial difference to the final cost that a freight forwarder can offer. It is possible that two operators who are competing for the same business will be subject to two quite different rates within that band.

Although the code does provide appeal mechanisms, that process is long and complex. It involves an approach to the regulator, who then appoints an arbitrator. The arbitrator then launches an inquiry. That process does not allow for the rapid decision making that is usually necessary in the freight business. Further, because an operator will not generally know what his competition has been charged, he will not be able to found a price discrimination action. The code makes no provision for the negotiated price or the arbitrated decisions to go on the public record.

There are strong arguments in favour of an alternative pricing structure that involves the gazettal or posting of a price based on a flag fall, plus a variable component which allocates costs on a user-pays basis. Such a regime is being introduced by the Australian Rail Track Corporation for lines under its management.

The Department of Transport opposes this in the commentary that has been provided to the Opposition, saying that it is too difficult in a complex market and that it cannot price the cartage of Weeties in the same way that it prices the cartage of iron ore. That was the response to the Opposition's observations. The Opposition responds that it is a nonsense reply. A pricing formula would take into account such variables. In any case, it must develop such cost schedules in order to establish the ceiling and floor prices required under the proposed code. The Opposition's argument is simply that it needs a formula that applies equally to all. New South Wales has proposed a floor/ceiling price band. However, it has a separate track authority - the Rail Access Authority - and so is not a direct competitor with the companies with which it negotiates. Further, the National Competition Council has thought it necessary to add to its regime elaborate disclosure of information requirements on the RAC, which requirements are not contained within Western Australia's proposed code.

The third point is the whole issue of lack of independence of the regulator. The proposed legislation appoints the Director General of the Department of Transport as regulator. As the director holds his or her position at the pleasure of the minister, there must inevitably be serious doubts about whether that position is truly independent. It is understood that the National Competition Council has concerns about this matter, and it may well affect its decision on whether to certify the code as complying with the national competition policy. There is considerable doubt about whether the code provided for in this Bill will obtain certification. Other States have set up, or are setting up, fully independent regulatory bodies with titles such as the Office of the Regulator General.

The Opposition supports the principle of this legislation but has concerns about some of the detail. I advise the minister that the Opposition will, unless persuaded to do otherwise by argument put before the House, move in committee for reconsideration of item 9 contained in the twenty-sixth report of the Standing Committee on Constitutional Affairs, which deals with the code of subsidiary legislation and recommends that the clause should be fully debated in the House. The Opposition is of the view that the clause should be amended to produce a result whereby the code would be dealt with as subsidiary legislation which could be disallowed. For the purpose of ensuring consideration of this matter in committee, I will make the proposed amendment available so that it will appear on tomorrow's Supplementary Notice Paper. A subsequent and related amendment is contained therein, and I want to also take the opportunity of placing a final amendment on the Supplementary Notice Paper to draw it to the attention of the House. Other amendments may arise during the debate that deserve the support of the House.

Should a move be made towards selling Westrail, is it the minister's intention to obtain parliamentary legislative support for the sale before it proceeds?

Hon M.J. Criddle: Cabinet will consider that in the next week or so.

Hon TOM STEPHENS: Will such a sale be dependent upon parliamentary legislative approval?

Hon M.J. Criddle: It could well come to that. It has not yet been decided.

Hon TOM STEPHENS: I hear the minister's reply, and he will understand in those circumstances the amendments I am placing on the Supplementary Notice Paper which will provide an opportunity for the minister to respond in more detail when handling this legislation.

Debate adjourned, on motion by Hon Tom Helm.

SURVEILLANCE DEVICES BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

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

That the Bill be now read a second time.

Under current Western Australian law an important tool available to police and other law enforcement agencies in the fight against organised and serious crime is the use of listening devices authorised under the Listening Devices Act 1978. Primarily, the current legislation allows police officers to use listening devices to monitor and record conversations and use evidence gained thereby in criminal prosecutions.

In 1987 a committee was set up to review the Listening Devices Act with a view to legislative change. Several major problems were identified in that review and since. They are -

The Act has not kept pace with new technology - optical surveillance devices, such as video cameras, and tracking devices are not covered by the Act;

police are unable to enter premises to install devices in the absence of an express provision. This problem was highlighted in 1994 by the High Court's decision in *Coco v R*;

only the use and not the installation of an illegal device is penalised;

the penalties for unlawful use of devices are inadequate; and

the National Crime Authority cannot use listening devices.

The committee to review the Listening Devices Act recommended many changes to the Act. These changes have been incorporated into the Surveillance Devices Bill together with other provisions necessitated by new developments which have arisen since the committee submitted its report. For example, the reconstituted Anti-Corruption Commission has been given authority to use devices. The Bill follows extensive consultation. The need for this Bill did not escape the Government as it recognised that unless the legislation was carefully constructed undue intrusion into people's private lives could occur.

The basic form of the Bill is to prohibit covert and intrusive surveillance of private activities and private conversations by anyone except those sanctioned by judicial authority, and then only subject to certain conditions. Private activities and private conversations have been defined as those activities and conversations carried on in circumstances that may reasonably be taken to indicate that any of the parties desire it to be observed or listened to only by themselves. In that way, the Bill successfully balances the individual's right to privacy with the need for law enforcement officials to use intrusive methods to detect the commission of offences.

