



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
THIRD SESSION  
1999

LEGISLATIVE COUNCIL

Tuesday, 21 September 1999

# Legislative Council

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**THE PRESIDENT** (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

## **YANCHEP NATIONAL PARK SWIMMING POOL**

### *Petition*

Hon Ken Travers presented a petition, by delivery to the Clerk, from one person requesting the maintenance of the Yanchep National Park swimming pool.

[See paper No 180.]

## **NUCLEAR WASTE DUMP**

### *Petition*

Hon Giz Watson presented a petition, by delivery to the Clerk, from 6 917 persons opposing the proposal to locate a high level nuclear waste dump in Western Australia.

[See paper No 181.]

## **URANIUM MINING INDUSTRY**

### *Petition*

Hon Giz Watson presented a petition, by delivery to the Clerk, from 847 persons opposing the proposal to establish a uranium mining industry in Western Australia.

[See paper No 182.]

## **REID HIGHWAY-EVERINGHAM STREET CONNECTION**

### *Petition*

Hon E.R.J. Dermer presented the following petition bearing the signatures of 1 150 persons -

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, residents of Western Australia, oppose the proposed connection of the Reid Highway and Everingham Street.

Your petitioners therefore humbly pray (or respectfully request) that the Legislative Council will reconsider the proposal and close the road in the interests of child and community safety.

And your petitioners, as in duty bound, will ever pray.

[See paper No 183.]

## **GUILDERTON REGIONAL PARK**

### *Petition*

Hon Giz Watson presented the following petition bearing the signatures of 27 persons -

To: President and Members of the Legislative Council of the Parliament of Western Australia assembled:

We the undersigned respectfully request that the Government establish a renewable energy powered ecotourist discovery centre for purposes of education and recreation, within the proposed Guilderton Regional Park south of Moore River.

We request that the Government take this opportunity to both protect the estuary and coastal heathland and also to build a unique showplace which will serve local and international communities into the future.

Your petitioners, as in duty bound, will ever pray.

[See paper No 184.]

## **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

### *Report on the Inquiry into Government Proposals for the Sale or Lease of Westrail's Freight Operations*

Hon Kim Chance presented the fourteenth report of the Standing Committee on Public Administration concerning an inquiry into government proposals for the sale or lease of Westrail's freight operations, and on his motion it was resolved -

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

[See paper No 185.]

**RURAL AND REGIONAL WESTERN AUSTRALIA, GOVERNMENT'S POLICIES***Urgency Motion*

**THE PRESIDENT** (Hon George Cash): I received this morning the following letter -

Dear Mr President,

At today's sitting it is my intention to move under SO72 that the House at its rising adjourn until 9 am on 25 December 1999 for the purpose of discussing the State Coalition Government's failure to protect and enhance the interests of rural and regional West Australians.

The letter is signed by Hon Tom Stephens, Leader of the Opposition in the Legislative Council and member for the Mining and Pastoral Region. The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.37 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1999.

The Western Australian community of the bush needs increasingly urgent attention. The Labor Opposition has increasingly attempted to highlight to the coalition Government the particular needs of this community, and it takes this opportunity to do so again. I do so partly because it is apparent by virtue of the election result of Victoria that such attention is imperative when Governments fail to understand the message regularly expressed in rural communities of Australia about the damage caused by the policies of coalition Governments at the state and national levels. The Labor Opposition in Western Australia has repeatedly tried to highlight to the Court-Cowan coalition Government the damage the Government's policies have caused to rural Western Australia. Regrettably, the message we have delivered to the Government has too regularly fallen on deaf ears. The Court Government has displayed unparalleled and unprecedented arrogance, along with its preoccupation with the Perth metropolitan area and its central business district. The Premier's pet projects have been foisted on taxpayers of this State without regard to the real needs of the community, particularly those of the bush. There is a perception, which indeed reflects reality, of arrogance in the Government's preoccupation with and focus on the narrow Perth CBD. We see the belltower, the convention centre, the Northbridge tunnel, and the second bridge for the Kwinana Freeway; I throw into the list the metropolitan base for a maritime museum, which could have been located elsewhere to bring some benefit to the WA community and economy.

Several members interjected.

**THE PRESIDENT**: Order! Only the Leader of the Opposition has been given the call. Members know that this debate has limited time. It is unfair to interject on a member to try to reduce his speaking time. I am saying that if members do not interject now, equally members will not interject on them in due course. My little sermon has taken about 35 seconds. That actually comes off the one hour, so no-one wins if members continue to interject. It does not come off the Leader of the Opposition's time, if he is concerned about that, because the clock is on pause.

**HON TOM STEPHENS**: The State Government revealed only last week that it planned to give the private sector developer of the convention centre prime Perth land that could be worth up to \$75m at a peppercorn rent, in addition to the \$110m taxpayer-funded incentive to build that convention centre in metropolitan Perth. The attitude that Premier Court has displayed to the people of Western Australia has been, "Don't you worry about that. I know what is good for you." That same attitude dominated the politics of Queensland in the past, and it has dominated the politics of Victoria more recently, and the Governments and Premiers of those respective States have paid the political price for parading that approach to their electors. The Premier told the people of this State, "This is not Victoria, and I am not Jeff Kennett." Regrettably, this Premier and Jeff Kennett have much in common, not the least of which is their preoccupation with pet projects for their central business districts. The Victorian election result demonstrated the resentment that has welled up in the bush community and that has developed into outright anger about the fact that it has been neglected and had services taken away while the central business district of metropolitan Melbourne has prospered.

The Government of Western Australia should listen to the bush and rural communities rather than govern on behalf of the narrow section of the community that is benefiting from the pet projects of this Government through the improvements to the central business district. The Western Australian Farmers Federation, which has a broader concern about the interests of Western Australia, has urged the Government to drop its privatisation agenda in rural Western Australia and has wisely advised the Government that this will cause electoral damage as well as economic pain for the rural constituency. In the opinion of the Farmers Federation, there is an air of complacency in the ranks of the coalition Government with regard to that rural constituency. That is evidenced day in and day out by the arrogance and the deaf ears of members of the conservative parties in this State. The rural electorate is fed up with being forgotten by this Government. The state and federal coalition Governments need to do more for the regional communities of Western Australia, which have become the losers as a result of the globalisation of our economy and the widening gap between the incomes of the rural and the metropolitan communities of this State. This Government talks about protecting rural and regional voters and formulating policies to look after their interests. However, when it comes to putting its policies into practice, it is sadly lacking in action.

Although the Premier has indicated repeatedly that he will deliver a social dividend to the people of this State, the rural community has received no social dividend to compensate for the pain from which it has suffered for an extended time under this Government. That social dividend should have been in the form of information technology to assist the rural communities of this State to cope with the disadvantage of being away from much of the commerce of the capital city. If

the Government had any concern for those communities, it would have advanced the information technology interests of those communities by ensuring that those sectors did not experience the frustrations of having costly access to the Internet and to email and e-commerce but could participate fully in the economic development of this State. The Government has failed to give bush schools adequate access to computers and has delayed the implementation of the computer program in those schools by being preoccupied with metropolitan Western Australia when it should have accelerated that program in the bush to remove that area of disadvantage in those sections of the community. The Government should provide funding to all regional and rural libraries so that they can access the Internet and provide Internet subscription services in the most economic way, possibly by bulk purchasing these services. The Library and Information Service of Western Australia should be provided with increased funding so that it can provide a greater amount of on-site training and support for the staff of libraries in regional areas rather than require those librarians to come to Perth to undertake training programs. It is clearly arguable that the rural areas of Western Australia that would benefit the most from modern communications have been the most deprived.

In the Arts portfolio, there is a real need for this Government, in concert with the Federal Government, to change the Performing Australia policy guidelines that prohibit funds from that agency from flowing into regional art groups unless they happen to cross state boundaries. That national Government's policy has not been adequately addressed by this State Government in response to the needs of the rural community. Arts groups in Western Australia must travel extremely long distances to put on performances, but they receive assistance from federal funds only if they happen to cross a state boundary. This State Government has not taken the initiative of getting that policy changed.

In the Transport portfolio, great damage has been done by contracting out and outsourcing the work of Main Roads WA. Unfortunately, the Government has failed to deliver a cost-effective flow of funds into the regional areas of Western Australia, because any increase in funding that has been forthcoming has been offset by a dramatic increase in unit cost for the installation and maintenance of roads. At the same time, the local employment opportunities that were previously available to regional contractors have been destroyed. People from the top of the State to the bottom are in regular contact with the Opposition about this matter. People from the small business community, earthmoving contractors and the like, who were once dyed-in-the-wool committed conservative voters, are pleading with the Labor Opposition to try to get this Government to turn away from those policies that are causing their businesses to fall apart and be replaced by major contractors like Buckridge and interstate interlopers in the construction and maintenance of roads in this State. Presidents of the Liberal Party and members of the National Party, and people who stood in the polling booths from one end of this State to the other and voted for this Government, have been begging the Labor Opposition to do something to protect their businesses, which are being destroyed by the policies of government ministers who are deaf, dumb and blind when it comes to the needs of their constituents. When the National Party sits like a tame poodle in this coalition Government and does not respond to the real needs of the people of the bush, is it any wonder -

The PRESIDENT: Order! The Leader of the Opposition may know what he is saying, but I am battling to follow him because for some reason he is attempting to speed through whatever it is he wants to get through. The clock is on pause, so he does not need to worry about that.

Hon TOM STEPHENS: I have so much to say, Mr President!

The PRESIDENT: Then say it slowly, and perhaps we will all understand it.

Hon TOM STEPHENS: There is a real need for this Government to understand the litany of sins of which it is guilty. Main Roads is just one example in the Transport portfolio of the damage that this Minister seems to be intent on causing to the regional areas of Western Australia. The Government's policy with regard to Westrail was to close the Westrail workshops in Albany and relocate some of those jobs to Northam, Wagin and Perth. However, workers are now being brought from Northam and Perth to carry out repairs in Albany and are being accommodated in Albany hotels; and if mechanical work is required on rolling stock, that rolling stock must be taken by train to Northam for repair. We are told that Westrail freight services will be privatised if this Government has its way in this place.

In the Health portfolio, the Government has failed to deliver the budgets that are necessary to ensure that much-promised projects are delivered. The community of the Kimberley has been begging for the development of stage 4 of Derby Regional Hospital to proceed, but it is still awaiting funding to make that a goer. In the great southern region the health service has been closed down with the loss of 15 jobs. The patient assisted travel scheme was recently revised by Minister Day announcing last week that the Government has finally magnanimously increased the mileage rate from 10¢ to 13¢ per kilometre from 1 October. The Government's self-congratulation on that move is pathetic when one considers that the rate was 15¢ per kilometre in the early 1990s, if members remember that situation.

Throughout Western Australia this Government's policies are adversely affecting rural parts of our State. This Government collaborated with the Federal Government in the privatisation of the National Transmission Authority which has now been replaced by a UK-based company that provides something called NTL Incorporated. The Government is now effectively continuing to deprive many sections of the rural community of this State of SBS television transmission services that would have been available to them if there had been goodwill on the part of the Government in protecting that much needed service that was provided by the NTA. The rural community is priced out of the possibility of receiving SBS because the sites are now owned by a private utility which charges in excess of \$5 000 per site. Previously a government agency owned those sites and they were on offer at \$500.

Water rates in the community of Denham recently dropped but are still among the highest in Western Australia. This was a community the members of which begged their local Liberal member of Parliament to try to make an impact on this Government. It took months of drag 'em down, knock 'em out support of the Australian Labor Party to try to get those rates

dropped and at least now there has been a reduction. The postal services in the Kimberley have been destroyed by the federal agency. Banking services have been withdrawn from much of rural Western Australia. Police stations are left with single police officers, such as in the Town of Yalgoo where two officers should be located. That is to the eternal condemnation -

Hon Simon O'Brien: It should be shut.

Hon TOM STEPHENS: The member says it should be shut. That is the response from the local member for the Mining and Pastoral Region. In fact, that seems to be the policy of the Government: Shut the banks, shut the schools, shut the police stations, shut down the post office services. That is the Government's response to the needs and demands of the rural parts of Western Australia and that comes out of the mouth of one of the local members from the coalition side. Throughout the State there is a need for frail aged facilities; in Broome, for instance, the community is still awaiting delivery of that much-needed facility. However, if people in the central business district need a facility they get it. Suddenly, \$7.3m is set aside for new jetties at the Barrack Square project, the pet project of the Premier. However, what does the community up in Carnarvon do if it wants its jetty restored? It has to run a cake stall to raise funds for the jetty restoration project essential for that community. That shows the discrepancy in the style of approach of this Government in response to the regional and rural needs of the community of this State.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [3.53 pm]: I thank the Leader of the Opposition for the dorothy dixer he has brought along today. As with motion No 1 on the Notice Paper, it provides a wonderful opportunity for this Government to tell those who might be listening that what is occurring in Western Australia is very good indeed. It was predictable that the Opposition would raise this matter today to try to score some points on the back of quite a good performance by the Labor Party in Victoria.

Hon Ljiljanna Ravlich: Quite a good performance! It was an outstanding performance.

Hon N.F. MOORE: The Labor Party has not yet won; however, it will come to understand one of these days that people vote against things; they do not vote for things. I expect in Victoria people voted against something that today they are probably regretting. However, they did not vote for the Labor Party because that is the way politics goes around.

Hon Ken Travers interjected.

Hon Ljiljanna Ravlich interjected.

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

Hon N.F. MOORE: I suspect if members ask Mr Goss he will tell the same stories that I am telling members now. We are very proud of our record in regional and rural Western Australia. It is interesting to note that the population of regional Western Australia has grown faster than that in metropolitan Western Australia for the second consecutive year. I would not have anticipated that to be the case but that is what is occurring. People are moving to regional Western Australia, the population of which is growing quicker than that in the metropolitan area, for many good reasons.

Hon Tom Stephens interjected.

The PRESIDENT: The Leader of the Opposition will come to order. Can you control yourself, Leader of the Opposition? You have had your opportunity. The Leader of the House is entitled to a right of reply. The Leader of the House.

Hon N.F. MOORE: The coalition Government will take notice of what people have said in Victoria, although there are significant differences between rural and regional Victoria and rural and regional Western Australia. The Opposition should not believe for one minute that it can draw a close parallel between the two because they are different.

Hon Ljiljanna Ravlich: We will see. Time will tell.

Hon N.F. MOORE: Yes, time will tell. As I said, this Government will take on board what the Victorian people have said to the Victorian Government and if there are messages for us to take from that election we certainly will, because we are a Government that has been listening to what the people of Western Australia have been telling us to do.

Hon Kim Chance: Too late now.

Hon N.F. MOORE: I read through a long list of capital works in which this Government has been involved since it has been in office. A large proportion of those works are in regional Western Australia. I will not repeat them, but if members opposite want to be fair they should have a look at them. Instead of Hon Tom Stephens coming into this Parliament and quoting three or four selected examples of where things have not happened, why does he not be a bit generous occasionally and consider some of the things that have occurred? For example, he mentioned that the Derby hospital did not proceed to the next stage but he forgot to mention that, right alongside, the Broome hospital has had a very large amount of money spent on it. He talked about the Yalgoo Police Station, but conveniently ignored the fact that a large amount of money had been spent on the Meekatharra Police Station. He mentioned a jetty in Carnarvon, but conveniently forgot about the millions of dollars going into the fascine development there; he should know about that. He also conveniently ignored the fact that Exmouth had been demanding a boat harbour from his Government year after year and was promised it at every election but it was never delivered. This Government has delivered that boat harbour in Exmouth. Members can go right across the State of Western Australia and they will see this Government has spent money on projects and capital works throughout regional Western Australia. Frequently this money has been spent on projects that the Labor Party promised but never bothered to provide.

There are many examples of the ways in which this Government has been helpful to country Western Australia. This Government has many members from country Western Australia. After its first term in office this Government had the largest number of members ever elected into the Assembly, the vast majority of whom are from regional Western Australia. There are not too many Labor Party members from regional Western Australia. In fact it has one fewer this week than it had two weeks ago. Does it know why it has one fewer? The Labor Party knows as well as I do that it is because one of its members has said to it what the Labor Party thinks the Victorian electorate is saying to us, "You don't look after the interests of regional Western Australia." Labor Party members say that, even to the point of resigning from the party.

Hon Kim Chance: He has not voted for you yet.

Hon N.F. MOORE: However, he is no longer a member of the ALP; that sticks in the Labor Party's craw and it knows it does. The reason he did it was that the Labor Party does not look after the interests of regional Western Australia. It is made up of a mob of people who pander to the interests of minority groups. It is time the Labor Party learnt that there are many people in the community who want it to start talking about one thing; that is, jobs. It should forget about the greenies and all the other little issues running around the place and start thinking about jobs. That is what Hon Mark Nevill said. The Labor Party and its federal colleagues should consider what they have done to native title in this State; they have set back the mining industry generations because of their shortsighted policies which have ignored the job creation prospects of the mining industry.

Hon Ljiljanna Ravlich interjected.

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

Hon Ljiljanna Ravlich: Yes sir.

The PRESIDENT: If it is good enough for everyone else, it is good enough for you.

Hon N.F. MOORE: I will repeat that because I do not believe the member was listening. Native title legislation has set back the mining industry in this State for generations. Native title legislation, in its current form, is a result of the Labor Party's actions at national and state levels. If it cannot accept that, it will never understand anything about the mining industry or native title. The Labor Party would also close down the forest industry tomorrow if it had its way because it wants to get into bed with the greenies; it wants to be greener than the greens. It trots out an attitude to the forest industry which would see that industry close up almost completely. Members of the Labor Party are monumental and absolute hypocrites. They come in here and complain about what this Government is doing in regional Western Australia when what they have done, and what they are doing, is virtually preventing almost anything from happening in Western Australia, particularly in the mining industry.

Hon Ljiljanna Ravlich: Where is our social dividend?

Hon N.F. MOORE: The social dividend that I believe is appropriate - I thought Hon Ljiljanna Ravlich would too - is called jobs for Western Australians. I have just spent about two hours telling members opposite about the 600 jobs that will be created in the convention and exhibition centre.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will control herself.

Hon N.F. MOORE: They still complain about it. However, I notice they forgot to complain about the sports stadium today, even though they have complained about everything else. They have even suggested we should shift the maritime museum to the bush. I wonder what the member for Fremantle thinks about that. Let us ask him whether he supports the maritime museum going to the bush, because I am sure he does not. I suspect there will be another split in the Labor Party as a result of that. I would love to know where the Labor Party stands on these issues and where it stands on job creation. Why does the Labor Party not tell us what it will do instead of coming in here and whingeing all the time about what somebody else is doing? The only way we know what the Labor Party might do is to look at what it did when it had a chance to do something. All it did was spend money until it sent the place broke, in the same way as the Labor Party in Victoria spent money until it turned Victoria into a basket case. A Government must come in and take tough decisions to get the State's finances back into shape, as we have had to do in Western Australia. The Labor Party just keeps spending and spending and increases the deficits and debt, and it says, "So what?" The Labor Party is about pandering to every little interest group in Western Australia and spending every cent it can get its greedy hands on.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will come to order. Members in the past have not given running commentaries on what other members are saying. Hon Ljiljanna Ravlich is a new member to the place, but there are not new rules. Therefore, if it is good enough for everyone else to abide by the standing orders, it should be good enough for Hon Ljiljanna Ravlich.