The Bill makes it clear that activities and conversations carried on in circumstances in which the parties should reasonably expect that they may be observed or overheard are not considered private. It is envisaged, generally, that activities carried on outside a building would not be considered private. For this reason, journalists and private investigators will be able to continue to undertake their lawful duties without fear of breaching the Act. Additionally, it is not intended to prevent law enforcement officers from using binoculars, telescopes and similar devices to observe suspected illegal covert activity in field situations; for example, fisheries officers who observe marron poachers at night on Wellington Dam. Even though the persons being observed are attempting to conceal their activity, such illegal fisher people should reasonably suspect that their activities may be observed.

Further, where a sign is present warning persons that their conversations may be taped, or that their activities may be filmed, these conversations and activities would not be considered private under the new legislation as parties could not then reasonably expect them to be so. For example, this allows police and prison officials to survey lock-ups and prison buildings, and shopkeepers to film their staff at work.

Surveillance devices are dealt with in three categories in the Bill: Listening devices, optical surveillance devices and tracking devices.

The Bill provides that it is an offence for a person to use a listening device to record a private conversation to which they are not a party and, if he is a party, it is an offence to record a conversation unless certain consent requirements are satisfied. Exemptions are provided for the police, the Anti-Corruption Commission and the National Crime Authority acting under warrant or emergency authorisation, officers acting under any Act of the Commonwealth and where a private activity is heard unintentionally. An exemption is now also provided for use of listening devices in accordance with part 5 of the Bill.

The Bill also prohibits the use of optical surveillance devices to record or observe private activities to which the person is not a party. Where the person is a party to the activity, the Bill prohibits recording unless certain consent requirements are satisfied. Exemptions are again provided for the police, the Anti-Corruption Commission and the National Crime Authority acting under warrant or emergency authorisation, officers acting under any Act of the Commonwealth and where a private activity is seen unintentional, or where the use of the device is in accordance with part 5.

The Bill provides that a person must not use a tracking device to determine the geographical location of a person or object without consent. Exemptions are created for the police, the National Crime Authority and the Anti-Corruption Commission where acting under warrant or emergency authorisation, and officers acting under any Act of the Commonwealth. An exemption is also created in relation to tracking devices that are used by law enforcement officers where the device has not been attached or installed by the officer.

The Bill regulates the circumstances in which publication or communication of records and reports of private conversations and private activities gained by the use of surveillance devices can take place. The provisions ensure that individuals' rights to privacy are protected.

Jurisdiction to grant warrants for surveillance devices is divided between magistrates and judges. Judges have jurisdiction over all surveillance devices, whereas magistrates have jurisdiction only with respect to tracking devices. Applications for

warrants may be made by a member of the Police Service, an Anti-Corruption Commission officer or a member of the staff of the National Crime Authority. An application may be made to obtain a warrant on behalf of another law enforcement officer; for example, interstate police and the Fisheries Department.

A court may issue a warrant for a surveillance device only if it is satisfied that there are reasonable grounds for believing that an offence has been, or is likely to be, committed, and the use of the device would be likely to assist an investigation into that offence or suspected offence, or enable evidence to be obtained. The court must also consider a range of other matters, such as the nature of the offence, the extent to which the privacy of any person may be affected, the value of the information which may be obtained, and the public interest. There is provision in the Bill for authority to be given for the use of more than one type of device in a single warrant. To guard the privacy of individuals further, the Bill ensures that applications for warrants are not heard in open court and that records produced as a result of an application for a warrant cannot be disclosed, except by the direction of the court.

Warrants issued under the Bill will specify that where practicable the surveillance devices should be retrieved or rendered inoperable during the period the warrant is in force. In an emergency situation it may not be possible for police to obtain a warrant to use a surveillance device; for example, where police are faced with a siege situation or hostage crisis or where a drug offence is about to be committed. In such a case a very senior police officer, the chairman or any two members of the Anti-Corruption Commission or a person authorised for the purpose by the chairperson of the National Crime Authority may give authorisation to use a device. If a person uses a surveillance device under an emergency authorisation, that person must deliver a report to a judge detailing the use of that device. The judge then has the power to order that records obtained by use of a surveillance device be brought before the court and may also direct that surveillance cease immediately.

Sine the second reading speech in the other place, a new part has been inserted into the Bill. Part 5 regulates the circumstances in which surveillance devices may be used in the public interest. This part was inserted into the Bill after deliberations and discussions with various interest groups, including representatives of the media, private investigators and insurance agencies.

Although in most circumstances the work of the media and inquiry agents involves the surveillance of an activity that will not fall within the definition of private activity, there may be rare occasions where these groups or a member of the public may wish to record a private conversation or activity in order to protect the public interest. Part 5 ensures that the Bill will have only minimal impact on inquiry agents, the media, private investigators and the public if a covert surveillance is carried out in the public interest.

However, the part maintains the privacy rights of the individual by allowing surveillance only when there is a strong public interest in doing so. A principal party to the private conversation or activity must usually consent to the surveillance, unless the matter is so serious and urgent that it is in the public interest to use the device even without the consent of a principal party. If surveillance is carried out without the consent of a principal party, a written report must be delivered to a judge explaining that the surveillance occurred. The judge has a discretion to destroy the recording if it was not made in the public interest. The new part therefore maintains the protection of the individual's right to privacy. Furthermore, the part does not apply if the surveillance is connected with an unlawful act, such as trespass.

The new part also contains provisions that allow carers of children and mentally impaired persons to use a listening or optical surveillance device to record a conversation or activity to which the protected person is a principal party. The rights of the protected person are taken into account as the surveillance may not occur unless the surveillance will contribute towards protecting the best interests of the protected person and unless it is also in the public interest to make the recording.

The publication or communication of private conversations or activities is regulated in division 4 of part 5, where a judge is given the task of deciding whether or not to allow publication of the material. This ensures that the privacy of the public is maintained not only at the time of surveillance, but also after any surveillance recording has been made.

The Bill creates offences and provides penalties for the unlawful use, installation or maintenance of surveillance devices; the unlawful communication or publication of private conversations or private activities; the possession of a surveillance device for unlawful use; the unlawful removal or retrieval of a surveillance device; and the failure to report the discovery of a surveillance device to the police.

In each case the penalties are the same - a \$5 000 fine and imprisonment for 12 months in the case of an individual and a fine of \$50 000 in the case of a corporation. In addition to the penalties provided, the court may order the forfeiture of surveillance devices used and records obtained by the use of a surveillance device. To assist with the enforcement of the prohibition against possession of a surveillance device for unlawful use, police have been given a power to search persons, premises and vehicles.

The Commissioner of Police and the chairperson of the National Crime Authority will be required to furnish annual reports to the Minister on the use of surveillance devices in this State. In the case of the Anti-Corruption Commission, reports will be furnished to the Attorney General. These reports will be tabled in Parliament.

Members of the Australian Federal Police, the Australian Security Intelligence Organisation and the Australian Customs Service have not been included within the scope of the Bill. In fact, a clause has been inserted to exclude these agencies so that, as a temporary measure, the status quo is maintained; that is, the commonwealth agencies will be afforded no powers under the Bill and will not be liable for any actions that constitute offences under it. The repeal of this clause will be considered after 12 months, during which time it is anticipated that the Commonwealth Government will create legislation that complements the Bill. The obvious reason for considering the repeal of the clause is that it is desirable that all law enforcement officers operating within the State should be subject to the same constraints and prohibitions.

The Surveillance Devices Bill will greatly assist police and other law enforcement agencies in the detection and prosecution of offences through the use of surveillance devices. The Bill also provides restrictions on the use of surveillance devices in the interests of the privacy of citizens of this State. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.13 pm]: I move -

That the House do now adjourn.

Darrel Duke, Release of Details by Police - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [10.13 pm]: I will take this opportunity to bring something that concerned me to the attention of the House. I refer to someone losing the ability to earn his living through no fault of his own. I asked the following question on notice on 8 September -

- (3) Will the Minister advise the Parliament whether the police officer(s) involved in the release of the personal details and photographs of Darrel Duke, while under police investigation to the media, which was referred to by Magistrate Kieran Boothman in the Kalgoorlie Court of Petty Sessions as being "in contempt of Court", are to be disciplined?

The answer I received some time last week stated -

The Commander of the Central Police Region was briefed by the Officer In Charge of the Gold Stealing Detection Unit immediately the comments were made by Magistrate Kieran Boothman. An internal investigation was commenced at that time. The investigation is ongoing and a decision is yet to be made in relation to whether the officer concerned is to be disciplined.

I have a videotape of the GWN news reporting this matter. It shows clearly a police officer being interviewed about a gold stealing case. It also showed a list of people who were alleged to be involved in the case. The case has not yet been heard. The program also televised two photographs - including one of my constituent, Darrel Duke. Mr Duke worked as shot firer and an explosives expert in the goldmining industry. Because his photograph was televised he was unable to continue working for the company that employed him and could no longer get a job in the mining industry.

I also have an extract of the proceedings in the Court of Petty Sessions at Kalgoorlie. It is charge No KA1847/98, Police v Darrel James Duke, before Mr K. Boothman on 12 June 1998. It says in part that a Mr Dungey, who was representing Mr Duke, explained to the magistrate that because this photograph was displayed on a television screen, his client was no longer able to receive employment. In this extract Mr Dungey says -

I'm instructed Sir that Constable Bertoli of the Gold Squad conducted an interview on the Golden West Network, that an old police photo of my client was shown as if he was some sort of escaped convict . . .

Hon Mark Nevill: Was Mr Duke the subject of a charge?

Hon TOM HELM: Yes.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Is this a matter currently before the courts?

Hon TOM HELM: As far as I am aware, it is not. This is a matter of contempt that I want to bring to the attention of the House. This person is unable to gain employment because of an agreed contempt. Although the contempt has been agreed - and I will come to what the magistrate said in the transcript of the case - I ask this House what kind of justice will be served by someone appearing on a TV screen in connection with a case that is yet to be heard. The transcript goes on -

. . . he's basically been judged and found guilty of this crime in the public arena without any sort of hearing before Your Worship or any one else.

The DEPUTY PRESIDENT: Order! I ask Hon Tom Helm whether this matter will be before the court shortly.

Hon TOM HELM: No, it will not. Members may recall that I am relating this to a question I asked in this House of the

Attorney General representing the Minister for Police. The question was in four parts. The third part related to an agreed contempt. The person's photograph had been shown on television before the alleged criminals were brought before the court. It has nothing to do with anything being heard or not heard. I understand Mr Duke may have been charged, but I am not sure. However, I am dealing with the answer to a question that I asked in this place. I am dealing with someone who has lost his employment; a married person who can no longer work in the trade in which he was employed because a policeman, the Police Department or someone showed his and someone else's photograph. Out of a list of eight names, two photographs were displayed on the TV screen. Therefore, this man, Mr Duke, no longer has a job. He is supported by his wife. He is a trained gold miner, a shot firer, someone who has certificates in explosives, a skilled person who has had his living withdrawn from him; and the answer from the Attorney General representing the Minister for Police is that this investigation is ongoing and a decision is yet to be made on whether the officer concerned is to be disciplined. Let me get to the crunch. I am trying to build a picture here and people obviously jump to the wrong conclusions. However, I want you to understand, Mr Deputy President. The magistrate said -

Just a minute Mr Dungey. I haven't seen it, but if it is the case it's quite clearly a contempt of the court if the person is charged with an offence and the police then put his photograph along with a story on the court. This court is not run by public relations of the police or anyone else, but I don't know. I haven't seen, I simply have heard from Mr Dungey but generally speaking, not generally speaking, one always accepts what is said from the bar table and I note that you simply don't know anything about it.