Hon N.F. MOORE: This Government has been down a path similar to that taken by the Kennett Government. It has taken some hard decisions about the State's finances to get them into shape to get rid of the State's debt. Part of that process has been to sell off some assets. I do not know how the Labor Party ever imagined it could do anything about our debt without selling off some assets. When it gets into Government at the federal level it does that. I am now being told by the Labor Party that at the state level it will not do that. We will wait to see what it does whenever it gets a chance to run Western Australia again. However, that was a necessity that this Government and the Kennett Government faced, and both Governments took hard decisions to straighten out the State's finances. We have done that; there is no question about that. We now have a AAA credit rating, which the Labor Party lost for us. Members opposite may think that is of no value. Hon Ljiljanna Ravlich would not know what a AAA credit rating means and the importance of it.

Hon Ljiljanna Ravlich: I know what it is but I cannot work out why you have got it, given the debt.

Hon N.F. MOORE: Hon Ljiljanna Ravlich can question the agencies that give the rating if she thinks they have got it all wrong. She can tell them they have got it wrong.

It is fascinating that the Labor Party complains about what we are doing in regional Western Australia when we are doing significant things in that area. If I had time, which I do not, unfortunately, I would deal with all of those issues. We should change the rules so that the lead speaker from the other side gets the same amount of time as the whinger who moves the motion in the first place. That would be helpful. This Government has made a deliberate decision to spend large sums of money in regional Western Australia, and the proof of the pudding is in the eating. People are benefiting from the decisions we have taken.

**HON CHRISTINE SHARP** (South West) [4.03 pm]: I support the motion. I want to discuss my personal knowledge of this vast subject, which concerns the farming community and my concern for the state of the farming community in the south west and in the agricultural region.

Hon N.F. Moore: You are going to close that down too, are you?

The PRESIDENT: Order!

Hon CHRISTINE SHARP: I am aware that the figures from the Federal Government suggest that in the past 20 years Australia as a whole has lost 200 000 family farms and that another 24 000 farms are not expected to survive over the next few years. This means that during the past 20 years we have seen a radical restructuring of ownership throughout the agricultural regions of Australia. We are also seeing a worrying increase in the average age of farmers in both Australia and Western Australia. I believe that Australian Bureau of Agricultural and Resource Economics figures suggest that the average age of an Australian farmer is now 52 years and that the average age of a Western Australian farmer is 58 years. It is fairly clear that a 58-year-old farmer will not be able to continue in what is, in a large part, a physical occupation for too much longer. The implications of these figures are that in the next five to 10 years in Western Australia we are likely to see a significant increase in the reduction of farming numbers.

I wonder what will happen to these farms as these farmers who are already getting on in years become too old to farm, because there are many indications that their sons and daughters are not following in their footsteps and that they are looking for employment elsewhere. What will become of the family farms in the bush when the farmers get too old? Will we see in the next decade a huge takeover of rural Western Australia by agribusiness and an even more significant reduction in the number of people who are left to live in those areas and run our agricultural industry?

I will also share with members the story of a survey of the farming communities in Bridgetown and Boyup Brook that was conducted two years ago by the Bridgetown-Boyup Brook Local Land Conservation District Committee. That survey sought to address the concern that farmers in those areas were not planting as many trees as some people in the community would have liked. Therefore, there was an interest in finding out why farmers were not planting more trees in this district.

Hon Greg Smith interjected.

Hon CHRISTINE SHARP: That is right. It was a very good survey, because instead of doing a standard, statistical survey whereby a letter was posted to farming communities asking them how many trees they planted last year, whether it was over 10 000, between 5 000 and 10 000, or lower than 5 000, a more in-depth methodology was used. I do not know the exact number, but over a dozen survey questionnaire persons were employed. They went around to each farming establishment in Boyup Brook and Bridgetown. They made an appointment, drove up, went to the back door, knocked on the door and said, "Can we have a cup of tea?" They then stayed with that family for an hour or more. The questions did not start with, "Why aren't you planting more trees?" or "How many trees are you planting?" The questions began with, "Tell us how it is for your lives at the moment. What are your plans for the future of your farm?"

The results of that survey were so astounding that when they were read out at a meeting in Bridgetown, which a large number of officers from Agriculture Western Australia attended, some of those officers required counselling because they found that their clientele, the people they were meant to service, were in absolute crisis. Of every family that was questioned, not one had any faith in their future or was certain of their farming prospects for the future. That was why these people did not feel that they had the financial or economic security to be planting large numbers of trees; they did not know what the future held for them, and they had no confidence that that future would mean they could continue farming.

Denmark is also in my electorate and I know that there are only two farms in the entire Denmark shire in which the whole farm is funded on-farm, as opposed to one or more family members somehow making their living off-farm. These are shocking figures which are a source of huge concern for us.

The methodology used in the Bridgetown-Boyup Brook survey, because it listened to what people had to say, was able to get past the pride factor. The Western Australian farming community is a tremendously proud community. It has a great tradition of "She'll be right", of making do and of self-reliance. That tradition has carried people through this time of great stress and to an extent has masked just how serious this crisis is, because people are not wearing their hearts on their sleeves or talking about it openly; it is eating away at them on the inside. They no longer have confidence that there will be farming families as we know them in the future, and this is eating away at their hearts.

Hon Greg Smith: What can the Government do about that?

Hon CHRISTINE SHARP: I suspect the solution the Opposition has discussed in this motion is not the most fundamental

of solutions. The Opposition has referred to comparative spending priorities and has suggested that the Government is spending all the money in the city and not in the bush. I am sure it has a valid case in some ways, and there are notorious examples of that. By and large, this problem is far deeper than that. It is a structural matter that reflects that Governments no longer fully control our economies and can no longer afford to support rural communities, in the same way as they can no longer afford to support all the essential services in the city, such as health and education. Why is it that Governments can no longer afford to do this? This goes to the heart of deep structural issues in our economic and financial system, and the globalisation of our economy. Some people have calculated that every year Australia exports billions of dollars of profit, and the Perth metropolitan area has been a willing collaborator in this export of our wealth. That is because the education and services that enable that globalised flow of capital to function are provided in Perth, which has done fairly well out of this arrangement. Nevertheless, we know that every day in the Australian economy, every dollar of real transactions of goods and services and all those elements of the new goods and services tax system - in other words, all of our real economy - are worth on a daily basis only one-thirtieth of the value of the speculative economy; that is, the computerised transactions of capital going across national borders that is untaxed and centralised outside Australia. That is why Governments can no longer afford to support rural people.

**HON DEXTER DAVIES** (Agricultural) [4.13 pm]: I will take up the points made by Hon Christine Sharp about despair in country Western Australia. I had a telephone call from my brother last night. The Shire of Wyalkatchem has a community of 700 people and is in the process of upgrading its airstrip. Hon Kim Chance will know that Wyalkatchem is a small town. The community is chock-a-block full of confidence. My brother has a young family. The high school has just been upgraded. Money has been provided for a covered area. It is a fantastic high school with good staff. The community is very, very confident. It has the confidence to upgrade its airstrip. It had a busy bee yesterday to cart the gravel for that airstrip. There were 80 trucks at the airstrip. The community gave of its own time. My brother is totally confident that his family farm and that area will be there forever and a day for his kids. It was a fantastic operation.

The Wyalkatchem community has formed a community development group to build houses, so there is accommodation for the apprentice mechanic, the physiotherapist and the whitegoods repairer. They are totally confident in the area's future. It is easy for members to spread gloom and doom. Western Australia is a very, very fine place to live. It is far better than most other places in the world. Members should instil more confidence in our country and tell people about the farming families who are making a quid, rather than spreading gloom and doom around the place. The country is a wonderful place to bring up kids. I chose to go back to the country to bring up my kids. The school bus service in my area is world class. It picks up our kids from our gate and chaperones them to and from school. The people in the metropolitan area would love that, because that is when city kids get into strife. It is a wonderful service. The services we get in the country are pretty good.

It is easy to criticise the things that are wrong in the country. We always hear from the Opposition what cannot be done, whereas a lot of people in country areas are doing some pretty good things. The upgrade of the regional airstrip system over a long period has been pretty good. The people in Hon Tom Stephens' electorate in places like Halls Creek would appreciate that planes can now land all year round.

Hon Tom Stephens: Your Government stood by while the air services were removed from the area.

Hon Greg Smith: What about the new police station?

Hon DEXTER DAVIES: Yes, I was surprised to hear that Hon Tom Stephens thought the WA Government caused the banks to close down. That had nothing to do with the State Government. Hon Tom Stephens might like to come with me on 15 October to Kulin to attend the opening of the first community bank. The people in Kulin have so much confidence in rural Western Australia that they will open their own bank. I did not see Hon Tom Stephens at Meekatharra when Bendigo Bank was trying to encourage that community to open its own bank. Another community bank will open in Goomalling.

Hon Tom Stephens: How did you get to Meekatharra that day? Which minister flew you in, and on what plane? Did the minister invite me to join you on the plane? No, he did not.

Hon DEXTER DAVIES: If the member checks, they would be.

Hon Tom Stephens: Which ministerial plane did you fly in on?

Hon DEXTER DAVIES: I paid for the flight to Kulin out of my electoral expense account. The Department of Commerce and Trade flew me to Meekatharra.

Hon Tom Stephens: What the hell were you doing on the Commerce and Trade plane?

Hon DEXTER DAVIES: I was invited by Bendigo Bank. We were trying to open a bank. I thought Mr Stephens said the Government was doing nothing about banking in Western Australia.

Hon Tom Stephens: Where is the bank in Meekatharra now?

Hon DEXTER DAVIES: It is not there, but they were given the opportunity.

Several members interjected.

The PRESIDENT: Order! Members will come to order. It is not a shouting match between two members. The clock is on pause, but this is again causing me to waste time in the first hour. If the Leader of the Opposition wishes to discuss a matter with Hon Dexter Davies later, he should please feel free to do so outside. In the meantime, Hon Dexter Davies can address me on the motion.



Hon DEXTER DAVIES: I obviously hit a raw nerve. The official community bank will open in Kulin on 15 October. Other community banks will open in Goomalling and Tambellup. There will be opportunities for people who want a community bank and, where appropriate, they will be opened. The opportunity has been created. I thought it strange that Mr Stephens accused the Government of not doing anything about bank closures. I thought it was appropriate to raise the fact that somebody had done something positive and given people an opportunity to be confident in themselves and in country areas. Mr Stephens referred to the closure of police stations.

The PRESIDENT: Order! It was the Leader of the Opposition.

Hon DEXTER DAVIES: Several police stations have been opened in regional areas, some of which were in Mr Stephens' electorate.

The PRESIDENT: Hon Tom Stephens moved the motion, but in his capacity as Leader of the Opposition. I do not mind the occasional slip, but four slips in a row when I am trying to call the member to order is not acceptable.

Hon DEXTER DAVIES: The following is a list of the expenditure on new infrastructure in country police stations: Meekatharra Police Station, \$1.2m; Halls Creek, \$2.3m; Kununurra, \$4.1m; Dunsborough, \$1m; and Nullagine, \$2.175m.

Agriculture Western Australia has undergone a huge restructuring since this Government came to power. I was pleased to be at Northam the other day for the opening of a fabulous facility that will accommodate staff who previously worked in metropolitan Perth. Merredin, Katanning and Albany also have very fine facilities. In fact, a vast number of those facilities has been provided across Western Australia to give a much closer, better and more professional service to rural and regional Western Australia.

Hon N.F. Moore: Members opposite relocated the Department of Land Administration to Midland because they thought that was the country!

Several members interjected.

The PRESIDENT: Order!

Hon DEXTER DAVIES: I find it staggering that the Leader of the Opposition has moved this motion. I presume he was trying to compare regional Victoria and regional Western Australia. The extent of regional and rural involvement in decision making in the two States is very different. There has not been the wholesale closing down of hospitals in this State. In fact, multipurpose health services are being established in country areas to provide the services which the people want and which respond to their needs. That is very much appreciated by regional Western Australia and it is an outstanding initiative.

Hon Ken Travers: That is not what they are telling me.

Hon DEXTER DAVIES: Members should visit these areas. They should go to Jurien and Dongara and ask the people what they think. They will tell them they think it is a fantastic service. There are any number of examples.

The Government has recently been attacked about road funding. Members should ask the people living along the coast whether they think the percentage of funding being spent in country areas is appropriate. They will generally respond that it is good. Members should also travel down the Brookton Highway to see the number of initiatives in that area. The Government has been abused about the Narrikup abattoir, but it provides jobs for 400 people who kill 9 000 lambs a day.

Several members interjected.

The PRESIDENT: Order! Hon Kim Chance will get his chance in a moment.

Hon DEXTER DAVIES: As soon as members on this side mention something positive, we get negatives in response.

Several members interjected.

Hon DEXTER DAVIES: It is very difficult to be positive. We are subjected to a continuous stream of negatives. Many people in country Western Australia are willing to put their money where their mouth is and to have go. As a result, they make a good living. Hon Christine Sharp referred to the size of the farms. They have become economically viable units, and those involved can then go on to do the things to which I have referred. They can participate in community projects and help themselves. Country Western Australia is a very healthy and positive place in which to live.

**HON KIM CHANCE** (Agricultural) [4.23 pm]: What has troubled me in this debate is that the Government seems to believe its own rhetoric that it is the born-to-rule party in rural and regional Western Australia. All we heard from Hon Dexter Davies was how wonderful it is to live in regional Western Australia. I could not agree more; I choose to live there myself. That is not the point; the point is what this Government has done to make it a better place and whether, as stated by the Leader of the Opposition, it has made it a worse place in which to live. What has this Government done?

It removed the patient assisted travel scheme, or so disabled it as to make it unworkable for most Western Australians. It reduced the scheme's budget by \$1.5m and as a result prevented people in country Western Australia having equal access to specialist medical services. In return, we will get a belltower! That is the trade off for those living outside the metropolitan area who need access to specialist medical services and to people who can give them some relief from pain and suffering. Yet members opposite tell us what a great job they have done for regional Western Australia. They are a bunch of frauds!

I have lived in regional Western Australia my entire life, and as a result I can measure what is happening. I have been able

to see just what has happened through the cycle of coalition and Labor Governments. We hear members opposite talking about the wonderful Agriculture Western Australia expenditure in Merredin. I welcome that, but this is ongoing. The complex was built while a Labor Government was in power. Are members opposite saying that they are continuing what the Labor Government started? If so, that is fine. However, they should not hold themselves up as having a God-given quality that advantages them over the Labor Party. They do not have it.

I still live at Merredin. All I see are rows and rows of memorials to the way this Government has treated rural and regional Western Australia. I see rows and rows of empty houses; streets and streets that no longer have houses - they have been bulldozed.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers and Hon Bruce Donaldson will allow Hon Kim Chance to continue.

Hon KIM CHANCE: Allbuery Street, Merredin has been bulldozed. It was once home to dozens of Westrail employees and their families. Gilmore Street has been abandoned and is about to be bulldozed. Caw Street, which runs the length of the main part of the southern suburban area, is half empty. It was once home to Westrail, Water Corporation, Main Roads and Education Department employees. I doorknock these streets; I live within two blocks of Caw Street. I know what has happened to rural and regional Western Australia.

Members opposite have argued that this might have happened under a Labor Government. The point is that it did not. If these things had occurred during the term of a Labor Government, the mob opposite would have been screaming that ours was a country-unfriendly Government. What a lot of nonsense. The fact is that it did not happen. Merredin has never been decimated by a Labor Government in the way that it has by this coalition Government. The regional Victorian electors showed clearly what they will not accept. There was a 7.6 per cent swing in country Victoria. Although there was a 5 per cent swing in the regional cities, there was a 7.6 per cent swing to Labor in the country areas. Why did that happen? There is one answer and the Leader of the House has put his finger on it: The electors would not be taken for granted. Country people will not be taken for granted.

Motion lapsed, pursuant to standing orders.

## **DISTINGUISHED VISITORS**

### *Statement by President*

**THE PRESIDENT** (Hon George Cash): I welcome to the Legislative Council, members of a Commonwealth Parliamentary Association delegation from the United Kingdom.

Members: Hear, hear!

The PRESIDENT: I welcome the leader of the delegation, the Rt Hon Robert Sheldon PCMP, the Rt Hon The Lord Cocks of Hartcliffe, Mr Richard Shepherd MP, Mr Mark Fisher MP, the Rt Hon Eric Forth, Mrs Joan Ryan MP and Miss Helen Hartford, who is the delegation's clerk. The delegation is in Perth as part of a tour of a number of Australian States.

## **WESTRAIL NETWORK ACCESS**

### *Statement by Minister for Transport*

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [4.35 pm]: For some time the Government has been developing arrangements to allow open access to the Westrail network for other operators. These arrangements will provide a further stimulus to the efficient provision of rail services in Western Australia by facilitating on-rail competition. The sale of the Westrail freight business has resulted in considerable attention to the proposed access arrangements, as they are seen as providing an assurance to rail freight service users that they will have a choice of operators after Westrail's business is sold. Concern has been expressed that the sale will pass monopoly powers to a private owner who will use these powers to the detriment of rail users. The existence of intermodal competition with road significantly restricts the market power exercised by the rail operator. However, the access regime provides rail users with a legal right to negotiate access to the track and restricts monopoly power over commodities that are captive to rail.

Since the Government Railways (Access) Act - the enabling legislation for the State's rail access regime - was passed last year, considerable detail for the regime has been developed. I will provide the House with a report on the status of the regime as it now stands. The regime comprises an enabling Act and a code, in the form of subsidiary legislation, which sets out detailed rules under which the access seeker and track owner can negotiate access. It also provides a mechanism for dispute resolution should negotiation fail. Earlier this year the Premier submitted the Western Australian rail access regime to the National Competition Council for recommendation to the federal Minister for Transport and Regional Services for certification as an effective regime. Certification is desirable as it precludes the possibility of declaration under the national access regime and will provide more certainty to all parties as to the rules for negotiating access. Certification will also provide an assurance to the interested parties that the regime is robust in the eyes of an independent party. Following this submission, the National Competition Council undertook a public consultation process with rail operators and other interested parties. As a result of this process, the council has sought changes to the state regime, and detailed negotiations have been undertaken with state officials. The resultant access code incorporates a range of changes which strengthen the role of the access regulator and provide greater information to access seekers to assist their negotiations. I am pleased to advise that the National Competition Council has released a draft recommendation that the Western Australian regime will be certified as an effective regime for up to five years. The NCC's president, Mr Graeme Samuel, has written to me advising

that the council considers that the revised regime satisfies the relevant principles of the Competition Principles Agreement, subject to the resolution of some minor matters through a further public consultation process. I will table that letter and a copy of the Government Railways (Access) Code, which incorporates the changes sought and agreed with by the National Competition Council.