I have the video of the news item in my office. I would like to table the questions and answers and the transcript of the court case. Somebody should listen to what is going on here. I will not form any conclusions. A young person visited me this afternoon with this problem and explained that the answers given on notice demonstrated that absolutely nothing has happened. He is unemployed. I should not accuse anyone in particular. The photograph appeared on the TV, and nothing has happened. The House should be aware of that and if the House can do something about it and help me to do something about it, it should.

I seek leave to table the document.

Leave granted. [See paper No 293.]

Question put and passed.

House adjourned at 10.20 pm

QUESTIONS WITHOUT NOTICE

BUS COMPANIES, FINES

331. Hon TOM STEPHENS to the Minister for Transport:

With regard to the minister's advice that during the months of July and August 1998 a total of 80 fines were issued to the four private bus companies, I ask -

- (1) Does the number of missed, late or early services include those that resulted from industrial action by drivers?
- (2) If yes, how many and for which services?
- (3) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) In instances where industrial action results in services being dropped, the contractor is simply not paid for the services not performed.

MAIN ROADS WESTERN AUSTRALIA, INVESTIGATION

332. Hon TOM STEPHENS to the minister representing the Minister for Services:

I refer to the review by the Ministry of the Premier and Cabinet of the Main Roads Western Australia investigation, in which it lists numerous failures to follow appropriate purchasing and supply guidelines, and in particular the statement that MRWA advises that the commissioner was aware of the costs and had agreed to the investigation proceeding beyond the tender threshold, and a formal decision to waive the public tender requirement should have been made by the commissioner in writing. I also refer to the statement that the MRWA management of the contract of International Investigation Agency demonstrated a lack of sound contract management, and failed to satisfy State Supply Commission and MRWA requirements and procedures. I ask -

- (1) In light of this report, will the minister direct the State Supply Commission to review the exemption of Main Roads from all purchasing being undertaken by the SSC, as granted on 25 November 1996?
- (2) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The State Supply Commission has already written to the Commissioner of Main Roads Western Australia and requested him to undertake a compliance audit against the devolved purchasing agreement it has with the commission and to provide details of the results by the end of November 1998. Pending the results of this audit, further action may be taken but this will be a matter for the State Supply Commission to consider, as the appropriate regulatory authority.

DIRECTOR OF PUBLIC PROSECUTIONS, DECISION NOT TO PROCEED WITH PROSECUTION

333. Hon N.D. GRIFFITHS to the Attorney General:

In relation to the decision by the Director of Public Prosecutions not to proceed with the prosecution of a man facing 14 sexual assault charges, as reported in *The West Australian* on 13 October 1998 -

- (1) What are the reasons for the DPP's decision?
- (2) When did the Attorney General seek the reasons from the DPP?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) On examination of the brief, the Director of Public Prosecutions concluded, in accordance with the prosecution policy, that the public interest did not require a continuation of the prosecution.
- (2) I did not seek reasons from the DPP. The Attorney General is not accountable for the decisions of the DPP. I am empowered to seek information to advise Parliament.

ALCOA LIQUOR BURNER AND OXALATE KILN, WAGERUP

334. Hon J.A. SCOTT to the minister representing the Minister for Health:

- (1) Is the minister aware of the severe health impacts of the liquor burner and oxalate kiln at Alcoa near Wagerup?
- (2) Is he further aware that approximately 60 workers at the plant and more than 20 community members have suffered a wide range of serious illnesses since the establishment of the liquor plant?
- (3) If so, what steps has the minister taken to deal with this significant health problem?
- (4) Will the minister close down the liquor burner if it is shown to be responsible for these health problems?
- (5) If the minister is not aware of these public health issues, will he undertake to investigate the problems at Wagerup before any proposed expansion takes place and before the Worsley or Pinjarra refinery employs this technology?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes. The minister is aware via communication from the member for Murray-Wellington that a number of residents have health concerns which they believe arise from the Alcoa Wagerup plant.
- (2)-(3) The minister is not aware of the actual number of members of the community or workers alleged to be affected. WorkSafe Western Australia is primarily responsible for the health of workers at the plant.
- (4) Any action on this matter would need to take into consideration alleged health effects and options for control.
- (5) Not applicable. The Health Department will be consulted on any health issues arising from proposals for development at Worsley or Pinjarra as part of the assessment process of the Department of Environmental Protection.

LOGS, CATEGORIES

335. Hon NORM KELLY to the minister representing the Minister for the Environment:

In the Department of Conservation and Land Management's schedule of hardwood royalties, the product types are categorised under the headings: Premium sawlogs, first grade sawlogs, second grade sawlogs, third grade sawlogs and feature logs - high grade and low grade. In CALM's annual report, hardwood and veneer log production are categorised under the headings: High quality sawlogs, first grade sawlogs, bole logs and other sawlogs.