The Government Railways (Access) Code sets out, in some detail, the process for negotiations, Westrail's obligation as the track owner, the general content of access agreements, pricing principles and the arbitration provisions, should these be required. The access regime will apply only to intrastate rail access as interstate access will be provided through a wholesale agreement with the Australian Rail Track Corporation, consistent with the intergovernmental agreement signed in November 1997.

I refer to the process for bringing the access regime into operation and its relation to the Westrail freight business. The National Competition Council sought to change the transfer of the functions and powers of the access regulator from the Director General of Transport to a person independent of the Department of Transport. I propose to move amendments to the Rail Freight System Bill which will affect the transfer to an independent regulator. The Rail Freight System Bill seeks to amend the Government Railways (Access) Act to apply the access regime to the new owner of the Westrail freight business and to enable the operation of some of the revised code provisions. The regime developed and submitted to the NCC applies to a government-owned rail network as Parliament's approval for the sale had not been given at the time of submission. However, it was considered important for the council to consider the access regime's key principles, recognising that those principles would need to apply to a private operator if the network were leased. Regardless of the sale, the Government is committed to a robust access regime based on principles which are fair to access seekers and provide an incentive for the track owner to invest in the network. Under this approach, the required changes that allow the regime to apply to a private track owner are principally matters of nomenclature and are minor or consequential.

It is relevant that the National Competition Council shares this view. The council's executive director, Mr Ed Willett, has written to the Acting Director General of Transport, Mr Mike Harris, stating that the council sees no reason for major changes to the regulatory environment for the rail infrastructure to be implemented merely because the owner will change. I will table a copy of this letter for the information of the House. For the rail access scheme to take effect, the access code will need to be tabled in Parliament and be subject to a disallowance period. Accordingly, Parliament will have the final say on the form of the regime to be implemented, regardless of the NCC's view. Substantial progress has been made in developing access arrangements to promote competition on the State's rail network. The detailed scrutiny of the arrangements and the resultant changes to the regime should provide confidence to rail users that the arrangements will operate in an effective manner.

I seek leave to table the papers I mentioned.

Leave granted. [See papers Nos 186 and 187.]

### **EAST TIMOR - AUSTRALIAN PEACEKEEPING FORCE**

#### *Assembly's Resolution*

Message from Assembly received and read requesting concurrence in a resolution concerning Australia's participation in a multinational peacekeeping force in East Timor.

### **ADDRESS-IN-REPLY**

#### *Amendment to Motion, as Amended*

Resumed from 16 September on the following amendment moved by Hon Bob Thomas -

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

**HON NORM KELLY** (East Metropolitan) [5.40 pm]: The Australian Democrats will support not only the motion moved by Hon Ray Halligan but also the amendment moved by Hon Bob Thomas. I find it somewhat archaic that, in the motion, we are being asked to "beg to express our loyalty to our Most Gracious Sovereign". Although it may be part of tradition to use the words "to beg", I find it archaic and belittling of this House of Parliament.

Hon Derrick Tomlinson: You swore allegiance when you took your place here.

Hon NORM KELLY: There is a difference between swearing an oath and begging to express our loyalty. I have no complaint about giving loyalty to our Most Gracious Sovereign. I was indicating that the term "to beg" is now somewhat archaic.

The Democrats will support the amendment moved by Hon Bob Thomas regarding the Government's handling of the Regional Forest Agreement process because it is important that the Governor be aware of our concerns about various issues.

Hon Simon O'Brien: Do you not see this amendment as purely political?

Hon N.D. Griffiths: Is Hon Simon O'Brien suggesting that politics should not be raised in this instance?

The PRESIDENT: Order! Hon Norm Kelly has the floor.

Hon NORM KELLY: This House comprises 34 politicians. Therefore, any statement that emanates from it could be construed as political. If this amendment were to receive the unanimous support of the House I am sure the message would be sent with that degree of authority. If it were passed with the majority of a single member, which is often the case in this place, it would be seen as a message sent with a small majority.

I will deal with the RFA process in more detail shortly. The amendment offers a topic for debate on which members on both sides of the House can argue the merits or otherwise. That is how these matters should be handled.

During the debate last Thursday Hon Greg Smith referred to the use of alcohol breath-testing machines in this State, particularly in hotels. I think he also referred to the hand-held models.

Hon Simon O'Brien: Why do you not move an amendment to say the House does not agree with Hon Greg Smith about alcohol machines? When will you stop moving amendments?

Hon NORM KELLY: I can assure Hon Simon O'Brien I will not be moving any amendments to the motion or the amendment. We can take the rest of this year and half of next year to finalise this matter, but it would not be a proper use of the time of the House to do that. However, he may disagree.

Hon Simon O'Brien: Indeed it is not.

The PRESIDENT: Order, Hon Simon O'Brien.

Hon NORM KELLY: Hon Greg Smith said the police were not permitted to become involved in tests of that nature on request. I think he referred to people leaving the races and approaching a police officer to test them before deciding whether to drive away. If the police record a blood alcohol level above the legal limit they must follow through with some action. The subject raises the issue of how we can better educate the public regarding blood alcohol levels and how people who drink can be encouraged to adopt a more responsible attitude to driving. Although the presence of booze buses in this State appears to have reduced the levels of drink driving, still too many people are drinking and driving on the roads and too many people with a high blood alcohol content are being killed or are killing others. I believe that approximately 22 per cent of deaths on our roads involve a driver with a blood alcohol content over the legal limit.

It also raises the issue of server responsibility versus consumer responsibility, which are sometimes in conflict when they should be complementary. I am aware of a couple of cases that have received much attention in the media. The first concerns a person who had been drinking at a hotel for a few hours, and who drove away and had an accident on the Mitchell Freeway and later sued the owner of the hotel.

Hon Greg Smith interjected.

Hon NORM KELLY: That is right. The patron sued the hotelier for negligence because he had not taken action that evening to prevent him from driving. In that case the patron had arranged for a Mobitow to pick up his car and take him home. However, an argument ensued between the Mobitow driver and the hotel patron, who I believe was unable to turn off the immobiliser in his car. Ultimately the drunk patron took the keys from the Mobitow driver, got into the car and drove off, only to end up in a rather bad accident. Even though no serious injuries resulted, two cars were written off. Public debate on that focused on whether the hotelier should be held liable for the patron's actions after he had left the hotel and whether the hotelier had taken all reasonable precautions prior to the patron's leaving the hotel. It is in this situation that alcohol testing machines are appropriate. I think in New South Wales or Victoria the installation of blood alcohol level testing machines can be used as a defence against any claims of lack of duty of care. I am sure it is only a matter of time before hoteliers in this State see the benefit of installing these machines as a service rather than patrons having to pay for them.

Hon Greg Smith: The other thing is, last year we amended the Liquor Licensing Act to cover responsible service. Nothing upsets a drunk more than being told he is drunk. If a person blows in a testing machine and registers a BAC level of under 0.01, for example, he can have another drink. If he tests too high, the hotelier has a legitimate reason for not serving him.

Hon NORM KELLY: That is right. When debating that Bill last year, concern was expressed about how hotel staff could adequately enforce responsible serving of alcohol. One of the scenarios I raised was that of a young woman who was not physically strong, trying to tell a loud, abusive and aggressive drunk that she would not serve him. It could be difficult. These machines could be an escape valve. Also, patrons must be educated about how alcohol affects them. Some people may not be aware of the extent of their blood alcohol reading and the degree of their intoxication.

I also briefly refer to another case which did not receive the same coverage in Western Australia as the first case to which I referred. In Queensland, in a more serious case, a patron who had been drinking at a hotel for quite a while left the hotel and was hanging off a pole on the side of the road. He started staggering across the road and was hit by a car. In that case the man successfully sued for damages against both the hotelier and the driver. The judge is reported to have said about the driver -

Her fault consisted only in wrongly assuming he could not and would not release his hold on the post and stagger into her path either from loss of balance or for some irrational reason.

It is a bizarre ruling but in that case the driver was ordered to pay damages of \$150 000 to this drunk who recorded a blood alcohol level of 0.332. I am surprised he could walk at all because people are usually unconscious by the time they reach that level. A blood alcohol level of 0.4 is usually enough to kill a person. It is amazing that these people are successful in their claims for damages.

There must be a balance between ensuring that hotel staff are responsible when serving patrons and ensuring that consumers

act responsibly. Those issues can best be addressed through education. The use of these blood alcohol testing machines is a good way to go. There has been debate in the goldfields recently about whether police should be allowed to test the blood alcohol levels of patrons in hotels. It has received a good measure of support and, provided the police are invited, but are not given the right, to go into hotels and test people, it will be appreciated. It also means that as people become better educated they can relate more closely to the effect of alcohol on their bodies and how it affects their behaviour.

One of the deterrents to the use of these machines is the cost. This was best illustrated in a trial conducted in a Perth hotel. It must be borne in mind that the main incentive is to educate people and to stop intoxicated people driving their cars before they reach a police booze bus. By that time, of course, it may be too late if they have already had an accident before being caught by the booze bus. It is important to maximise the use of these machines which test the level of blood alcohol. The trial was conducted in a hotel north of the river and for the first two weeks people could use the machine for no charge. During that two-week period the machine recorded 908 tests. Immediately following the first two weeks of the trial, \$1 was charged for each test during a further two-week period. During that period the machine recorded 87 tests. It is interesting that even though the trial in the first two weeks was a success and indicated the willingness of people to use the machine to test their blood alcohol level, the hotelier decided against installing it on a permanent basis. That is a big pity because it is in the interests of hotel clients for hoteliers to install those machines.

The use of these machines should be encouraged. I am aware that Grant Dorrington, the head of the Road Safety Council, is a big supporter of these machines. As a result of his connections with Westar football, they were used at the recent Sandover Medal count and at Subiaco Oval after the finals matches. Using them at these venues where there are large crowds is a good way of educating people about blood alcohol levels. Consumers must be encouraged to take this on board themselves rather than its being enforced through regulation. If people are educated in these matters, a significant improvement can be achieved in not only drink-driving rates, but also the general use of alcohol in the community.

I now move to the main point of my contribution relating to the amendment moved by Hon Bob Thomas -

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

That amendment should be supported by all members in this House because it is fair to say - many government members agree - that the original Regional Forest Agreement had to be amended because the Government got it wrong. Although it was warned prior to the signing of the RFA, it continued in its secretive way to stitch up an RFA deal. It hoped it would be signed and that public interest and comment would dissipate. The opposite has occurred. Currently, there is no security or certainty about the RFA simply because the Bill before the Federal Parliament, which currently allows for the tabling of the Western Australian RFA, can be disallowed by either House of the Federal Parliament. There is no security in the RFA provisions at this stage and, if the Bill passes through the Parliament in its current form, there will be no security until at least next year when the disallowance period expires. Of course, if the Western Australian RFA is disallowed by the Federal Parliament, we must go back once again and try to sort out the problems about which this Government has been forewarned for the past couple of years. The history of the process of the RFA indicates that mistakes do not go back quite as far as 1992 when the national forest policy statement was signed. More relevant for Western Australia, they go back to 1996 when the scoping agreement was signed between John Howard and the Premier. As I have said in this House before, that scoping agreement allowed a draft Regional Forest Agreement to be released for public comment prior to the signing of the final version.

#### [Questions without notice taken.]

Hon NORM KELLY: Before question time I referred to the RFA and the Government's mishandling of the process. As I said, the lack of a publicly available draft RFA for comment has been the cause of many of the problems that have become very apparent in the past few months. If the agreement signed on 4 May had been the draft version as originally promised by the Government then all the comments and criticisms would have been addressed prior to the signing of the final agreement. That would have been done in a consultative environment rather than as a knee-jerk reaction to correct the mistakes that inevitably occur with such a detailed and comprehensive agreement.

The Government's mishandling of the process extends to its misuse of advertising. On 9 March - the first parliamentary sitting day this year - the Government spent about \$8 000 or \$10 000 of taxpayers' money on an advertisement in *The West Australian*. It was an attempt to counter much of the community sentiment being expressed and it coincided with a rally held at the front of Parliament House on that day. It is an abuse of taxpayers' funds to use them to target legitimate community protests and rallies.

The Government compounded the problem with the information in the advertisement. It stated that one million hectares of forest would be protected, but it was later demonstrated that a good proportion of that area was not forest. It included heath lands, scrub lands, lakes, sand dunes and so on. That is not what people generally accept as forest ecology. The scientific basis of the RFA process has also been under much scrutiny.

The federal Minister for Forestry and Conservation raves on about sticking to science.

Hon N.D. Griffiths: Which federal minister was this?

Hon NORM KELLY: I refer to Wilson Tuckey, the federal Minister for Forestry and Conservation. He is the only minister to have held that portfolio.

Unfortunately, this process maligns much of the good work produced by CALM workers and forest experts. Much valuable

data was produced in mapping the biodiversity of about 29 different forest ecosystem types to a level of half-hectare lots throughout the south west.

The state Minister for the Environment referred to more than 500 scientists being involved in the RFA process; however, she was questioned in Parliament about who were the 500 scientists, and I believe she is yet to produce their names. We are gradually getting to the truth: She recanted and stated that 400, not 500, experts and not scientists, were involved in the process. We are yet to receive the final figures.

This indicates a lack of openness. The Government's policy throughout the process has made people suspicious and sceptical, which maligns the good work involved. I closely monitored the public consultation involved. In the middle of last year a round of meetings was held throughout the south west and in Perth to consult about the comprehensive, adequate and representative reserve system of the RFA. Many people attending those sessions commented that it was very difficult to understand what it was about, and people could not relate it to the areas in which they were interested. I attended a couple of meetings, one of which was in Perth. Although the work of the RFA people was well intentioned, it was inadequate to deal with the queries raised and the numbers of people who attended the forums.

The call for public submissions after that consultation period resulted in more than 30 000 submissions being lodged through the federal or state ministers, or by other means. Nevertheless, we were unable to obtain any response as to what the submissions contained - not even a generic feel for the submission types. Upon questioning, the Minister for the Environment's stock answer was: "We will give you the information after the RFA is signed." That went against the original intent of providing information of substance prior to signing the RFA in order to avoid problems.

Members may recall that after the RFA was signed it became apparent that a research station in Albany and rubbish dumps had been included in old-growth forest areas. Mistakes will inevitably occur. However, the anomalies could have been corrected before signing if the draft RFA had been released.

The good work of the scientists involved has been forgotten in the process. The RFA was signed on 4 May in a blaze of publicity with a guarantee that it would provide 20 years of security; however, it was lucky to last a couple of months before it had to be changed.

It is understandable that forestry workers feel that the rug was pulled out from under them by the Government. Members opposite failed them. Workers were assured that the process would look after their interests. If changes had to be made and jobs were to be lost, they were told that we could have a sustainable timber industry. Also, people were to be safe in the knowledge that the RFA would provide direction on how logging reductions would be carried out, and how funding would be provided to the industry and workers to accommodate the necessary changes. The reduction in logging of native forests was apparent in the early 1990s, when the Meagher report recommended a reduction in logging to 450 000 cubic metres of jarrah. The then Government set the level at 490 000 cubic metres to satisfy existing contracts. Even though this was more than the sustainable level of logging, the minister of the day allowed that extra logging to meet contracts. The industry was well aware that it faced a reduction in logging levels. People were warned in 1992-93 that they should restructure their industry in preparation for the necessary reduction in availability of native forests. Unfortunately, that preparation has been inadequate. It is now being forced upon people through the RFA mark II.

The original RFA signed on 4 May obviously missed its mark because the Government failed in its promise to alert people through a draft RFA. The Government had to release the RFA and suffer the ensuing public outrage. It then had to back-pedal, to the detriment of all involved. We have seen the impact of this process on timber industry workers. The Minister for the Environment went down to the Nannup mill on 4 May and was applauded by the mill workers as a result of their gains in the RFA. A couple of months later, when the reality hit home and the Premier returned to the south west to tell people the real story, the reception was different: The Government had misled workers about possible logging levels to achieve a sustainable timber industry, and the original RFA was never going to make possible a viable and sustainable native timber industry.

Workers in the south west made financial commitments with mortgages and the like based on the original RFA. It must be remembered that the RFA is a 20-year agreement which was supposed to lock away timber and provide security. Everybody was screaming - timber workers, conservationists and the like - for security with our forests.

Timber workers were sold out after they had been told what was possible in the south west, and they were understandably angry. When I last spoke on this issue in this place, Hon Barry House said I had a real hide to complain about what was happening to the future of timber workers. The Australian Democrats' position on the native forest industry in this State was not one that would have saved workers' jobs, but we believed that the logging of native forest, particularly old-growth forest, could be phased out in such a way that the necessary reduction in jobs could be effected as painlessly as possible and the Government, the industry and the workers could prepare for that reduction. A reduction in the number of jobs in the timber industry has been occurring continually over the past couple of decades, largely because of increased mechanisation. I understand that each of the tree logging machines that have been used in the south west recently removes about four jobs. That is all part of mechanisation, which is not necessarily a bad thing, and it highlights the fact that the timber industry is moving from a labour intensive industry to a more highly mechanised industry. We then need to ask how we can increase the labour intensity of the industry. That must necessarily be through value adding. It is for that reason that we need a phase-in period so that value adding can take place over a number of years and mills can be set up.

However, what has happened is that after the announcement in late July of RFA mark II, people have realised suddenly that they will be out of a job. The situation has become confrontationist, and it is very difficult to resolve the genuine concerns of the timber industry about the workers' livelihoods and futures. It is a very difficult period. We would not necessarily

support the continued logging of forests just to keep these jobs, because we know that because of mechanisation, these jobs will invariably go anyway. However, because of the way the Government has dealt with this matter, it is very difficult to have a logical and rational debate in the meantime about how to best sort out these problems.

I would also like to comment on what is occurring with regard to the federal RFA Bill that is before the House of Representatives. That Bill was amended by the ALP in the Senate to provide for the tabling of any RFA agreement -

Hon N.D. Griffiths: Can you inform us of the timing of that Bill? When was it first presented, and how has it progressed?

Hon NORM KELLY: I am not sure when it was first presented, but it was debated in the first week after the winter recess of the Federal Parliament. The requirement that Regional Forest Agreements be tabled in the Parliament relates to any agreements that were signed from the beginning of March this year, so if that Bill remains in its current form, the Western Australian Regional Forest Agreement will need to be tabled in both Houses of the Federal Parliament. That Bill would be subject to disallowance, and such disallowance would mean that the Western Australian Regional Forest Agreement would not have the protections that the federal RFA Bill would provide.

Hon N.D. Griffiths: Was that Bill introduced into the House of Representatives or the Senate?

Hon NORM KELLY: I believe the Bill was introduced into the House of Representatives. It was amended in the Senate and was returned to the House of Representatives. It is widely believed that the Government will not accept those amendments, and the Bill will then be returned to the Senate. I hope the ALP will hold true to that original amendment, and it would have the Democrats' support.

Hon N.D. Griffiths: This was an ALP amendment, was it?

Hon NORM KELLY: I believe it was. The only information I could get about it today was that the Democrats supported the amendment.

Hon N.D. Griffiths: Was that all of the Democrats?

Hon NORM KELLY: Every one of the record number of Democrats who are in the Senate currently, and I could name them if the member would like -

Hon N.D. Griffiths: You can if you want to, and I hope you can! I take it that that is consistent with the Democrats' policy?

Hon NORM KELLY: The Democrats' policy is that the RFA Bill does not provide sufficient safeguards for our native forests. We originally voted against the Bill in its entirety at the second reading. However, given that the ALP supported the Government in the passage of the second reading, we were more than happy to support the ALP's amendment, even if it was not our preferred position, because we believed it would strengthen the RFA Bill, and, once again, would provide the level of parliamentary scrutiny that was required. We are talking about a 20-year agreement. The Government went through the RFA process and then backed out of the scoping agreement that had been signed in 1996 between John Howard and Richard Court, which provided that the draft RFA would be released and made available for public comment. It also provided that there would be an environmental impact assessment of that draft RFA. That is another agreement that the Government has backed away from. If the Government had stuck to that original agreement, we would not have had all these fights and arguments that we are having now and that we had in the months after 4 May, and we would not have had the violent conflicts that have occurred in the south west. The reason that people on both sides of the argument are now so cynical of whatever the Government says is that they have seen the Government back away from what it has said it would do and that there is no security in those agreements.

Hon N.D. Griffiths: Are you saying that in trying to be all things to all people, the Government has disappointed everyone?

Hon NORM KELLY: There can be a danger for Governments and Oppositions alike in trying to be all things to all people. It is clear that a lot of this mess is of the Government's own making, because it backed out of its original agreements. It had nothing to lose by making the process far more public. A great number of the questions that have been put to the Minister for the Environment in this place have been ignored or unnecessarily deferred and put on notice. The minister must have the record for putting simple questions on notice.

Hon N.F. Moore: You should be a bit fair about this. This House answers more questions without notice than any other Parliament I have ever heard of. It takes a fair while to get information on a lot of these questions, and you are doing exceptionally well in respect of the information that you get. You should be grateful.

Hon NORM KELLY: I am referring to the questions that I have asked the Minister for Finance representing the Minister for the Environment with regard to the RFA. I know that some forestry questions do involve a lot of work to get the details, but I am referring to the plethora of questions that I have asked about the RFA, and that information should be at the fingertips of the minister so that she can provide a ready response. If the minister was so confident about how that process was going during the days before the signing of the RFA, she would have been able to give those answers.

Hon N.D. Griffiths: Before you conclude, there are a number of matters you should clear up in the course of your observations. Is what the Labor Party has proposed in the Senate consistent with the Democrats' policy; and, if it is, will all Democrat senators vote for it, or will they exercise their conscience vote? Do they have a conscience vote on the RFA?

Hon NORM KELLY: There is no way that I can speak for the consciences of my colleagues.

Hon N.D. Griffiths: They need to have them first, I suppose.

Hon NORM KELLY: I assure Hon Nick Griffiths that they will be consistent in supporting the Australian Labor Party on that amendment. The Australian Democrats hope that the ALP will be consistent in demanding the inclusion of the amendment.

I will finish on the following quote relating to this debate -

State acquiescence in the destruction of good timber only because the trade demands it, is a crime against coming generations; and any attempts to increase the exportation in the interest of foreign companies, or with the object of inducing more men to join in timber getting at the expense of posterity, needs wise resistance . . .

That came from a royal commission of 1903 into the over logging of our state forests and is just as pertinent today as it was then.

*Sitting suspended from 6.00 to 7.30 pm*

Amendment put and a division taken with the following result -

#### Ayes (13)

Hon J.A. Cowdell  
Hon Cheryl Davenport  
Hon N.D. Griffiths  
Hon Tom Helm

Hon Helen Hodgson  
Hon Norm Kelly  
Hon Mark Nevill

Hon Ljiljana Ravlich  
Hon Christine Sharp  
Hon Tom Stephens

Hon Ken Travers  
Hon Giz Watson  
Hon E.R.J. Dermer(*Teller*)

#### Noes (9)

Hon M.J. Criddle  
Hon Dexter Davies  
Hon Max Evans

Hon N.F. Moore  
Hon Simon O'Brien

Hon B.M. Scott  
Hon Greg Smith

Hon W.N. Stretch  
Hon B.K. Donaldson(*Teller*)

#### Pairs

Hon Bob Thomas  
Hon Kim Chance  
Hon J.A. Scott  
Hon John Halden

Hon Murray Montgomery  
Hon Barry House  
Hon M.D. Nixon  
Hon Ray Halligan

Amendment thus passed.

Debate (on motion, as further amended) adjourned, on motion by Hon N.D. Griffiths.

### SCHOOL EDUCATION BILL 1997

#### *Assembly's Message*

Message from the Assembly notifying that it had agreed to amendments Nos 5; 6; 7; 8; 11; 14; 16; 17; 21; 22; 26; 32; 36; 37; 50; 51; 53; 54; 55; 57; 60; 61; 62; 63; 64; 76; 77; 78; 80; 83; 93; 94, and had disagreed to amendments Nos 1; 2; 3; 4; 13; 18; 19; 23; 24; 25; 27; 28; 29; 30; 31; 38; 42; 43; 44; 45; 46; 47; 48; 49; 79; 81; 82; 84; 85; 87; 88; 89; 90; 91; 92; 98; 100; 102 for the reasons set forth in Schedule B, and had disagreed to and substituted new amendments for amendments Nos 9; 10; 12; 15; 20; 33 to 35; 39; 40; 41; 52; 56; 58; 59; 65 to 74 and 99; 75; 86; 95; 96; 97; 101; 103; 104 as set forth in Schedule A for the reasons set forth in Schedule B, further considered.

#### *Committee*

Resumed from 16 September. The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Progress was reported after substituted amendments Nos 65 to 74 and 99, as amended, had been partly considered.

Hon J.A. COWDELL: I was referring last week to the fact that this is a solution proposed by the Government to a problem of funding - a problem with school budgets. As we all know, there are three distinct elements to any school budget within the operational control of the school: The grant that is provided by the Government; the reliance on voluntary amenities fees, which are topped up by the secondary assistance scheme, depending on the number of people who are eligible with respect to that school; and the reliance on fundraising or sponsorship in addition to that. With respect to the amendments to the School Education Bill that we have already passed, we have dealt with sponsorship; now we are dealing with voluntary amenities fees. My argument was that changing from voluntary amenities fees to compulsory amenities fees will not solve the problem with school budgets. We must do more than introduce compulsory fees.

Last week I was asking the Government to establish its case for saying that voluntarism has failed. There is talk of income to the tune of \$27m per annum levied by amenities fees. The question is, how much of what is levied comes under the voluntary principle and how much does not; that is, what is the gap between what is voluntarily contributed, what is received under the secondary assistance scheme and what is defaulted. I would have thought that this Chamber would be aware of the gap and how much money we are looking at, whether it is \$1m, \$2m or \$3m, to determine whether in this regard we should overthrow the principle of free education, which has been a traditional principle in this State.

I also mentioned that my understanding is that if we were to change, we would be the only State in Australia to introduce



compulsory amenities fees for the state school system. We would be providing a source of general revenue. We have already provided for specific fees for specifically expensive and optional units. Here we are providing a general source of revenue from the parents on the basis of user pays. It is a source of revenue that can expand. In South Australia they have compulsory secondary and primary fees, on and off. The compulsory primary fees are up to \$160. I related the problem in South Australia where the Government has introduced these fees and the upper House has disallowed them in each of the past three years. Clearly there is a downside to adopting these proposed substitutions. We need to look at who will be sued. I suggest that those who will be sued will not be those who are in the more affluent areas of the western suburbs but those in areas where there is significant default - low socioeconomic areas.

Hon N.F. Moore: Why do you say that?

Hon J.A. COWDELL: From the anecdotal evidence provided by the Education Department in the estimates hearings.

Hon N.F. Moore: They only sue poor people, do they?

Hon J.A. COWDELL: No, I am saying that would be the major class. I am also concerned that we have a secondary assistance scheme which provides assistance for those in need. I understand that that will increase as part of a government pledge, but at the moment a number of parents who are entitled to that assistance do not claim it. They default and end up in the category of not paying the fees. I think we will find that whatever the gap caused by voluntary fees not being collected, it will be filled not by an extra \$2m or \$3m going into the coffers but by increased government grants under the school assistance scheme because more parents are eligible than apply for that grant at the moment. I think we will see an increase there and the amount of money we are looking for under this measure will become smaller.

I am concerned about tacking. There are several components of school fees. We have what will be a voluntary agreed fee for more expensive subjects and options. We will have a compulsory component. Those two components - one by agreement and one by this legislation if passed - will be compulsory and the school will be able to impose an optional figure on top of them. I suggest that many schools will mix those amounts and portray to parents that the whole lot is compulsory when only two components of the fees may be compulsory.

I was also concerned about some of the things on which these proposed compulsory fees will be spent. I noticed that in the first draft of these clauses, in the Green Paper, the heading for proposed clause 96 was "Charges for certain materials and services provided". In the Bill mark I it was also "Charges for provision of certain materials and services". However, what was the heading when we got to the changes in the Bill, mark II? "Charges and contributions for the provision of certain materials, services and facilities". All of a sudden facilities are included in the amenities fees. This section specifically states that regulations cannot be made to provide for charges or contributions for the following items, which included items of a capital nature which are excluded before the word "except". We have an exception which is a set of facilities, the cost of computers or printers to the extent to which they are used by students in the course of an education program at a government school or photocopies to the extent to which they are used to produce materials which are used in the education program.

Hon N.F. Moore: Could you cite that document?

Hon J.A. COWDELL: It is a summary I have gone through as best I can. I composed this summary of the Green Paper and the first and second versions of the Bill to track the changes. I am happy to table it.

Hon N.F. Moore: I think you are probably quoting the same document as Hon Ljiljanna Ravlich, which was a draft.

Hon J.A. COWDELL: No, this is not.

Hon N.F. Moore: There is no substance in the last thing you said.

Hon J.A. COWDELL: I look forward to the minister's reply because it looked to me as though we had expanded the area of responsibility for which the new compulsory amenities fees could be applied. I record my opposition to changing from the voluntarist system to the compulsory system. It is the overthrow of the component of free education as we have known it in this State and our traditional philosophy of free, compulsory and secular education. I do not believe the amount of money we will raise by changing from voluntary to compulsory is great. With all the downsides in who can be taken to court and in the impost on struggling families, I do not believe this is at all warranted. Therefore, I most vigorously oppose this initiative.

Hon MARK NEVILL: My reasons for supporting this amendment are in the Hansard record of last Thursday, 16 September at about 3.00 pm. I will not repeat those views tonight. However, I will comment on Hon John Cowdell's contributions last week and today, which were not like the thoroughly researched contribution he usually makes. This time his political dogma has caused him to ignore the facts and prosecute an argument which does not withstand scrutiny. Fees are currently charged under section 56(1) of the Education Regulations 1960. That is the authority for the compulsory nature of school fees and where the particular powers are derived. The wording has not changed much since the regulations appeared in 1960. In 1964, a notion of book hire was included in the regulations. I will read the present version into the record. Section 56 is headed "Amenities, Associations, etc" and subsection (1) states -

The principal of a school may, with the approval of the chief executive officer -

- (a) establish and conduct within the premises of the school a library, book-shop, book hire scheme, school fund, or other amenity not being conducted by a Parents and Citizens' Association that is likely to facilitate, assist or be of advantage to the teachers and instructors in their professional duties and to students at the school in the course of their studies, as the case may be;

- (b) issue directions, seek voluntary contributions from parents not exceeding an amount approved by the chief executive officer and make charges for the conduct, management and use of a library, book-shop, book hire scheme, school fund or other amenity so established or conducted;
- (c) enlist for any of those purposes the aid of one or more members of the teaching staff of the school; and
- (d) enlist the assistance of members of the Parents and Citizens' Association of the school.

The section goes on. On the enforceability of the current statute it states that the principal officer of the school may, with the approval of the chief executive officer - that means that the chief executive officer has the ultimate responsibility of deciding whether a payment should be a voluntary contribution or a compulsory charge. That is clearly the case in the wording in proposed section 56(1)(b). It says that he may issue directions to make a charge for the conduct, management and use of library, bookshop, book hire scheme, school fund or other amenity so established or conducted. The CEO can decide on the maximum contribution which the principal may seek.

The Beggs committee report, a copy of which I got from the library during the debate, is mercifully not overly long. The report was brought down in 1984. Pam Beggs was the former member for Whitford. She chaired a committee established by the former Minister for Education, Bob Pearce, to review the schedule of fees charged in government primary and secondary schools for services and resource materials provided for use by students in pursuit of their studies. The committee took submissions and examined a representative sample of 10 high schools. It looked at statements of receipts and payments in those high schools and also examined school book assistance data in Western Australia and other States. It examined the cash grants that were given to schools both here and in the other States. On page 3 of the report the committee said -

The committee believes that the principle of free education should be maintained with regard to the instruction and associated facilities. However it further believes that the cost of books and materials hired or purchased are necessarily passed on to parents. In this sense there should be no "fees" for schooling; but parents will need to meet at least a proportion of the "costs" of books, materials, etc. required. In the recommendation these "costs" are described as "charges".

The committee recommendations go on in the next few pages. There is a recommendation for an assistance scheme to pay \$100 for every eligible child in years 8, 9 and 10. There is also a recommendation that schools fix a single books and materials charge for all students in years 8, 9 and 10 rather than the variable rate that was operating in the various high schools in the metropolitan area at the time; that is, at the start of 1985. So 14 years of consumer price index increases need to be added to get to whatever is felt to be an amount that preserves the value of that \$100 in 1985.

From the assistance or payment received from each student the school made the following available for individuals or class use: Initial stationery issue, sets of instruments, a photocopying component, library purchases, amenities, video and audio cassettes. This was not to include students' personal equipment, such as calculators, bus costs and excursions. One can see from that that this has been in place since the early 1960s. The power has been there to implement a compulsory charge for services. That was reinforced again by the Beggs committee in 1984 and it even went further. Recommendation 5 reads -

That the Education Act and Regulations be amended to provide for:-

- (a) the Minister to authorize and determine charges in Government schools; and
- (b) the Minister to take action to recover unpaid authorized charges.

That education regulation clearly has within it the power to levy a compulsory charge, and the power to recover it. The idea that it was voluntary and that it is now compulsory is a myth. It has always been compulsory. Earlier everyone in the Legislative Assembly voted for compulsory primary and secondary school fees. That has been reversed; the primary school fees are voluntary and the fees for years 8, 9 and 10 are compulsory. Those fees have been compulsory since 1960 and have been a recoverable debt by law. Nothing has changed. What we have now is a much clearer set of rules thanks to the three women from the three different parties who have argued the case. We have a much clearer rule as to what the money can and cannot be spent on. It can be spent only on items that are of direct benefit to the student. It cannot be spent on photocopiers, computers and other equipment or their repair, maintenance and replacement. We now have the status quo with a clear set of rules as to what the money cannot be spent on. As I have said, it must be spent on items which are for the direct benefit of the child. To people who say that fees were voluntary previously and are compulsory now, I suggest they look at the facts on the record of the regulations, the Beggs report, the current statute and the practice.

Hon J.A. COWDELL: I noted the comments of my colleague. I concede that he was correct in respect of the provisions he read out. Indeed, fees were nominally compulsory in how they were described. The key was that we had a mechanism where no compulsion was applied. It required the authorisation of the minister to effectively turn what were nominally compulsory amenities fees into effective or real compulsory amenities fees. My understanding is that the Minister for Education never gave an authorisation for court action to be taken for the recovery of these fees; so they were nominally compulsory but not compulsory in effect.

As I understand it, the present situation is that the Government is changing the authorising authority, so it is not the minister, with the sort of political odium that attracts, but the chief executive officer, the former director general. There is a clear hint of what will happen. The Government has said it is streamlining the system. Clearly if we authorise this, the Government will use it. The Government has cleared the decks; it will use it; it will take parents to court. The wording may be very similar, almost identical, but it is not identical because of the change from the minister to the CEO and the real effect is very different. Is it worth making the change for the \$2m to \$3m which we may gain by this device? I still have my doubts.

Hon CHRISTINE SHARP: I cannot say I am pleased to put my thoughts on the record tonight because I have found this a very difficult call on the issue. First, I disagree with my colleague, Hon Mark Nevill. He is saying that it is a myth that anything is changing tonight and this is no big decision. It is a significant decision. We all know that although compulsory fees have been part of the statute for some time, in fact the wide perception in the community has been that they are not compulsory and they have not been enforced. Therefore, we have got by with something of a fudge for some time now. With this very public debate and no doubt the division that will occur after it tonight, a definite notice will be sent to the community that from now on school fees are compulsory and they will be enforceable. It is a big decision and it has been a difficult decision to make on behalf of the Greens WA because, since I have been in this place, I have found the most difficult call on an issue to be when the tension between a principle on the one hand and the pragmatics on the other have been at their greatest. I think we all understand that the principle of free education is a noble one dating back many decades. It is one of the last traditions of the welfare state that has not crumbled in the path of economic rationalism. Several generations ago people fought long and hard for that principle to be established and tonight we are removing it from our statute.

However, I have been convinced that preventing the introduction of enforceable compulsory fees could have a fairly severe impact on the secondary school system. For example, I have been convinced by the argument of the Secondary School Principals Association that the non-enforceable voluntary system proposed in the amendments I would care to support tonight, may prove more expensive for parents. Under the compulsory system the Government is proposing that fees be capped at \$235. If we return to a voluntary system, which would be effectively a book-list system, the cost is likely to rise to \$306 per parent. That is of some concern to me. I am also told further complications could arise because when books are acquired by the school and loaned to a child, they will be GST-free next year; whereas I understand that under a voluntary system and a return to the book list, parents would be required to pay GST. I see one of my colleagues shaking her head. I would be pleased to have clarification on the famous deal done by the Democrats on this matter.

I am also aware that school fees contribute about 30 per cent of the average school budget. That is a huge portion of the money that keeps our government school system going. Anything that might interfere with that is obviously very serious.

Hon N.F. Moore interjected.

Hon CHRISTINE SHARP: I believe that was the figure provided to me by the minister's office.

Hon N.F. Moore interjected.

Hon CHRISTINE SHARP: It is the average school budget, not including the education system that goes with it.