- (1) Why does CALM use different log categories in these two documents?
- (2) Will the minister provide a table so that the income CALM received in 1997-98 from the sale of the various grades of sawlogs and veneer logs can be calculated?
- (3) Will the minister request CALM to provide in future annual reports a table for hardwood sawlog and veneer production that can be related to the schedule of hardwood royalties?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The annual report for the Department of Conservation and Land Management consolidates seven different grades of sawlogs into four categories, as part of an overall process to rationalise a potentially complex and large database concerning the management of forests. Different grades and species of sawlogs are required to be identified separately in the schedule of royalties where there is a different value between grades, in order to accurately account for the value of log sales.
- (2) The quantity and value invoiced for sawlogs harvested and sold by various grades of sawlogs during 1997-98 can be provided at short notice. However, information on the actual income received requires further time.
- (3)-(4) The schedule of royalties and stumpages contains 49 different log grades for native forests and plantation log timber further separated by species. The annual report requires a measured degree of rationalisation of data, as applies to any similar documentation. If the member requests any specific information, CALM will be only too pleased to provide it.

HOMESWEST, PROPERTIES

336. Hon MURIEL PATTERSON to the minister representing the Minister for Housing:

- (1) How many Homeswest rental properties currently exist in the town of Albany?
- (2) What plans does Homeswest have to construct additional housing?
- (3) Does Homeswest have any plans to focus new housing on existing inner city areas or on new greenfield sites?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) As at 30 June 1998, Homeswest had 689 properties in Albany. The breakdown of these properties is as follows: Mainstream rental units, 582; Aboriginal rental units, 60; joint venture, 31; crisis accommodation program, five; and community housing program, 11.
- (2) Homeswest intends to construct an additional 28 units of accommodation in the 1998-99 program. This will consist of: Mainstream, 14 three-bedroom family units, six two-bedroom family units, and two one-bedroom singles units; and Aboriginal, one four-bedroom family unit, two three-bedroom family units, and two two-bedroom family units. Under the crisis accommodation program there will be one eight-bedroom property for the Albany Youth Services Group.
- (3) Yes. Homeswest is currently focusing its building program on fully utilising its holdings in the inner city areas. In recent years Homeswest has undertaken a New Living project in Mt Lockyer aimed at reducing Homeswest's presence and revitalising the area. The project includes the redevelopment and residential infill of older, larger size lots, as well as upgrade of streetscapes and refurbishment and sale of existing Homeswest properties.

ELLE MACPHERSON - MEETING IN NEW YORK

337. Hon KEN TRAVERS to the Minister for Tourism:

In relation to the meeting between Elle Macpherson's representatives, Kevin Carton and Simon Walsh of the Western Australia Tourism Commission, and Grant Donaldson of the Crown Solicitor's Office in New York during August 1997-

- (1) What matters were discussed at the meeting?
- (2) Was a record kept of the matters discussed at this meeting?
- (3) If yes, will the minister table the record?
- (4) Did the Crown Solicitor fly overseas to have discussions with Elle Macpherson's representatives on a previous occasion?
- (5) If yes, when and where did the meeting take place?

Hon N.F. MOORE replied:

I have a copy of the question, but I have not had a chance to talk to the Tourism Commission and the other officers involved.

Hon Ljiljanna Ravlich: You are the minister; you should know the answer.

Hon Tom Helm: We get no answers at all.

The PRESIDENT: Order! We are now getting an answer, and that might preclude the question being asked again when some information comes forward. The minister is entitled to answer the question.

Hon N.F. MOORE: For the benefit of the member, I did not attend the meetings and I need to talk to the people who did, so that I can find out what happened and tell the House.

Hon Peter Foss: Sounds logical!

Hon N.F. MOORE: It does make sense. This meeting took place some years ago; it is not a recent meeting. I ask the member to place the question on notice and I will provide an answer in due course. Also I have about seven others questions about Ms Macpherson that the Opposition did not get around to asking. If they ask the questions, I have the answers.

OCTOPUS TRAP DEVELOPMENT FISHERY

338. Hon RAY HALLIGAN to the minister representing the Minister for Fisheries:

I refer to the answer to question without notice 1395 of 7 April 1998 regarding the policy and guidelines of the octopus trap development fishery.

- (1) Have the policy and guidelines been completed?
- (2) When were they approved?
- (3) How many interested parties have been invited to apply under the policy guidelines?
- (4) Were any interested parties excluded from the invitation?
- (5) How many invitations have been accepted?
- (6) What criteria have or will be used to determine successful applications?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Fisheries is aware that a constituent of the member has a particular interest in this subject and I am pleased to pass on the following information -

- (1)-(6) The draft policy for developing new fisheries in Western Australia - referred to as the developing fisheries policy - was approved for release by the Minister for Fisheries on 14 September 1998. This is an important policy for the future development of the State's fish resources and has taken some time to develop due to the consultation process within the industry. Octopus fishing is one of the fisheries which will be considered under this policy.

The draft policy was released for a two-month public consultation period on 12 October. The final developing fisheries policy will be produced as soon as all the submissions have been considered. Once the final developing fisheries policy has been released the executive director of Fisheries Western Australia will call for expressions of interest from anyone wishing to develop a new fishery.

PERFORMANCE AGREEMENTS

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

I refer to a finding by the Commissioner for Public Sector Standards in the annual compliance report which shows that for 1997-1998 the performance management standard was met by only 40 per cent of public sector bodies.

- (1) How many chief executive officers do not have a current performance agreement?
- (2) How many chief executive officers have not had a performance assessment in the past 12 months?
- (3) What does the Premier intend to do about the extremely low level of performance management compliance?

Hon N.F. MOORE replied:

- (1)-(2) Of those chief executive officers required to do so, 28 have not yet forwarded a 1998-99 performance agreement to the Premier.