Hon N.F. Moore: Excluding costs.

Hon CHRISTINE SHARP: Yes. If we move to a voluntary system we will lose the redistribution mechanism that exists under the secondary school assistance scheme by which parents who cannot afford fees are recompensed most of that amount by the State. I gather it is possible that the Government will even make up the full amount under new arrangements. I was concerned that if we moved to a voluntary system we would lose the one safety net we have there. That is why I have struggled with this decision.

On top of that I have received some significant pressure from various secondary school principals throughout the State who have been aware of my quandary and have written to me at length. I, therefore, decided to approach the minister's office and ask for further assistance on this matter. I want it on the record that the minister's office did not approach me; I approached it because I was concerned that our vote, that of the Greens, could put us in the balance of power and it was a significant decision.

I then had various meetings with the minister's office. Without going into the details, ministerial officers put a proposal to me as to how a compulsory system could work and revealed amendments that would come before this Chamber. In concurring with the comments of Hon John Cowdell, the amendments put to me included items of a capital nature. In fact they clearly stated that regulations could be made so that computers, printers and photocopiers would be included among those items covered by compulsory fees. At that point I threw up my hands in horror and said I did not think it was a suitable use of voluntary fees and that it was important for their own thinking that they make a clear boundary between consumable items children can take home that in a strict sense belong to them, whether they be something they have cooked or made in woodwork or other program material, and capital items that remain at the school. I am pleased that since then the Government has had a change of heart and has at least put amendments before this place that have now exempted those capital items, so we are back to a consumables picture.

However, I was not swayed by the arguments of the Government in this regard because when it came to the final decision I referred back to the detail of the overall Bill before us tonight. If I was being asked to abandon a very important tradition and principle I wanted to feel that in other ways we have provided important breakthroughs for modern education in this Bill. Unfortunately I feel the Bill has let us down. I am disappointed that the objects of this Bill are weak and provide little commentary on standards of education. The Government rejected the inclusion of the first amendment in the name of Hon Ljiljanna Ravlich which sought to strengthen the objects, merely by inserting after "education" the words "which best promotes their life opportunities and assists each child in achieving her or his educational potential". Other amendments in my name have been systematically destroyed by removing the active principles in them which sought to weave reciprocity back into this Bill by providing that government would not only tell parents and children what they must do to fit into the system but also make clear what the system must provide for the children and the parents.

I carefully reread the amendment in the name of Hon Helen Hodgson. The system of voluntary fees she sets out is a workable and important principle that I support.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): We are dealing with amendments Nos 65 to 74 inclusive and No 99 of message No 78. I allowed some wide-ranging comments from the previous speaker but I ask that members focus on comments in those amendments.

Hon HELEN HODGSON: I will not speak at length because I have already put my basic position on the record. However, I have a matter that I would like the minister to clarify. I was present at the Western Australian Council of State School Organisations conference a few weeks ago, attended by the Minister for Education, at which the issue of excursions and how they fitted into the school fee system was raised. My recollection is that the minister indicated that in a compulsory school fee regime the cost of school excursions would come within the scope of the items for which the fee is intended to be charged. That is a significant departure from the current system and I would like clarification on the record in this place with respect to the arrangements for school excursions.

Hon N.F. MOORE: It is a little difficult to respond when the member half recalls a speech made by the Minister for Education at a conference which I did not attend and she asks me what he meant. The Minister for Education does not belong to this House. I understand that excursions can be paid for in addition to school fees. For example, it would be ludicrous if an excursion to Bali was part of the curriculum and it was paid for from school fees. That would be totally untenable. The member is asking whether school fees will pay for excursions.

Hon Helen Hodgson: Would you classify them in the optional category?

Hon N.F. MOORE: Yes, that is how I understand the situation. These days many schools send students to Bali, Rome or other parts of the world for various reasons and we could not expect all students to pay for the travels of a small number. I will follow that up with the minister when I have a chance.

Another issue was raised by Hon John Cowdell about capital expenditure, and Hon Ljiljanna Ravlich raised this the other day. She was quoting from a draft document, and Hon John Cowdell quoted from another document which I suspect came from the same source. It contained the same information. As Hon Christine Sharp pointed out, it was a position of the Government at one point in time and as a result of her persuasive nature, she has persuaded the Government to change its mind - I was trying to be nice when I said that. The point I made is that the Government has accepted many of the arguments on this matter, as Hon Mark Nevill pointed out. Proposed new section 99(2) states -

Regulations cannot be made providing for charges or contributions for the purchase, maintenance or replacement of equipment, furniture and fittings provided for the purposes of a government school.

That makes it very clear where the money cannot be spent. Hon Mark Nevill has given a very clear description of this issue. It is about making the current situation much clearer. It is in fact virtually no different in the context of compulsion from the current arrangements, but it makes much clearer what the money can be spent on. That proposed subsection makes it clear where the money cannot be spent, and we go back to the situation which was the result of the position in the 1960s and reaffirmed by the Beggs report in the 1980s. The Government has endeavoured to make its case to preserve the revenues which schools have become used to using and requiring, by having a voluntary situation for primary school students and a compulsory system for secondary school students, and clarifying where the funds can be used. It will put in place a regime that people understand and know.

It is not the intention of the Government that everybody who does not pay will be pursued by a debt collector or posse, as some members opposite would have us believe. Of course, compassion and commonsense will apply in future, as they have in the past. A number of measures have been announced which seek to alleviate the problems of people who have difficulty paying their school fees. Nothing is to be gained from constantly repeating arguments about the principle of the issue. It is time to vote on this so that we know where the Committee stands.

Hon LJILJANNA RAVLICH: First, I will clarify some comments I made in this place the last time I spoke, in relation to an earlier draft of the proposed substitute amendments. At that point I referred to an article which was prepared by the director of the Education Act review project. I found this batch of papers on my desk and they were together.

Hon N.F. Moore: They fell off the back of a truck.

Hon LJILJANNA RAVLICH: They always do for me.

Hon N.F. Moore: We know whose truck they fell off.

Hon LJILJANNA RAVLICH: I do not know whose truck they fell off, but I gave an undertaking that I would clarify that they were not all part of one briefing prepared by the director. That is how they came to me. Nevertheless, this was an earlier version, and the Leader of the House is quite correct in saying that it represented the Government's thinking at a certain point in time. I am concerned that in the thinking at that time, reference was made to regulations that could be made for items of a capital nature. The substituted amended clause 99(2) does not refer to items of a capital nature; it refers to equipment, furniture and fittings. It is not clear whether equipment is deemed to be the same as items of a capital nature. One could argue that items of a capital nature are quite distinct from equipment and, therefore, the Government can legitimately levy fees and expend those fees on computers, facsimile machines, photocopiers and the like. Therein lies my concern.

Hon Helen Hodgson raised the question of school excursions and how they would be defined. The minister thought they would be considered an optional component of the educational program. The Bill allows too much discretion to be exercised on the spot. Quite clearly, the earlier draft indicates that the Government had definitions of an "optional component" and a "non-optional component" of the educational program. The minister said he wants to introduce a regime that everyone understands. This regime is as clear as mud, and it is nowhere near good enough for the parents of Western Australian schoolchildren. It does not indicate what will happen to the funds collected or, indeed, what will be paid for under what specific component of the educational program. My concern is that, given the vague definitions in the substitute amendment, there is major scope for cost shifting, depending on one's interpretation of the legislation.

That is the key reason the Australian Labor Party will not support this substituted clause. Also, the minister has argued that when parents do not pay the school fees, the situation will be handled with a degree of commonsense and it does not mean the debt collectors will necessarily be sent in. However, substitute clause 104 which deals with financial hardship states that regulations may be made providing for -

- (a) The reduction, waiver or refund, in whole or in part, of any fee, charge or cost provided for by this Subdivision;
- (b) Deferred payment, payment by instalments or other forms of assistance for the payment of any fee, charge or cost provided for by this Subdivision.

If the Government was dinkum about ensuring provision was made for those parents who experience financial hardship, that clause would say that regulations will be made to provide for all of those things. Clearly this is just a substitute amendment which is supposed to give people a degree of comfort. It gives me no comfort whatsoever because, at the end of the day, I am not confident the goodwill is there to ensure those regulations will be made. If the minister was dinkum, he would have ensured that in this proposed substituted clause there was no cause for misinterpretation. When I look at legislation, I look at the worst possible scenario in terms of how it could be interpreted and what might be the bottom line in terms of the implications of a clause. Another area about which I have some concern relates to the specifics of proposed substituted clause 108 which deals with items for personal use in the educational program. It states -

The principal of a government school may from time to time determine the items that are to be supplied by a student for the student's personal use in the school's educational programme.

Once again, we have fairly loose wording and, once again, it may be open to misinterpretation. I have been told, for example, that some students are required to provide toilet paper, tissues and a whole range of things.

Hon Simon O'Brien: Are you saying government schools do not provide toilet paper and they want kids to bring their own?

Hon LJILJANNA RAVLICH: Yes; I have heard of that.

Hon Simon O'Brien: What schools?

Hon LJILJANNA RAVLICH: I cannot remember the schools, but I have heard that that does occur.

Hon N.F. Moore: Proposed substituted clause 108 refers to the school's educational program.

Hon LJILJANNA RAVLICH: The point I am making is, what is meant by the words "student's personal use"?

Hon N.F. Moore: That rules out toilet paper pretty quickly, unless they use it for some craft activity.

Hon LJILJANNA RAVLICH: The minister might have a valid point. It is a fairly loosely worded clause. It can be misinterpreted and it may be used to encourage students to provide certain things to the school in terms of equipment, or whatever, that they should not be providing. I think the definitional problems in the proposed substitution clause are pretty grave; in fact, they are so big we could drive a truck through them. We in the Australian Labor Party cannot support the proposed substitution. We were pleased to support the original amendment moved by Hon Helen Hodgson in this place in December. The Government was well aware of the position of the Labor Party concerning school fees. Those opposite have a very different view. They made no attempt at any time to accept an amendment which was largely supported by the members on this side. If there were any minor difficulties with it, the Government had ample opportunity to come back to us. It had no intention of doing so.

I am very disappointed, given that we are talking about only \$27m by way of the fees raised through this means. Given that we have had asset sales that run into anywhere between \$12b and \$15b, it is pretty poor that this Government could not -

Hon N.F. Moore: Asset sales in Western Australia?

Hon LJILJANNA RAVLICH: Yes, of \$10b or \$12b. The Government has sold plenty. It is time to pay a social dividend.

Hon N.F. Moore: Just tell us what we sold which raised \$10b or \$12b.

Hon LJILJANNA RAVLICH: The bottom line is that there have been major asset sales. We have sold off the buses. Every time we have sold assets, those opposite have promised a dividend, and they know they have not delivered on that. Time and time again, they weasel out of it. The headlines say it all: "Taxes up but social dividend missing"; "Budget creates new poor: ALP"; "Families \$300 worse off".

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): I draw the member's attention to the amendments that are being debated. She is beginning to stray from them, and I ask her to rein herself in.

Hon LJILJANNA RAVLICH: I, like many Western Australians, have no confidence that this Government will do the right thing by the Western Australian population. Here is yet another clear example of its not doing so. This proposed substituted clause falls very short of what is required. For a Government which crows about the importance of education and providing all children with an opportunity, this does nothing to achieve that outcome. I am very disappointed that the Government has missed an opportunity to improve the situation and, finally, to deliver something positive to all Western Australians. The Australian Labor Party will not support this amendment.

Hon SIMON O'BRIEN: I will be brief. As a government member, I am being told about how we are dismantling assets, are not paying dividends and do not care about the education system in Western Australia. Let me put the record straight on a couple of claims that have just been made. Firstly, Hon Ljiljanna Ravlich does not appreciate the difference between capital and recurrent expenditure. Some figures she has used are pretty elastic. I am not aware of asset sales of \$10b or \$12b, or as she was saying earlier -

The DEPUTY CHAIRMAN: Order! I draw the attention of the member to the fact that while Hon Ljiljanna Ravlich was pursuing that argument, I asked her to rein herself in and refer to the amendments under consideration. I ask the same of the member.

Hon SIMON O'BRIEN: I think the member was referring to proposed substituted clause 107 in considering whether this Government proposes a regime of sending some bullies around to collect some people's fees or to drag them off to court. She referred to proposed substituted clause 104, but I think she meant to refer to proposed substituted clause 105.

Hon Ljiljanna Ravlich: No, it is 104.

Hon SIMON O'BRIEN: She read it out and I assure her, it is clause -

Hon Ljiljanna Ravlich: It is proposed substituted clause 104. Get a life.

Hon N.F. Moore: Don't be like that.

The DEPUTY CHAIRMAN: Order! Let us proceed with the argument.

Hon SIMON O'BRIEN: I will come back to the proposed substituted clause about financial hardship in a moment. Proposed substituted clause 107 relates to recovery of fees. I beg the member's pardon, proposed substituted clause 106(2) relates to what the chief executive officer must do.

The member spoke about a lack of legislative direction to ensure that certain things are done. That is in the earlier clause. Substituted proposed clause 106 relates to recovery. Clause 106(2) directs that "the chief executive officer is to ensure . . .". There is nothing ambiguous about that. The chief executive officer must ensure that some things happen "before any administrative or legal action is taken to recover a debt under subsection (1)". These things are -

- (a) enquiries have been made into the reasons for the failure to pay the fee or charge;
- (b) all reasonably practicable steps have been taken to recover the fee or charge; and
- (c) the circumstances of the person against whom the action is proposed to be taken and the person's capacity to pay have been taken into account.

That is the proposed legislation. It imposes a mandatory requirement on the chief executive officer. I would appreciate it if the minister could advise if the requirement is any different from the things that were taken into account when the prerogative for recovering funds through administrative or legal action lay with the minister. I am sure that it was always the case.

The member referred to the regulations. The Legislative Assembly message states that proposed clause 105 has been amended to clause 104. I quote -

Regulations may be made providing for -

- (a) the reduction, waiver or refund, in whole or in part, of any fee, charge or cost provided for by this Subdivision;
- (b) deferred payment, payment by instalments or other forms of assistance for the payment of any fee, charge or cost provided for by this Subdivision.

This clause is not about the recovery of compulsory fees by administrative or court action. It is an enabling clause. The clause will enable the administration - education is a very complex area - to make provision for regulations to relieve any unforeseen problems. It may apply to individuals, although it is far more likely to apply to classes of persons or situations that cover a wide number of people. I draw this to the Chamber's attention because the Joint Standing Committee on Delegated Legislation has researched the issue and reported to the House on virtually identical clauses relating to education charges. The clause does not provide carte blanche for a future jackbooted regime. It is a release mechanism to provide relief where fees have been imposed when there is no reasonable intention to impose them. I urge acceptance of the amendments proposed in the Legislative Assembly's message.

Question put and a division held, with the Deputy Chairman casting his vote with the ayes -

## Ayes (12)

Hon M.J. Criddle  
Hon Dexter Davies  
Hon Max Evans  
Hon Peter Foss

Hon N.F. Moore  
Hon Mark Nevill  
Hon Simon O'Brien  
Hon B.M. Scott

Hon Greg Smith  
Hon W.N. Stretch  
Hon Derrick Tomlinson

Hon Bruce Donaldson  
(Teller)

## Noes (11)

Hon Kim Chance  
Hon J.A. Cowdell  
Hon John Halden

Hon Helen Hodgson  
Hon Norm Kelly  
Hon Ljiljanna Ravlich

Hon J.A. Scott  
Hon Christine Sharp  
Hon Tom Stephens

Hon Giz Watson  
Hon E.R.J. Dermer (Teller)

## Pairs

Hon Murray Montgomery  
Hon Barry House  
Hon Ray Halligan  
Hon Murray Nixon  
Hon Muriel Patterson

Hon Bob Thomas  
Hon Tom Helm  
Hon Cheryl Davenport  
Hon Ken Travers  
Hon Nick Griffiths

**Question thus passed; the Assembly's substituted amendments, as amended, agreed to.**

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The question is that substituted amendment No 75 be agreed to.

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

The DEPUTY CHAIRMAN: The question is that substituted amendment No 86 be agreed to.

Hon LJILJANNA RAVLICH: This amendment deals with the power to exempt, which is dealt with in clause 215. Members might remember that we moved an amendment to delete that clause. Although the Australian Labor Party still has concerns about the substituted amendment, it considers it to be substantially better than the substantive clause. The Government's reason for the proposed alternative is that the proposed deletion removes the minister's power to exempt schools, or classes of schools, from specific provisions of the Act. Under what circumstances might schools or classes of schools need to be exempted from the Act? The Government has used arguments about special schools for Aboriginal students, alternative schools or schools that provide special curricula. Given that these schools are part of the education system and operate under the provisions of the Education Act, I have some concerns about what schools or classes of schools may require an exemption under the Act.

The Government argues that this clause is intended to provide maximum flexibility for the future to enable the evolution of new models for school organisations and operations to be managed appropriately. Once again I ask the minister to come clean on what this really means. How far is it intended these new models should go? The Government acknowledges that the clause provides significant power which needs to be used prudently; that is the Opposition's concern. The substitute amendment does not look too bad on the face of it and a responsible Government might be able to use it in a fairly positive way. However, an irresponsible Government may not do that and may abuse the provisions of clause 215. The Australian Labor Party has concerns although I must admit we take heart from the fact that the substitute amendment provides for a period of three years with a one year option. I have spoken at length about the need to balance greater flexibility against the system's impacts as a result of the new flexible arrangements. Can the minister explain the circumstances under which the Government may exempt whole classes of schools in this provision of the new School Education Bill?

Hon HELEN HODGSON: I want to place on record that we debated this clause previously. It is a dangerous clause as it can be used in a way which is definitely not intended by either this Government or this place. It opens the door to abuses in the system of charter schools and in some of the supposed education reforms that we have seen in other States that have not been in the best interests of the education system. For those reasons I do not support the clause, even in its amended form.

Hon N.F. MOORE: It is unfortunate that Hon Ljiljanna Ravlich takes the view that it is time for the Government "to come clean". That type of language is used in different circumstances from those that we are currently debating. We are seeking to create a situation under strict conditions that a school or class of school can be exempted from the requirements of this Bill for particular purposes.

Hon Ljiljanna Ravlich: Such as?

Hon N.F. MOORE: I cannot think of many reasons off the top of my head that we would want to do this. I am aware of trials that have been undertaken in various schools around the State to provide for greater flexibility in the way in which those schools operate. I suspect that in the past some programs have been run in schools that were contrary to the 1928 Education Act because they were doing things for which there was no provision in the Act. It is necessary to provide in this new Bill, bearing in mind that it will become a new Act and one would expect it to be around for a long time, the capacity for a degree of flexibility. We argued for this when the Bill was first debated in this place and I do not want to repeat it. The Chamber rejected clause 215 but it was returned in an amended form which enables a significant amount of control over what can be done. The Opposition in the other place said it would be prepared to support its use for innovation in the interests of disadvantaged students generally but was not prepared to support the clause for wholesale change of the education system. That is certainly the Government's view. The Opposition also said it did not want to create charter schools with the employment of local staff. The Government does not have any intention of doing that; however, we want

to give the system the capacity to look at innovation and flexibility which would perhaps otherwise be contrary to some aspects of the Act. If my memory serves me right, the 1928 Act contains regulations about schools having to open the windows every morning at recess and that a fire must be lit every morning.

Hon Ljiljanna Ravlich: That is a different argument.

Hon N.F. MOORE: At the time the regulations were implemented, these things were appropriate. Until we get rid of them or change them, they stay in the Act. However, when creating a new Act it is important to have flexibility to do things which might be slightly different but are for good reason and which will provide a better program that might be contrary to some aspect of the Act. A simple example is the trial of flexible programs in schools a few years ago. That was probably contrary to the Act but it enabled the system to work on things differently to see if there was a way of achieving a better result. For example, the Act says that community kindergartens can take only four-year-olds. It may be appropriate for some schools to have four and five-year-olds in the kindergarten. That again is contrary to the Act; however, it could be exempted under this new power under clause 215. I could speculate on what might happen in the future. I do not want to do that because I am not the Minister for Education and I might have some views that are different from his. However, the way things are scrutinised in the education system these days, if any minister in the future provided an exemption under this Bill and did it in a sneaky way to disadvantage children he certainly would not get away with it because everyone would know what was going on. The fears of the member are misplaced.

Hon Ljiljanna Ravlich: I hope so.

Hon N.F. MOORE: I think they are. When she says that the Government "must come clean on this" -

Hon Ljiljanna Ravlich: You can't even give me an example.

Hon N.F. MOORE: I did give the member an example.

Hon Ljiljanna Ravlich: No, you said you couldn't.

Hon N.F. MOORE: I gave the member an example of kindergartens.

Hon Ljiljanna Ravlich: Under what circumstances might you exempt, for example, district high schools?

Hon N.F. MOORE: I gave an example of community kindergartens. I cannot think about what might be done with district high schools but they are schools that may want greater flexibility because they are not the normal run-of-the mill high schools. I gave the example of community kindergartens, which are a class of schools that might want to do things differently. It may be that senior colleges will want to do things differently because of the nature of those colleges. There are two senior colleges and, therefore, we do not have much experience of their requirements. However, it may be necessary to exempt those colleges from the legislation without having to change the legislation every time they want to do something that is different or outside it. This substitute amendment is not an attempt by this Government to destroy the education system. This Government has as much determination to ensure a good education system as any other Government. Members on this side of the Chamber are just as determined to ensure the education system is well protected as are members on the other side of the Chamber; we all have a vested interest in the system. The substitute amendment will provide that flexibility in the future. As I said, because of amended clause 215 there are enough constraints for everybody to know what is happening and that their points of view are well and truly known. I, therefore, support the amendment.

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

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The question is that substituted amendment No 95 be agreed to.

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

The DEPUTY CHAIRMAN: The question is that substituted amendment No 96 be agreed to.

Hon CHRISTINE SHARP: I have looked at the proposed substitution for the amendment standing in my name and I do not think that it carries the same weight and strength as the original amendment. In changing "is to seek to mitigate" to "may have regard to", we are taking away a requirement for panels to take an active role in making sure that schools address problems which can arise from gender, geographic, economic, social, cultural or lingual factors and specific learning difficulties. All these factors which provide for students who are determined to be at educational risk are extremely important. I am disappointed that the proposed substituted amendment waters down the role of a panel in working actively with schools to make sure that not only are the children and the parents trying to change things on the home front, but also the schools, on the departmental side, are actively preventing these disadvantages from becoming entrenched in any child and are making an effort to get that child back on the road to performing well in the school. We know that every dollar that we spend on a child at this stage may save at least \$5 further down the track if that child does not perform well at school and ends up as part of the juvenile justice system. Therefore, I will not support the proposed substituted amendment.

Hon LJILJANNA RAVLICH: I support the view of Hon Christine Sharp. I have spoken ad nauseam on this amendment, which appears in a number of places throughout the Bill. I agree with Hon Christine Sharp that "to seek to mitigate" is very different from "may have regard to". The Government has very much weakened this clause. The substituted amendment goes nowhere near as far as what was intended by the original clause moved in this place. However, the Australian Labor Party will not hold up the Bill over substituted amendment No 96.

Hon N.F. MOORE: We should understand that clause 234(5), which is now in the Bill, was not in the original Bill. Hon Christine Sharp and her colleagues have at least achieved a position somewhere in the middle. Hon Christine Sharp has not



been able to persuade the Government that it should go all the way with her amendment; however, it has gone halfway. In a spirit of compromise, I think she should accept that she has done pretty well, and she should not argue too heavily against things on one side of the argument when we have now reached a point somewhere in the middle.

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

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The question is that substituted amendment No 97 be agreed to.

Hon LJILJANNA RAVLICH: Substituted amendment No 97 deals with the question of sponsorship under clause 237. This was an amendment moved by Hon Christine Sharp. The Government, in providing its substitute, has unfortunately overlooked two key areas that were fundamental to the original amendment moved in this place: First, the question of ensuring a fair distribution across government schools of the benefits of advertising and sponsorship; secondly, a requirement of the minister to establish an advisory panel under section 234 to advise the minister on policy in respect of advertising and sponsorship in relation to government schools, and to obtain the advice of that panel before he or she recommended to the Governor the making or amendment of regulations referred to in subsection (3). They are fundamental areas in terms of, first, equity and distribution of the sponsorship and advertising dollar, and, secondly, some regulation of the question of advertising and sponsorship.

The Australian Labor Party is disappointed that the Government has gone only part of the way. Nevertheless, the amendment is an improvement on what was in the original Bill. Therefore, at least the Government has come part of the way. Unfortunately, it has not taken up the opportunity to provide the checks and balances in what may cause difficulties to the government school system in the future, because clearly some schools will be better at attracting the sponsorship and advertising dollar than others. A need clearly exists for checks and balances to be in the system, as well as a requirement to examine the impact of such advertising and sponsorship in the educational program for students, not only in a positive sense, but also in assessing whether there are any adverse impacts as a result of an increase in sponsorship and advertising. It was fundamental that the checks and balances proposed by Hon Christine Sharp should have been a part of the Bill. Nevertheless, the Government has determined otherwise. Although the Australian Labor Party will support this substituted amendment, it is disappointed that the Government has not gone far enough and has lost yet another opportunity.

Hon CHRISTINE SHARP: Advertising and sponsorship is an important issue, and there are significant links to the issue of school fees that we debated at length earlier this evening. Obviously, the more difficult it is for government to adequately fund education, the greater the trend will be towards relying on commercial sponsorship to fill in the gaps and provide programs and support material in schools. That link is very important.

We should also state clearly on the record that the non-government parties have given considerable ground in the process of the dialogue on these amendments. I remind members that we have agreed to drop entirely the proposed amendment which would have prevented any naming of equipment that was provided under advertising and sponsorship provisions. In looking at substituted amendment No 97, I see a further weakening of regulation of advertising and sponsorship, for two reasons. First, in my original amendments we were looking at requiring that an advisory committee provide advice to government on the issue of the fair distribution of the benefits of advertising and sponsorship across all government schools. The issue of equity in advertising sponsorship is very important, because students and schools in well-off areas will attract more sponsors because of the buying power that those students represent and the sponsors' view that such students will be worthier of influencing than schools in poorer areas. The proposed alternative to add a provision at clause 214 about subdelegation will not get to the heart of the matter, because the clause in the original Bill is limited to the passing of money to schools as a result of commercial arrangements for advertising and sponsorship. The alternative misses the point because in many cases advertising or sponsorship arrangements do not relate to a gross transfer of money to schools but are arrangements, for example, to provide materials. That is probably the most common way in which these arrangements are made. Therefore, the proposed substitute for clause 214 does not adequately meet the need to ensure equity in these matters.

It is also a disappointment that the Bill as proposed by the substitute amendments will not require the setting up of an advisory panel to government on these matters. I will be pleased if the minister could clarify the Government's intentions and whether it considers the proposal that an advisory panel should be set up to provide the minister with advice on this very important matter has some merit.

Hon N.F. Moore: The minister has given an assurance that the matter will be dealt with in clause 234 in lieu of the amendment Hon Christine Sharp has referred to.

Hon CHRISTINE SHARP: I thank the minister for that clarification. I am glad that has been put on the record. However, I would have preferred to see it in the Bill.

It is a grave problem that we will see increasing amounts of advertising and sponsorship substituting for the provision of government funding. Australia already spends less per capita on school education than any other country in the Organisation for Economic Cooperation and Development. We see the trends overseas. I note that three years ago in Canada the Ontario Secondary School Teachers' Federation produced and distributed a pamphlet on the commercialisation of schools in Canada. It noted that budget cuts by provincial Governments in the 1990s had made its school system a major target for business interests who sought to fill that resource gap. There are horrendous examples of what has happened in the United States with advertising and sponsorship in the education system. One example concerns a commercial enterprise idea called Channel One, which is marketed by a company called Whittle Communications. Channel One was set up in the late 1980s by Chris Whittle, who realised that teenagers were the new pipeline into American households. From 1989 Channel One loaned schools, video cassette recorders, televisions and a satellite dish in exchange for students' minds for 12 minutes each day. By 1996, 350 000 classrooms - that is, 40 per cent of classrooms in the United States - with eight million students between

the ages of 13 and 18 had accepted the Channel One deal. That deal required that 90 per cent of students at the school had to watch 12-minute programs for 90 per cent of the time from beginning to end without interruption. That 12 minutes included two minutes of advertising. This was paid for by companies selling products like snacks and fast foods that obviously are eager to reach children at this school age when brand loyalties are developed. These advertisements were considered to be so effective that Whittle Communications succeeded in selling advertising in Channel One spots which were programmed into classrooms at about double the rate charged for advertising on a prime time news spot on normal television channels. This is an extreme example, but it gives an indication of where this is likely to lead us and how it is of critical importance that the Government keep a wary eye on this. The temptation is huge for Governments.

Let us hypothesise that Western Australia could see an example such as that which occurred in British Columbia where the logging companies produced an essay competition encouraging all school children to produce essays on why clear-cutting was good for British Columbia. Many prizes went out to schools as a result of that competition. We can all understand the potential for this to be abused. Therefore, I would have preferred a very strong regulatory system in place.

I am mindful, however, of the minister's remarks about my previous amendment. To give some credit, I am pleased that we will now have a system in place in which there will be clear indications about some of the regulatory requirements in this matter. Through all of this ping-ponging on the Bill perhaps we have succeeded in improving it and I am pleased that the Government has taken on board some of our suggestions.

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

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The question is that substituted amendment No 101 be agreed to.

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

The DEPUTY CHAIRMAN: The question is that substituted amendment No 103 be agreed to.

Hon HELEN HODGSON: The requirements that were proposed by the Council for directions to be included in an annual report of the departments - the Education Department and Education Services - and also tabled in this place are not contained in the new clauses or as a general requirement in the Bill. I did not expect the Government to include the tabling requirement in the Bill, but I hoped to see at least a requirement to include it in the annual report.

Hon N.F. MOORE: Section 32 of the Public Sector Management Act makes provision for chief executive officers to be required to follow lawful directions.

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

The CHAIRMAN: We are now dealing with proposed substitution 104.

Hon LJILJANNA RAVLICH: I understand that the intention of this amendment is to enable the smooth transition of the existing boundaries to proposed amendments Nos 33, 34 and 35. The Australian Labor Party supports the substitute amendment.

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

*Report*

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

**RAIL FREIGHT SYSTEM BILL 1999**

*Second Reading*

Resumed from 1 July.

**HON TOM HELM** (Mining and Pastoral) [9.16 pm]: I make it clear from the outset that I am not the lead speaker for the Australian Labor Party on this occasion - Hon Kim Chance has that role. I had to force him to let me speak first after Labor's glorious near-victory in Victoria and given how this legislation may have a great deal of bearing on the glorious victory of the Labor Party of Western Australia down the track. I am pleased to speak first; nonetheless, I bow to the superior knowledge of my colleague Hon Kim Chance on this matter.

I point out that the clock has not been set. I would like unlimited time in which to speak. Most speakers on this side of the Chamber have plenty to say about this legislation.

Hon E.R.J. Dermer: I am sure you will use the extra minute well.

Hon TOM HELM: I am very grateful for it.

I refer members to the second reading speech, which sets out the necessity for legislation of this nature. Press reports and statements from people such as Deputy Premier Hendy Cowan and others who are not necessarily pro-trade unions or pro-workers suggest that privatisation is good and nationalisation is bad. The country I came from nationalised debts and privatised profits. At least this State has not gone down that track. That may be because the Labor Government played a role in the privatisation story.

The second reading speech indicates that the minister is hard pressed to find a reason that we should privatise government assets. I was reading a ministerial statement earlier today about the access regime that may or may not be a part of this privatisation process.

Hon M.J. Criddle: Access is a part of both processes.

Hon TOM HELM: Well, fine.

Talk about how people use the present system and how they will use it when it is privatised causes some problems. Why must we privatise this entity when it is going so well? It is going well because the minister says it is, but all the evidence suggests that that is true. On this occasion we should subscribe to the old philosophy of "If it is not broken, why fix it?" In addition, why should we put offside those considered to be the natural constituents of the National Party in the bush? Of course, that is a myth at the present time. They are opposed to the privatisation of the rail system because of the inherent dangers. If we have a system that, in the minister's words, is a success, why is he following this path?

In his second reading speech, the minister explains how the system was set up. He suggests that the regulations protecting the railways from competition put a false barrier around the system and did not allow it to keep up and to compete. Therefore, it was left vulnerable when the barriers to the road freight industry were removed. Before he left this place, Hon Fred McKenzie waxed lyrical about the railway system in this State, its needs and the role it played. That has also been recognised by this minister in reference to privatisation. The minister tells us that there was a downside to that scenario.

One of the issues that concerns me is that although the system was protected - I cannot sheet home the blame for this to the present minister; it may have happened under previous Administrations - in certain quarters there might have been an incentive to have an uncompetitive rail freight system and to allow it to run down and to display bad characteristics. That is obvious. Although the management system was less than it should have been, one would imagine that some effort would have been made to bring about the efficiencies explained. I deal with that point in passing as the minister referred to the regulations, which seem to have protected the bad side of the management of the rail industry. However, I go a step further and suggest that it might have been a deliberate step to make the rail system inefficient so road transport could be more competitive and perhaps offer some decent incentives to those who wish to use road rather than rail freight. Brief recognition of that is made in the second reading speech, which refers as follows to how Westrail responded well to changes in its environment -

... emerging from an undeniably tough reform process to become a leader in its field acknowledged as the most efficient government-owned railway in Australia. Westrail's freight business no longer relies on government subsidies and now delivers a respectable profit. This remarkable result is to the credit of staff at all levels within Westrail, who have been dedicated to improving Westrail's performance in an increasingly demanding market.

The reason for not privatising is contained within the second reading speech. It then states -

Many of the potential competitors for Westrail's freight business who are about to be entitled to operate trains over the Westrail track are lean, efficient and commercially focused private rail operators prepared to move quickly in response to customers' requirements and to aggressively seek business. They are innovative, willing and able to take commercial risks and are motivated by a great belief in rail and its potential to deliver substantial benefits both commercially and to the economy and the environment.

The minister sings the praises of the private rail operators, yet on page 9 of the second reading speech he refers to the efficiencies of the present employees of the rail system. Although Westrail has improved out of sight and done very well, it cannot be relied upon to take the extra step and become aggressive, competitive and so on. It is like stating that we will get people from another planet who will be able to run the system in the way that this minister desires - or does he? Does he believe that Westrail needs to be more competitive or aggressive, or is its service one to be provided in our community, as it has been trying to do? It has not been allowed to be more competitive and profitable. Profit is the bottom line in private enterprise. We are succeeding in providing a profit in the public system, so why privatise?

Hon M.J. Criddle: You need to understand that we are talking about an operating profit. If you understand budgeting in any sense, you will realise that one has an operating profit, on top of which one has substantial infrastructure and other matters.

Hon TOM HELM: I understand the infrastructure and maintenance problems. I heard the minister say in answer to a question that as part of the contractual obligations of privatisation, we will be responsible for upgrading the line between Koolyanobbing and Esperance.

Hon M.J. Criddle: I said that if the operations sold vertically integrated, and the Government agreed to sell, that could be one of the conditions of the sale.

Hon TOM HELM: That is part of the continuous costs in maintenance and upgrades. It is like saying that if we privatise, it will happen; if we do not privatise, it will not happen. However, it will be part of the privatisation contract that -

Hon M.J. Criddle: I said it was a condition of sale.

Hon TOM HELM: I am agreeing with the minister. I am puzzled by our obligations. I understand the commercial package to wrap up the rail system. The second reading speech suggests that only the private companies can deliver those upgrades and improvements, yet we may be able to do so in public hands as part of a contractual obligation in the vertically-integrated sale process of the rail freight business.

Hon M.J. Criddle: You're confusing a number of issues.

Hon TOM HELM: It is just an observation from a layman's point of view. Page 12 of the second reading speech reads -

In short, Westrail has served the State well in the past 95 years, but it has effectively reached its peak in terms of

the price and quality of its rail freight services. It has gone about as far as it can go under government ownership. The next step forward, in an environment of on-rail competition, will need a level of commercial and investment acumen and innovation that is available only in the private sector.

If that statement made by the minister were true and supported by documentation, it would be a reason for privatisation. However, it suggests that the State is unable to provide the level of commercial and investment acumen required. The beginning of the second reading speech advised that Westrail met those targets and can perform in the manner of private enterprise. Nevertheless, the speech later tells us that the publicly owned entity cannot do those things. That statement has no supporting documentation.

Page 16 of the second reading speech goes to the nub of my suspicion about the reason for the push for a private rail freight business. Two of the most used words in our Parliament in both Houses, and those commented upon by the Royal Commission into Commercial Activities of Government and Other Matters, the Commission on Government and the Press almost daily, are "commercial confidentiality". Taxpayers' funds can be used in a variety of ways under this arrangement and not be open to scrutiny from members of Parliament. I quote the section of the second reading speech which raises my suspicion. Page 16 reads -

Division 2 of part 2 also provides that things done in the sale, such as the transferring of contracts to the purchaser and the disclosure of information to prospective buyers, does not amount to a civil wrong or a breach of contract. In addition, division 2 of part 2 protects pre-existing contracts and gives contractual status post-sale to internal agreements between different parts of the commission's business.

A favourite response, on which ministers often fall down, is to not answer questions by stating that the answer cannot be supplied to Parliament.