Hon Ljiljanna Ravlich: They were due on 30 September.

Hon N.F. MOORE: The member asked a question, and I am trying to answer her.

Hon Kim Chance: She wants to help.

Hon N.F. MOORE: Fine, but she must expect it will take some time off somebody else. To continue -

Of those CEOs required to do so, 36 have not yet forwarded a 1997-98 performance assessment report to the Premier. Acting CEOs and those not appointed for the full financial year are not required to submit performance agreements or assessment reports.

- (3) In May and July 1998 two sets of guidelines were forwarded by the Premier to all chief executive officers, ministers and board chairs who are required to have performance agreements under section 47 of the Act. The Premier will continue to remind all relevant parties of their statutory obligations with respect to chief executive officer performance agreements. Responsibility for complying with the performance management standard rests with individual chief executive officers. Further, the Commissioner for Public Sector Standards has a role in assisting agencies to comply with the standards. In that regard it is understood that self-assessment guidelines and supporting documentation were issued by his office earlier this year.

BANDYUP WOMEN'S PRISON

340. Hon GIZ WATSON to the Minister for Justice:

In respect of inmates at Bandyup Women's Prison -

- (1) How many inmates have been admitted in the past five years with a known psychiatric history?

- (2) Are inmates assessed for mental illness when they are admitted to the women's prison?
- (3) Over the past five years has there been an increase in the number of women with known psychiatric history admitted to the women's prison?
- (4) Are there facilities designated to house women prisoners with a known psychiatric history?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) There is no central database for the collation of this information. The information is held on the individual offender's medical file. The collation of this information for the five-year period would require considerable staffing resources to be diverted from patient care.
- (2) Yes.
- (3) The forensic psychiatrist's impression is that the number of inmates with psychiatric problems has increased over the past five years consistent with national trends.
- (4) No. However, a range of accommodation options are available at Bandyup Women's Prison from which to select the most appropriate, given the offender's mental, physical, security and behavioural requirements. Offenders with psychiatric conditions which cannot be managed within the range of options at Bandyup are transferred to the Frankland unit at Graylands Hospital for more comprehensive psychiatric management.

MENTALLY IMPAIRED DEFENDANTS REVIEW BOARD

341. Hon HELEN HODGSON to the Attorney General:

In relation to the annual report for the year ended 30 June 1998 of the Mentally Impaired Defendants Review Board -

- (1) When is the minister planning to introduce amendments to the Criminal Law (Mentally Impaired Defendants) Act?
- (2) Will these amendments relate to extension of time limits placed on the board as indicated in the report?
- (3) In respect of defendants affected by the transitional provisions, will amendments include a provision to give the board authority to grant leave of absence or conditional release orders?
- (4) How many mentally impaired defendants, including those who are the subject of a custody order under the Act, are affected by the board's inability to grant leave of absence or conditional release orders under the transitional provisions?

Hon PETER FOSS replied:

- (1) This will not be known until all relevant stakeholders have been consulted on the proposed amendments.
- (2) That is what stakeholders will be consulted on.
- (3) If necessary.
- (4) Seven mentally impaired defendants are affected by the requirement that the grants of approval by the Governor in Executive Council to participate in leave of absence programs and the like under previous legislation will now depend upon the board reporting on the matter to the Attorney General with a recommendation for leave of absence or conditional release order made under the new Act. I do not see this as a difficulty but as an appropriate legislative measure.

CONSOLIDATED FUND REVENUE

342. Hon JOHN HALDEN to the Minister for Finance:

I refer to the financial accounts of the Government for 1997-98.

- (1) What is the total consolidated fund revenue, both recurrent and capital?
- (2) How does the result compare with what was budgeted in the 1997-98 budget papers?
- (3) Will the minister explain any significant variation between the budgeted result and the actual result?
- (4) How does this result compare with the forecasted revenue contained in the pre-election forward estimates released in November 1996?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The information sought by the member with regard to the 1997-98 financial accounts of the Government will be tabled in this House early next month. I think Hon Norman Moore answered a similar question yesterday.

Hon N.F. Moore: Yes.

Hon MAX EVANS: The consolidated fund Treasurer's annual statements for 1997-98, which contain the actual transaction data sought by the member, are currently being audited by the Auditor General. In accordance with usual practice, these statements will be tabled early in November following clearance by the Auditor General. The Treasurer's statements are always tabled in November; I do not know why. However, it is a matter of bringing them all together, cleaning up all the agency accounts and auditing them first before bringing in a consolidated statement.

POLICE SERVICE - RAIDS ON COFFIN CHEATERS

343. Hon BOB THOMAS to the minister representing the Minister for Police:

Since the announcement of a zero tolerance approach by Western Australian Police Service towards bikie gangs -

- (1) How many raids has the WA Police Service carried out on the Coffin Cheaters headquarters located in Bunbury?
- (2) What was uncovered in the raids?
- (3) What type of surveillance has been established to monitor the activities of the Coffin Cheaters in the Bunbury area?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) In April 1997 a serious disturbance occurred in a Bunbury nightclub involving an outlaw motorcycle gang. Several police officers were assaulted. It was this incident which prompted Bunbury police district to initiate a "no tolerance to crime" policy. In the ensuing months, six raids were conducted on various outlaw motorcycle gang premises in Bunbury.

In the 1998 year to date one raid has been carried out on an outlaw motorcycle gang in Bunbury. The Picton Tavern, which is owned by an outlaw motorcycle gang, was also raided in August 1998. One raid has been carried out at premises in Capel in July 1998. Two raids were carried out by police in Mandurah in September 1998 at separate clubhouse premises. A raid in Mandurah was carried out in October 1998 at a known meeting spot and arrests were made.
- (2) In relation to the assault on police incident, 30 charges were laid against seven outlaw motorcycle gang members. The only seizures effected in the listed raids were at Mandurah, where two firearms and a quantity of cannabis were located secreted on their persons, and at Capel where one firearm and a quantity of cannabis was seized. Other information was obtained which is of a confidential nature.
- (3) The Western Australian Police Service has in place a number of strategies to monitor the activities of outlaw motorcycle gangs in the Bunbury area and the rest of this state. It is inappropriate to enlarge on those strategies at this time.

BUS COMPANIES - FINES

344. Hon CHERYL DAVENPORT to the Minister for Transport:

- (1) How many fines were issued to each of the four private bus companies for late, missed or early services in September 1998?
- (2) What was the value of those fines and have they been paid?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) The results of the service performance audits undertaken in September 1998 are incomplete. The Department of Transport's advice to operators of the observed service deficiencies are accompanied by a request for an explanation. All responses have not been received, however it is expected that this process will be completed shortly.

VEHICLE IMMOBILISER SUBSIDY

345. Hon TOM HELM to the Attorney General representing the Minister for Police:

- (1) Is the minister aware that taxpayers seeking to access the immobiliser subsidy have been required to personally supervise the installation of the immobiliser in order to qualify for the subsidy?
- (2) Is the minister aware of the inconvenience caused to working taxpayers who are required to remain at the installer's premises to supervise the installation of immobiliser devices?
- (3) What is the reason for this unusual process?
- (4) Can the minister explain why the Department of Transport's officers have advised taxpayers that it must be the taxpayer having the immobiliser installed who must supervise its installation, and not someone from the person's family?

The PRESIDENT: Order! I call the Attorney General. Is this answer to be given in the Attorney's capacity as minister representing the Minister for Police?

Hon PETER FOSS: I think it is. I am not sure if the Minister for Police is still responsible for immobilisers.

Hon M.J. Criddle: He is responsible for the payment of the subsidy.

Hon PETER FOSS: I have an answer.

Hon PETER FOSS replied:

- (1) The Western Australian Police Service is not aware of any instance where this has occurred.
- (2) This type of activity should not be occurring. If the member is aware of any instance where this is occurring, the matter should be referred to the Police Service for investigation.
- (3) See (1).

ORACLE FINANCIALS SYSTEM, VERSION 10.5

346. Hon E.R.J. DERMER to the minister representing the Minister for Health:

- (1) Will the minister consult CSC Australia Pty Ltd in order to inform himself of the cost met by the Health Department for purchasing, customising and implementing the Oracle Financials System, version 10.5?
- (2) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Once again, Mr President, this states, "Will the minister consult".

- (1) The Health Department has consulted with the state manager of CSC Australia Pty Ltd who has advised that CSC's records do not specifically record costs of the Oracle 10.5 project which was part of the fixed-price agreement with the Health Department of WA negotiated in 1991.

The PRESIDENT: Order, members! The Minister for Finance raised an important issue. I am sure that when members sit down to write their individual questions in their own hand they should realise whether they are asking the Minister for Finance in his representative capacity on something that the Minister for Health is doing. Questions must be couched in that way because Hansard records diligently what is said and it seems to me that at times we might be asking the wrong minister what is happening. Members know what I am talking about and I trust that when members sit down to write out their questions, they will take my comments into account.

CRIMINAL INJURIES COMPENSATION APPLICATIONS

347. Hon J.A. COWDELL to the Attorney General:

With respect to the time taken for the processing of criminal injuries compensation applications, I ask -

- (1) How many applications are currently awaiting determination?
- (2) What is the current waiting time frame for those people making an application?
- (3) How many staff are working in this area to assist with assessment of these claims?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) There are currently 2 020 applications awaiting determination. Following changes to the Criminal Injuries Compensation Act 1985, the number of assessors of criminal injuries has been increased from one to two, a part-time assessor appointed and additional resources provided.

At the beginning of September 1997, the average waiting time frame for those people making an application was 30 months. One year later, the waiting time has been significantly reduced to 11 months. Based on projections, the backlog should be reduced to 1 000 by September 1999.

- (3) Assessors, 2.5 full-time equivalent and support staff, eight FTEs.

NEW SCHOOLS IN NORTH METROPOLITAN AREA

348. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Education:

Can the minister provide a list of new primary and high schools constructed in the past five years in the north metropolitan area?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

Year	School	\$Million
1993	Clarkson Primary School	2.993
	Joondalup Primary School	3.627
1995	Kinross Primary School	3.516
	Merriwa Primary School	3.837
1997	Clarkson Community High School (Stage 1)	13.372
	Currambine Primary School	3.513
	Total Cost	30.858

HARVEY NORMAN - SUNDAY TRADING

349. Hon NORM KELLY to the minister representing the Minister for Fair Trading:

In the dispute between Harvey Norman retailers and the Ministry of Fair Trading regarding Sunday trading -

- (1) Has Harvey Norman been fined for breaching trading hours?
- (2) If not, why not?
- (3) If so, how much were the stores fined?
- (4) Is the minister aware that Harvey Norman is advertising that its stores are open seven days a week?
- (5) Is this a breach of any legislation covering retail trading hours?
- (6) If so, what action is the department taking against Harvey Norman?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The chief executive officer of the Ministry of Fair Trading has authorised the institution of proceedings on 10 charges against Harvey Norman franchisees under the Retail Trading Hours Act. Investigations are continuing and further charges are expected.
- (3) The matter has not yet been before the courts.
- (4) The ministry is investigating advertising breaches.
- (5) If Harvey Norman advertises when it is not entitled to open, it will result in further breaches of the Retail Trading Hours Act.
- (6) See (4).