Another part of the second reading speech that causes me some concern states -

Part 3 will allow the Rail Corridor Minister to grant a lease of land - or any lesser interest - to give the purchaser the right for a period of up to 50 years to be the sole user of the land and railway infrastructure for railway purposes, subject to the State's access regime, existing access agreements - for example to National Rail - and the access arrangements allowing the Western Australian Government Railways Commission to operate country passenger services.

It occurs to me - the minister may wish to comment to allay my fears - that that rail corridor minister may be the Minister for Transport at the time, wearing another hat, who will administer certain sections of the Act and do certain things by way of ministerial direction that will be subject to neither scrutiny nor disallowance by this place.

Hon M.J. Criddle: The code will cover that.

Hon TOM HELM: A code of practice is not disallowable. The Standing Committee on Delegated Legislation has been concerned for a number of years about the difficulty of making ministers understand what regulations are about and how the committee conducts its business. When I was a member of that committee, we found on a number of occasions that ministers were using codes of practice and things other than regulations to try to avoid scrutiny and disallowance. If that would not be the case under this Bill, I would appreciate the minister's comments in response.

The second reading speech states also -

Division 4 of part 3 provides for the making of regulations and other matters to do with corridor land.

It will be interesting to see whether the minister can answer the questions that I have raised and allay my fears and suspicions.

Hon M.J. Criddle: Are you talking about having the regulations and the code come back to the Parliament?

Hon TOM HELM: Yes, and being disallowable instruments.

Hon M.J. Criddle: Yes, I will accept that.

Hon TOM HELM: That is good.

I was also pleased to read the thirteenth report of the Standing Committee on Public Administration in relation to outsourcing and contracting-out investigations in the United Kingdom, because I am one member of this place who really slagged the Poms for their contracting-out procedures and for the obscene amounts of money that former chief executive officers and ministers made from those procedures in the United Kingdom. That report contained a section that surprised me. It appears that the United Kingdom is required to take steps that we in this place would not even dream of taking. There is no suggestion in the minister's second reading speech that the sorts of provisions that I am about to read out are even contemplated by this Government. The report states at page 18, under the heading "The Influence of the European Union Parliament" -

- 4.31 As a result of joining the European Communities in 1971, the United Kingdom is required to accept European Union law. European Union law is accepted by the United Kingdom automatically if the law is of "direct effect" or by means of subordinate legislation if the law is not of "direct effect". An example of European Union law operating in the United Kingdom privatisation process is the *Transfer of Undertakings (Protection of Employment) Regulations 1981* ("TUPE") which applies the *European Acquired Rights Directive*.

4.32 In essence, the purpose of TUPE is:

- to open up the markets to competition; and
- to protect employees.

4.33 TUPE protects employees' jobs and conditions when their work is taken over by a new employer by requiring the maintenance of an employee's existing terms and conditions. Some of the consequences which apply include:

- the new employer who takes over the work must keep the existing workforce. They cannot pick and choose who will transfer . . . ;
- the new employer must offer a comparable position with the same rates of pay and conditions of service . . . ;
- time spent working for the previous employer counts towards length of service with the new employer;
- any dismissals related to the transfer are automatically unfair . . . ;
- collective agreements and trade union recognition are automatically transferred . . . ; and
- recognised unions have a right to be informed about and in relation to the transfer . . . .

Under TUPE a duty is also imposed on the employer to inform and consult with representatives of the employees or their recognised unions.

4.34 There is some evidence that some contractors only heed the regulations for 6 to 12 months. There are also many loopholes. Committee members were informed that staff were employed on lower terms and conditions than when in the public service, even with TUPE in place. One exception is the provision of Information Technology where terms and conditions are generally higher than in the public service.

We know that even though there are some flaws in these European regulations and law, this has not even been contemplated by the Government. The Government has no recognition of employees' rights, and its record on privatisation is abysmal. I need go no further than the case that was put by the Public Transport Union in its submission to the Government about what it believed would be the effect of this privatisation process. I will start with the introduction, which sets the scene for how the union regards this measure and states -

The chaotic railway policy path of the Western Australian government over recent years should send a "red" signal to the Western Australian public and the parliament about the proposed privatisation of Westrail's Freight Operations.

The present government has moved from "downsizing" to the "virtual railway" and now to the "vertically-integrated railway up for sale". These highly contradictory policy directions make the proposed sale highly problematic.

None of these policy directions have been based on an overall transport, environmental, employment and state development policy.

The government is driving blind on this latest radical policy shift to privatisation but it will be virtually impossible to correct any "accident" that results from the sale.

With no hindsight into the thinking of Cabinet, the circumstantial evidence suggests that a private investor has approached the government with an offer to buy Westrail Freight, as an integrated railway, and a large part of the Cabinet wants to take that offer. The public has simply been provided with a suitable rationalisation - the danger of competition.

Hon M.J. Criddle: You have not taken into consideration any of the conditions that have been put on the sale.

Hon TOM HELM: No, because the second reading speech, which is quite clear, leads me to suspect that someone, who will remain unknown, has suggested, perhaps not to the minister but to other people within Cabinet, that privatisation will be a good thing. Some of the Minister for Transport's colleagues in Cabinet do not like the idea and some do. I do not think I mentioned the title of the document I am reading. It is called "The people of WA deserve a full public inquiry into the proposed Westrail privatisation". It was published by the Public Transport Union. I am reading the introduction first, and maybe further down the track we can consider all of the implications the sale might have. It continues -

Westrail is already a "humpty-dumpty" railway, with key rollingstock and infrastructure maintenance functions already contracted out, and signalling and communications about to go the same way. It is difficult to see how the government will put humpty-dumpty together again to sell a vertically integrated railway to a private buyer.

The proposed sale of Westrail freight as an integrated railway poses serious problems for the operation of country passenger trains by the rump of Westrail, but these do not appear to be addressed in any government or Westrail statement to date.

Hon M.J. Criddle: We addressed all that when we had eight different meetings around the countryside. If you had been there, you would have seen all that laid out.

Hon TOM HELM: Have they all been addressed satisfactorily?

Hon M.J. Criddle: I am just saying -

Hon TOM HELM: The minister should not just say, he should let us know and put it on the record. He should not make

statements that are pretty inane. That is like the boss' interpretation of consultation: "I sent you the letter, therefore you have been consulted." That is not good enough. The PTU is laying out some of its concerns. These people have as much of an investment as taxpayers and employees as I have as a taxpayer and the minister has as a minister. They are as concerned as anyone.

Hon M.J. Criddle: So they should be. We have communicated with them in eight meetings around the State, and we have made it clear that we will talk to anybody. The task force has been available for anybody to talk to. The member should not make out that we have not been prepared to communicate.

Hon TOM HELM: I did not mention that at all. I did not even hint that the Government had not been prepared to communicate. It appears that although the Government has talked to people, it has not listened.

Hon M.J. Criddle: We have. We have made major changes.

Hon TOM HELM: The second reading speech does not reflect the fact that the Government has listened. The minister certainly gives praise where it is due, and then he goes on to say why he is shafting these people. Why have they been shafted after they have done all the things they have been asked to do?

On the second page of the document, the PTU goes on to say that the Government has no electoral mandate to do this. The Government did not go into an election with the privatisation of Westrail as part of its policy. On page 3 of the document, under the heading of "Jobs", it states -

Westrail employed 1,627 workers as at June 30, 1998, plus another 300 directly through sub-contracting. Some 700 workers are involved in Westrail's freight operations.

When the Australian National Railways were privatised in November 1997, there were about 1,670 employed in South Australian Rail, and Passenger & Travel. After the sale, there were only 700 re-employed.

This is the scale of job losses that Western Australia must confront and examine if Westrail's freight business is privatised - at least 50%.

Hon M.J. Criddle: That is a total fabrication. We have gone through a rationalisation program in Western Australia over many years and it has not gone through that process.

Hon TOM HELM: It has not gone through it. The rationalisation that we went through, it has not gone through.

Hon M.J. Criddle: We have gone through a very substantial rationalisation.

Hon TOM HELM: The minister did not mention that in his second reading speech.

Hon M.J. Criddle: I am telling you now.

Hon TOM HELM: That is fine.

Hon M.J. Criddle: If you had been at the meetings, you would know all that.

Hon TOM HELM: Was I invited?

Hon M.J. Criddle: Everyone was invited.

Hon TOM HELM: Were any meetings held in the Pilbara or the Kimberley?

Hon M.J. Criddle: It has nothing to do with the Pilbara's lines; it is to do with Westrail's business here.

Hon TOM HELM: The second reading speech is supposed to reflect the reasons for the Government doing what it is doing. If the minister is assuring the House that there will not be any job losses due to privatisation or that they will not be on the same scale as the South Australia job losses, people will be somewhat pleased about that. We know that South Australia suffered losses, mainly in Port Augusta and Adelaide. The regional impact in Port Augusta was so severe that the Federal Government had to provide most of a \$20m adjustment package to South Australia. There has been no study of the effectiveness of that package in restoring the local economy of Port Augusta. Western Australia must expect significant rural job losses from any privatisation of Westrail freight.

That is the issue on which I commenced my contribution; that is, I know and members opposite know - the evidence exists - that there has never been an increase in employment as a result of privatisation.

Hon M.J. Criddle: What happens if the business grows and we give the opportunity for Westrail, as a privatised organisation, to grow?

Hon TOM HELM: If that is the case and the minister is feeling optimistic, as he should, why not let it grow in the hands of the people who have it now; that is, the taxpayers of this State?

Hon M.J. Criddle: Because we are not allowed to trade in the eastern States. It is a Western Australian government organisation. Do you want us to fund the expansion of its operation into the eastern States?

Hon TOM HELM: Are we doing that now?

Hon M.J. Criddle: No, we are not.

Hon TOM HELM: We are not doing that now and we are still making a profit.

Hon M.J. Criddle: It is a case of diminishing returns and growing debt.

Hon TOM HELM: Therefore, a business will buy Westrail's freight operation from the Government for diminished returns and growing debt. It sounds like a good buy to me!

Hon M.J. Criddle: No. Do you understand the business acumen of people? Sometimes an operation will not be going well under an agency or an ownership whereby it cannot expand and does not have the opportunity to rid itself of the red tape. If it becomes a private operation and all those things can be put in place, do you not agree that there is an opportunity to grow, expand and build the business so that there is an opportunity for everybody in the future?

Hon TOM HELM: Yes, I suppose one can look at it that way. The other way, of course, is to sack the management and bring in some management that can do those things that need to be done. If they can be done, and the minister is saying they can be -

Hon M.J. Criddle: So you are now telling me to get rid of the work force and make it -

Hon TOM HELM: No, the management. However, I agree that if the workers are put in as managers, that may need to be done, but I suggest that we are a long way from that. The Government and the people it appoints are in charge.

Hon M.J. Criddle: Absolutely.

Hon TOM HELM: Therefore, they are the ones who cannot do the job. Why is the Government selling the commodity and not sacking the managers who are not doing the job they are supposed to be doing? It will either work or it will not work. Is the Government saying that it will work under privatisation but it will not work under state ownership?

Hon M.J. Criddle: I am saying that it has a very good opportunity to grow, expand and become a profitable organisation if we rid ourselves of the red tape and all those other things that -

Hon TOM HELM: What does the minister mean when he says "red tape"? Does he mean workers? What kind of red tape does he mean?

The PRESIDENT: Order! Hon Tom Helm should address the Chair. If there are any questions, no doubt they will be dealt with during the committee stage. I am interested in the policy and principles of the Bill.

Hon TOM HELM: I think I commenced my comments by saying that I am not an expert. However, I am something of a victim as well as an observer of privatisation. It has not done much good in many areas. In fact, the only thing it has done is to help to return a Labor Government in Victoria, or at least it has given the Premier there a fair shake-up. Perhaps we should look at other places in which privatisation is not working, because it is a good political toy for the Opposition. However, I am not sure that it does much good for the whole State.

The Public Transport Union said on page 5 of its comments -

National Rail Mainline Network

Under an Inter-Governmental Agreement signed in September 1997, -

I think this is what the minister was referring to previously -

- the Western Australian government agreed to incorporate the Perth - Kalgoorlie standard gauge line into the track controlled by the Australian Rail Track Corporation, on the basis that WA continued to own and manage the track, and "wholesale" train paths to the ARTC, which would then on-lease them to train operators.

This was a positive outcome of a very tortuous process starting back in 1992, with the formation of the National Rail Corporation. WA refused to take part in the NRC, expressing concern at the potential loss of its infrastructure. In 1995, when the former Federal Labor Government abandoned the concept of NRC as an integrated railway, owning and controlling its own track network, it proposed the Track Australia concept for the interstate mainline. A major source of delays with this fundamental national rail management proposal was again the resistance of WA to the loss of control of its Perth-Kalgoorlie link.

Now the same WA government is happily bundling -

That is what the Public Transport Union says. To continue -

- the Perth-Kalgoorlie infrastructure into the sale of Westrail Freight. What could explain this amazing backflip?

Is there less "danger" to WA interests in an unknown, overseas-owned, private rail company managing the infrastructure, than in a national, publicly-owned rail company, in which WA could have owned shares, doing the same?

One conclusion that could be drawn from this backflip is that a commitment to the ideology of privatisation has swept away all practical concerns in the WA Cabinet about rail services.

Hon M.J. Criddle: That fails to grasp what is happening around Australia. South Australia -

Hon TOM HELM: Could the minister stop there and come back at me when he needs to. He can read *Hansard* and then have a go. He is taking a large part of what I need to say.

Hon M.J. Criddle: I have answered the questions you have been asking.

Hon TOM HELM: The minister has not answered the questions at all.

Hon Ray Halligan: It has not been the answer you wanted.

Hon TOM HELM: It is an answer I need to understand. I am saying what the PTU is saying. Page 9 of the PTU document mentions the saga of the Westrail sale. Under the heading "1998 Statement of Corporate Intent - Westrail", it states -

This official document, part of the new form of open public sector management and accountability in WA, states that Westrail's mission is "to provide competitive, customer-focused and quality transport services". There is no mention in the major policy initiatives for 1998/99 of any intention to sell the Freight Business.

The privatisation agenda started to unfold in October 1997. The document continues -

However, in October 1997, Acting Commissioner for WA Government Railways, Wayne James, informed Westrail employees by a bulletin that a preliminary investigation by an independent consultant called for a study into "the future direction of Westrail"

Under the heading "Sale of Westrail Scoping Study announced - April 23, 1998" the document states -

Acting Commissioner James reported that following the earlier study, Westrail had already appointed consultants to do this study:

- \* Mercer Management Consulting . . . ;
- \* Booz Allen & Hamilton . . . ;
- \* Blake Dawson Waldron/Skea Nelson & Hager . . . ; and
- \* Deutsche Morgan Grenfell . . . .

The entire management of the study was already established without any consultation with the parliament, the rail unions or the public. It was run by Westrail, Treasury and the Dept of Transport.

Just in case the employees thought the study was about the "future", James stated that the "first stage of the study, expected to be completed by June 19, will comprise a comparative evaluation of various structural options and sale methods".

But he began the first of a series of promises to the workers: "Regardless of the outcome adopted, I assure you that the interests of the organisation's employees are of prime consideration".

This was stated by one of the Government's commissioners but it was not in the minister's second reading speech.

I move on to a number of other issues the union has brought to our attention. On page 11, under the heading "Deputy Premier denies Westrail is to be sold - August 18", it states -

Accused in the Legislative Assembly with having no electoral mandate to sell Westrail, the Deputy Premier argued that there was no decision to sell Westrail:

"The Government has every intention of dealing with the Westrail issue in a way that allows for full public consultation. In that sense we do not have any sense to sell Westrail's freight business," Mr Cowan said . . .

"We need to identify whether the government trading entity of Westrail should be retained in whole or in part by this State or whether it should be sold in whole or in part. When I say 'in part', do we retain the track rights and certain aspects of Westrail's freight operations? We will investigate that. That will be a very public process" . . .

"If we decide that it is not in the interests of this State or the users of Westrail freight services, it will not be sold."

Cowan argued that competition from the National Rail Corporation was the big danger to Westrail's viability, and that the government could be spared this worry if Westrail was in private hands.

Oh dear! The Government is worried; therefore, it must sell off what is worrying it, even though it is bringing in a profit. That is strange. At page 12 a paragraph headed "The mystery advertisement" reads -

Shortly after the Deputy Premier declared that Westrail was not for sale, a company called Gerard Daniels Australia placed an advertisement in *The West Australian* for a project director job that would suit a senior corporate or finance executive, who will be Perth-based for approximately one year. Gerard Daniels Australia was looking:

For a senior executive with experience managing and negotiating business/asset sales, this appointment undoubtedly represents one of the most exciting and challenging major asset sale projects available. The role is to project manage the sale process of an operating business which has an estimated value in the vicinity of \$1 Billion . . .

Superior team leadership skills, the ability to operate in what will become a highly demanding and politically sensitive environment . . .



Another heading on page 12 is "Westrail announces job impacts - September 7, 1998". A paragraph on page 13 of the document is headed "Deputy Premier refuses to release Cabinet decision on Westrail - September 17" - I assume that is 1998 - and reads -

Based on the July 30 Press Statements of the Transport Minister and the Acting Commissioner for Railways, and evidence given to the Legislative Council Standing Committee on Estimates and Financial Operations on September 16 by Mr James, the Opposition moved to censure the Deputy Premier for misleading the House in his statements of August 19, when he had said that there was no decision to sell Westrail.

Throughout the debate, the Deputy Premier refused to release the Cabinet decision on Westrail. His main concern was to demonstrate that the worries expressed by the grain industry had to be taken into account before any final decision was made.

Yet the evidence given by the Acting Commissioner the day before was that there was no budget for the taskforces and consultancies, and the project manager, because these costs would be recouped from the sale: "We have not made a budget for that because we have been assured that all of that will be recouped from the sale of the asset."

This document has a number of other pages that I would like to read into the public record but time has escaped me. The minister needs to provide this place with a few more answers. Perhaps he should take a little more time to explain more clearly how he justifies the sale of Westrail when all the indicators are - from the minister's own statements - that it is doing a good job for the State, as are the people who work for it.

Debate adjourned, on motion by Hon Kim Chance.

### ADJOURNMENT OF THE HOUSE

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

That the House do now adjourn.

#### *Aurora Gold Ltd - Adjournment Debate*

**HON GIZ WATSON** (North Metropolitan) [10.00 pm]: I raise a matter this evening which has recently come to my attention. It relates to the operation of Australian mining companies in Indonesia. Because Indonesia has been very much in the news lately, I thought it would be interesting to look at how many Australian companies are operating in that country. Members will be aware that we have strong connections via oil with Indonesia. Of course, there is the history of the deal in relation to East Timor. I discovered that a lot of Western Australian mining companies are operating in Indonesia, which is well and good. This is a consideration in Australia's current involvement in the peacekeeping operations in East Timor. I hope that it will not impede the best interests of the East Timorese.