STEPHENSON HIGHWAY ROAD RESERVE

350. Hon GIZ WATSON to the Minister for Transport:

In respect of the Stephenson Highway road reserve -

- (1) Does the minister intend to extend the Stephenson Highway through the northern section of Bold Park?
- (2) If so, when?
- (3) If not, will he remove the existing road reserve.

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) The road reservation referred to has been included in the metropolitan region scheme for over 30 years. However, this Government has no plans to undertake construction and it is not included in Main Roads' next 10-year program.
- (3) Such reservations are required to preserve long-term transport options that may be considered by future Governments.

ELLE MACPHERSON - CONTRACT

351. Hon KEN TRAVERS to the Minister for Tourism:

I refer to the contract between Elle Macpherson and the State Government under which Elle Macpherson is to be paid approximately \$1m for four days' work and ask -

- (1) Did the Government or the WA Tourism Commission give any consideration to using a Western Australian model to make the advertisements?
- (2) Did the Government or the WA Tourism Commission examine whether high profile Western Australian models such as Kate James would be prepared to make the assignment?
- (3) If not, why not?

Hon N.F. MOORE replied:

- (1)-(3) I am astounded that the member keeps asking questions about this because he and his leader have had egg on their faces ever since the matter was first raised. Interestingly, when the Opposition decided to criticise this deal, the federal Leader of the Opposition and the state Leader of the Opposition made outrageous remarks about this program. The member for Eyre came out as the chairman of the -

Point of Order

Hon KEN TRAVERS: I waited for a while but I asked a very specific question. The minister has not even gone close to answering that question.

The PRESIDENT: The member must learn, and it will come through experience, that ministers are entitled to answer questions in a manner which they believe is appropriate. That might not be to the member's satisfaction, but that is the standing orders.

Questions without Notice Resumed

Hon N.F. MOORE: I was making the comment that the member for Eyre as the chairman of the Goldfields Tourism Association was very supportive of the Government's decision to engage Elle Macpherson for this program. I raise that to indicate to the member that -

Hon Mark Nevill: He was bribed with a photo opportunity.

Hon N.F. MOORE: I will come to some of the alternatives in a moment.

The PRESIDENT: The use of those words were very much in jest, otherwise I have a problem and so have other members. The House accepts that they were said in jest.

Hon N.F. MOORE: In light of that interjection, the member for Eyre appeared in a photograph in one of the local newspapers in the goldfields standing alongside Elle Macpherson and he did not look unhappy, nor did anyone else in the goldfields. I am thinking about sending a copy of that photograph to the Leader of the Opposition so he can use it as a screen saver on his office computer to remind him that his view of the world is not altogether shared by his colleagues on every occasion. The Tourism Commission made the decision to make further advertisements involving Elle Macpherson on the basis of the success of the first set of advertisements. It is a pity that Hon Ken Travers will not ask some of the questions that are sitting in my file that he asked about two weeks ago and every day since which will tell him all the good things he needs to know, but he will not ask the questions, so I cannot give him the information. If the member asks those questions, he will know why the question he has just asked is so ridiculous. We thought of some other people - Hon Ljiljanna Ravlich on one occasion offered to do it for nothing. It may take a little time before she is internationally recognised and because

we are advertising internationally, we should wait until she achieves some international recognition which should not be too long in view of the tremendous progress she has made on a national level since she has been in this House.

Hon Kim Chance: Surely Alannah MacTiernan is well known internationally.

Hon Tom Stephens: Ms Alannah MacTiernan and Hon Ljiljanna Ravlich are held in the highest regard by us and I hope you will not make any derogatory remarks about either of them.

Hon N.F. MOORE: I was not making a derogatory remark at all. I was suggesting that when the member and Ms Alannah MacTiernan achieve the international recognition that Elle Macpherson currently has and when they have the capacity through advertisements to attract tourists to Western Australia, I am sure that a future Government will use them in advertising. Looking at both those members from time to time, I fear they would not have that effect on visitors coming to Western Australia; it might be quite the contrary. That is only when they look unhappy about things which they do from time to time.

The decision was made to engage Elle Macpherson to make more advertisements on the basis of the success of the first program. When the member says \$1m for four days' work, members must understand that we purchased the right to use the image of Elle Macpherson in these advertisements and in the print media for three years. We have exclusive rights to use the advertisements involving her in large parts of the world for that period. It is not something that can be paid for on a daily basis; it is paid for as a contractual basis with an individual who happens to have a very high international profile.

Hon Peter Foss: You do not get questions about how much cricket players are being paid.

Hon N.F. MOORE: That is exactly right. The Opposition thought they were onto a winner on this one. If members of the Opposition had a chance to see the way in which the people of Western Australia welcomed Elle Macpherson and were interested in what she was doing, I suspect that they would recognise that they have it wrong. She was given a significantly warm welcome and she responded exceptionally well to the crowds. They were delighted to see her in Western Australia and will look forward to seeing the advertisements in due course and the significant benefits that will provide to the Western Australian tourism industry in the future.

[By leave, Hon N.F. Moore (Leader of the House) tabled submissions received in response to draft legislation on a state native title regime, in response to question without notice 310. See paper No 290.]