In the process of my research I discovered some information regarding a company called Aurora Gold Ltd, a Western Australian company. Its chief executive officer and managing director is Ian Burston, who, interestingly enough, is also the chairman of the Water and Rivers Commission board. He is the former president of the Western Australia Chamber of Mines and Energy. That is fine. I also discovered from information provided to me by an organisation based in Jakarta that Aurora Gold has had a less than good record in the operation of its works at Mt Muro.

Hon N.F. Moore: Will you tell us who provided you with that information?

Hon GIZ WATSON: I am quite happy to do that. The project is in central Kalimantan. It is the major asset of Aurora Gold, which is the 90 per cent owner of that mine. I would like to go into some of the matters that have been brought to my attention about the operation of that company in association with the Indonesian authorities because, even if a fraction of what is being presented to me is accurate, I have some very serious concerns. The information has been provided by an organisation called the Mining Advocacy Network/JATAM, which is a Jakarta-based group which has been working with representatives of indigenous communities where this mine is located. Those indigenous communities include Dayak Siang, Murung and Bekumpai in central Kalimantan. They have directly approached my office to raise concerns that they have consistently raised with Aurora Gold since it began operations there. Some of the issues they raised, even if only a fraction of them are true, as I say, are of serious concern.

We have the example of OK Tedi Mining Ltd, whose operation caused gross pollution of the river, and the violation of communities in the area continues. The material that has been presented to me reads very similarly. Some of the allegations are that the company in that project has contaminated the environment, violated human rights and taken over indigenous lands and traditional mines. Some 20 000 indigenous people of Dayak Siang, Murung and Bekumpai are currently fighting to regain those rights.

Hon Greg Smith interjected.

The PRESIDENT: Order!

Hon GIZ WATSON: I will not have time to go through all the material provided.

The concerns of these communities are broad. One is that the tailings material from the gold and silver mines have directly polluted the river. The document states -

The contamination of rivers of Manawing, Pute, Muro, Mangkahoi, Maan, Doho, and Liut, due to the tailings dumping and their acid mine drainage of IMK/Aurora Gold. As a result, the river water is now unfit for consumption because it causes rashes, sight disorders, and the death of community's cattle.

The other allegations relate to harassment and displacement of the traditional owners who had been mining in the area before the company moved in. That includes the closure of traditional mines by the use of security forces that indulged in acts of violence such as burning houses and destruction of traditional mining properties. The document also includes allegations that hundreds of traditional miners have been imprisoned in collusion between the company and Indonesian authorities. Approximately 8 000 people lost their homeland because the village of Luit Raya was condemned and the surrounding forests cut down.

I bring this matter to the attention of the House because I am particularly concerned that, while the reputation of companies in Western Australia might be very good, it is important that they uphold equal standards in other countries.

Hon N.F. Moore: Have you done anything to verify this?

Hon GIZ WATSON: I am concerned to make the observation that the CEO and managing director of this company is, as I said, also the chairman of the Water and Rivers Commission.

Hon N.F. Moore: Have you done anything to verify your allegations?

Hon GIZ WATSON: Furthermore, it concerns me -

Hon N.F. Moore: This is a dirt-throwing exercise aimed at a very well-respected Western Australian citizen. You have done nothing to verify this.

Hon GIZ WATSON: When the commission was established in 1997, concerns were raised by the conservation movement that the membership showed an excessive bias towards mining companies.

Hon Mark Nevill: We could not accuse you of that.

Hon GIZ WATSON: I believe that when a commission is established by a Government, it is important that the reputation and the records of the appointees are thoroughly scrutinised, including the companies in which they are involved and their operations in other countries. I seek leave to table a document provided to me by the Jakarta-based organisation I mentioned. I am more than happy for members to look at this letter themselves.

The PRESIDENT: The member can seek the leave of the House to table a document. The continued tabling of documents in this House is causing administrative problems because they must be filed and later archived. Some documents tabled have been voluminous, and that has caused problems. I am not directing these comments specifically to Hon Giz Watson, but one way of overcoming that problem is for members to make documents available to other members on request. That saves them becoming part of the archives of this place when no-one looks at them for a hundred years. The member sought the leave of the House to table the document.

[Leave denied.]

The PRESIDENT: The member can provide the document to other members if they ask for it.

Hon GIZ WATSON: I thank the President for his advice. I will obviously make it available to members who wish to enlighten themselves.

**HON MARK NEVILL** (Mining and Pastoral) [10.09 pm]: I get very annoyed when Hon Giz Watson regularly stands in here and badmouths the mining industry. Has she approached Ian Burston, the chief executive officer of Aurora Gold Ltd, an approachable and genial person with a history of transparency? He ran Kalgoorlie Consolidated Gold Mines Pty Ltd in Kalgoorlie for many years and was manager of the Hamersley Iron Pty Ltd operation in Tom Price for many years. He is an open person. I would not be surprised if he let Hon Giz Watson look through his books if she wished to do that. He would probably take her to the mine.

The Mt Muro mine has experienced many difficulties. The Indonesian Government has regionalised much of its government. The mining company is having difficulty dealing with people who are very difficult to deal with. We know the other major problem facing people in Indonesia when they are trying to work. The situation is so bad that the Toku Tindung mine is ready to be mined, but it has not proceeded. The company will probably end up losing it, knowing how the Indonesian Government works. It is appalling that Hon Giz Watson should come into this House and repeat verbatim allegations by that group without asking Aurora Gold for its story.

Hon Tom Stephens organised a meeting for Community Aid Abroad to tell members in this House what a terrible job the company was doing in Indonesia. I was looking forward to hearing that, but unfortunately the meeting was cancelled. He should have invited Ian Burston along to put the other case.

Hon Giz Watson referred to balance. I have never heard her say anything positive about the mining industry. It is a very important industry in this State and has a good environmental record. It has done more environmental research than any other group of companies outside government bodies in Western Australia. The industry has employed hundreds of Aboriginal people in real jobs and has provided them with skills. It is about time Hon Giz Watson examined the mining industry. She is still fighting eighteenth-century class wars. The industry has changed and her view should be updated because the industry has much to recommend it. However, that is not the issue I rose to address.

*Therapeutic Goods Legislation - Adjournment Debate*

Hon MARK NEVILL: I spoke today with Michael Buckley from Lawley Pharmaceuticals, who wrote a letter and a report to all members in February 1998. I read his report and thought it was appalling that nothing had happened. He recently

wrote again to all members and I spoke to him today. The therapeutic goods legislation was passed in the Federal Parliament in 1989. Every other State in Australia had passed the complementary legislation by 1994, but Western Australia has still not introduced it. I think the legislation was going to follow the Victorian Act. It will be mirror legislation with, I think, a couple of amendments to the Health Act and the Poisons Act attached to the end of it. It is not an overwhelming drafting exercise for the Government, yet it seems to have very low priority.

Mr Buckley said he receives at least 12 calls a day from the eastern States for pharmaceuticals that he produces, but he cannot supply them. We are talking about \$7m or \$8m worth of pharmaceuticals annually.

Hon Greg Smith: Potentially \$15m.

Hon MARK NEVILL: Mr Buckley is probably being very conservative. I cannot understand why we are not encouraging our local industry to take advantage of this business. When the Act is passed it will mean the goods he sells can be added to the national therapeutic register. As it takes about 15 years to create a product for the market from an idea, those products can be grandfathered into the scheme. When that occurs they can be sold interstate. However, until our legislation is passed, Mr Buckley must wait. He has waited for 10 years, and the Government needs to act. Every member of this House has read this document. According to Mr Buckley, most people cannot believe it, yet the situation continues. It is about time the Government drafted this Bill, which seems to be a straightforward exercise, and allowed pharmaceutical producers in Western Australia to sell their goods interstate. All interstate producers can sell here as they are on the register, because their State of origin has complementary legislation. I urge the ministers in this House and members to take up the matter with the Health Minister to get this matter expedited.

*Community Aid Abroad Meeting - Adjournment Debate*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [10.16 pm]: To ensure that *Hansard* has a detail mentioned by Hon Mark Nevill correctly recorded, I outline that an approach was made to me by Community Aid Abroad. This concerned visitors from West Irian who had an interest in issues associated with a mine with an Australian interest for whom I organised a meeting, to which I extended an opportunity for members of Parliament from any party to attend. Those visitors to Australia wanted to raise some concerns with members of Parliament, so they in turn could discuss those concerns with other parties. I was very pleased when Community Aid Abroad - an organisation with which I have had a long association - rang me to explain that after the meeting had been arranged, it had subsequently been advised by the visitors from West Irian that their concerns regarding the operations of the mining company in question had been resolved to their satisfaction.

Hon Mark Nevill: That is good to hear.

Hon TOM STEPHENS: It is good that the meeting I set up brought about a resolution in that way.

*Aurora Gold Ltd - Adjournment Debate*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [10.17 pm]: I acknowledge the comments of Hon Tom Stephens: If we are talking about the same subject - I do not know whether we are - they put to rest some of the concerns expressed by Hon Giz Watson.

Hon Giz Watson came into the House and made allegations based on the views of a particular organisation. She may or may not have verified the information. I interjected on her, and no response was given in the affirmative that she had verified the information provided to her. Perhaps she could tell us whether she verified the information provided to the House in respect of the company?

Hon Giz Watson: How do you mean, "verified the information"?

Hon N.F. MOORE: Did the member ask anyone else apart from the people who provided the information?

Hon Giz Watson: It was not the sole source of information.

Hon N.F. MOORE: Did the member go to the company? Did she talk to Mr Burston? Ian Burston is a person I have known for many years, and he is a very fine Western Australian citizen who has worked in many remote parts of the State in many senior positions in the mining industry. Beyond that, his contribution to the community has been immense. He has given countless hours of his time for a range of community activities. He is a good citizen and a decent man. For the member to talk in this House the way she did about the company with which he is involved, without verifying the facts and talking to Mr Burston, is outrageous. The fact she had to identify Mr Burston several times during her speech - she did not talk about only Aurora Gold - as an individual and the Chairman of the Water and Rivers Commission, shows that she intended to emphasise and highlight the individual. However, the member did not have the decency to talk to the individual about whom she made the allegations. That is absolutely disgraceful. It is another example of members abusing parliamentary privilege. The member enters cowards' castle, and without taking the time to raise the matter with the person concerned, she poured a bucket over that person in the House. That is quite disgusting, Mr President. I hope the member will take the opportunity to talk to Mr Burston and discover, as I have done, that he is a very honourable man. She might then take the trouble to find out whether what she said is true.

Question put and passed.

*House adjourned at 10.20 pm*

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# QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

## FIREARMS MATCHING SYSTEM, INTRODUCTION

11. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Has Western Australia introduced a firearm matching system to check whether unlicensed guns destroyed in Western Australia were licensed in another State?

Hon PETER FOSS replied:

The Western Australia Police Service, in conjunction with all other States and Territories, has in place the National Exchange of Police information (NEPI) Database, which enables certain information, pertaining to persons and firearms of interest, to be readily accessible. Presently, any persons handing in unlicensed firearms are subject to inquiry as to the firearm's antecedent purchase, licensing and usage details. Furthermore, all Australian Governments agreed, in November 1996, as part of a series of national firearms' reforms, to the establishment of a national firearms licensing and registration system (NFLRS). The NFLRS is currently being developed at the request of the Australasian Police Ministers' Council. When completed, it will provide police with easier and quicker access to details of licence holders and registered firearms currently available from State and Territory firearms registries.

## FIREARMS ADVISORY COMMITTEE, MEMBERSHIP

20. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

(1) Who are the members of the Firearms Advisory Committee (FAC)?

(2) On what dates has the FAC met?

(3) What is the role of the FAC?

(4) How long is the tenure of committee members?

Hon PETER FOSS replied:

The members of the Firearms Advisory Committee (FAC) are as follows:

(1)	1998-Committee Members	Deputy Member
	Mrs Rose Moroz – Chairperson	
	Mr Graeme King – representing Primary Producers	Mrs Barbara Morrell
	Mr Doug Barnes – representing the Firearms Trade	Mr Ian Alexander
	Mrs Noni Walker – representing the Community	Ms Jillian Mercer
	Dr Graham Jacobs – representing the Health Profession	Dr David Mildenhall
	Ms Lesley Goudie – representing the Firearms Users	Mr Lambert Jackson
	Commander Graeme Lienert – representing the Commissioner of Police	
	Inspector John Longden – Observer representing the WAPS	
	Mr Blair McGlew – Observer representing the Minister for Police	
	Mrs Dianne Fogarty – Executive Officer	

1999 – Committee Members	Deputy Members
Mrs Rose Moroz – Chairperson	
Mr Graeme King – representing the Primary Producers	Mrs Barbara Morrell
Mr Doug Barnes – representing the Firearms Trade	Mr Ian Alexander
Ms Jillian Mercer – representing the Community	Mrs Noni Walker
Dr Graham Jacobs – representing the Health Profession	Dr David Mildenhall
Mrs Lesley Goudie – representing the Firearms Users	
Commander Graeme Lienert – representing the Commissioner of Police	
Inspector John Longden – Observer representing the WAPS	
Mr Blair McGlew – Observer representing the Minister for Police	
Mrs Dianne Fogarty – Executive Officer	

(2) The Firearms Advisory Committee has met on the following dates:

1998	1999
March 4	May 6
August 13	June 17
October 15	
December 15	

(3) The role of the Firearms Advisory Committee is:

- (a) to consider and advise the Minister on matters relevant to Section 5B and Schedule 2 of the Firearms Act 1974 referred to it by the Minister;
- (b) to advise the Minister on firearm safety and firearm matters in this state; and
- (c) to advise the Minister on national firearm matters.

- (4) The tenure for Committee members is as follows:

Members

Mrs Rose Moroz – Chairperson	Term expiring 31 March, 2001
Mr Graeme King – representing Primary Producers	Term expiring 31 March, 2000
Mr Doug Barnes – representing the Firearms Trade	Term expiring 31 March, 2002
Dr Graham Jacobs – representing the Health Profession	Term expiring 31 March, 2000
Ms Jillian Mercer – representing the Community	Term expiring 31 March, 2001
Ms Lesley Goudie- representing the Firearm Users	Term expiring 31 March, 2002
Commander Graeme Lienert – representing the Commissioner of Police	
Inspector John Longden – Observer representing the WAPS	
Mr Blair McGlew – Observer representing the Minister for Police	
Mrs Dianne Fogarty – Executive Officer	

Deputy Members

Mrs Barbara Morell representing the Primary Producers	Term expiring 31 March 2000
Ms Noni Walker representing the Community	Term expiring 31 March 2001
Dr David Mildenhall representing the Health Commission	Term expiring 31 March 2000
Mr Ian Alexander representing the Firearms Dealers	Term expiring 31 March 2002

### WOOL STRATEGY GROUP

78. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) On what date was the Wool Strategy Group first created by the Minister for Primary Industry?
- (2) Can the Minister state the names and relevant qualifications of the original members of the group?
- (3) Can the Minister state the names and relevant qualifications of the members of the group at -
  - (a) July 1, 1994;
  - (b) July 1, 1995;
  - (c) July 1, 1996;
  - (d) July 1, 1997;
  - (e) July 1, 1998; and
  - (f) July 1, 1999?

- (4) What payments, if any, are made to members of the group?
- (5) What overseas trips have been made by the group since its inception?
- (6) Who travelled on each overseas trip as part of the group and who accompanied the delegation?

Hon M.J. CRIDDLE replied:

- (1)-(4) I seek leave to table the attached supporting document which sets out the information sought by the member. [See paper No 190.]
- (5)-(6) This information is readily available in the Quarterly Travel Return prepared by the Ministry of Premier and Cabinet and tabled in both Houses of Parliament.

### OFFENDER MANAGEMENT FACILITIES, SELECTION PROCESS

84. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Services:

I refer to the concerns raised by ISSI Pty Ltd in regard to the selection process for the short list to provide Offender Management Facilities, outlined in Legislative Council question on notice 1401 of March 24, 1999 and ask -

- (1) Will the Minister for Works state what concerns ISSI Pty Ltd raised with the State Supply Commission (SSC) and why its complaint was sustained?
- (2) Will the Minister table a copy of the SSC investigation into this complaint?
- (3) If not, why not?

Hon MAX EVANS replied:

- (1)-(3) I am unable to release further details in relation to this matter. Information provided to the State Supply Commission in investigating complaints under the Government Purchasing Charter, relies upon confidentiality being maintained on behalf of the complainant. This is consistent with commission's policy on integrity and ethics which is to respect the rights of suppliers.

### WA TONER SUPPLIES, TENDER PROCESS

85. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Services:

I refer to the concerns raised by WA Toner Supplies in regard to the alleged breach of tender process for the supply of toner cartridges, outlined in Legislative Council question on notice 1401 of March 24, 1999 and ask -

- (1) Will the Minister for Works state what concerns WA Toner Supplies raised with the State Supply Commission (SSC) and why its complaint was sustained?

- (2) Will the Minister table a copy of the SSC investigation into this complaint?
- (3) If not, why not?

Hon MAX EVANS replied:

- (1)-(3) I am unable to release further details in relation to this matter. Information provided to the State Supply Commission in investigating complaints under the Government Purchasing Charter, relies upon confidentiality being maintained on behalf of the complainant. This is consistent with commission's policy on integrity and ethics which is to maintain confidentiality and to respect the rights of suppliers.

#### GOVERNMENT VEHICLES, NUMBER LEASED AND OWNED

117. Hon NORM KELLY to the Attorney General representing the Minister for Emergency Services:

As of June 30, 1999, for all agencies under the control of the Minister for Emergency Services -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
  - (a) passenger vehicles; and
  - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
  - (a) petrol or diesel powered;
  - (b) LPG powered; or
  - (c) powered by other means?

Hon PETER FOSS replied:

- (1) 503 Vehicles.
- (2) (a) 100 Passenger Vehicles.  
(b) 403 Commercial Vehicles.
- (3) (a) 124 Petrol – 378 Diesel.  
(b) 1 (one) LPG and Petrol Powered.  
(c) Nil.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

164. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

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

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

Hon N.F. MOORE replied:

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

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.

- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

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

#### GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF THE ACT

199. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Heritage:
- (1) Which departments or agencies in the Minister for Heritage's portfolio have been granted partial exemptions in -
- (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
  - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
  - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
  - (d) Class 4 - Autonomous purchasing with no upper limit?
- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon PETER FOSS replied:

- (1)-(2) Please refer to the answer given in response to question on notice 196 of 18 August 1999.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF THE ACT

209. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:
- (1) Which departments or agencies in the Minister for Employment and Training's portfolio have been granted partial exemptions in -
- (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
  - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
  - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
  - (d) Class 4 - Autonomous purchasing with no upper limit?
- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon N.F. MOORE replied:

- (1)-(2) Please refer to the answer given in response to question on notice 196 of 18 August 1999.

#### GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

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

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

Hon MAX EVANS replied:

- (1)-(2) No departments or agencies under the portfolio of the Minister for Finance have awarded contracts to Australian Property Consultants or Ross Hughes and Company.

#### GAMBLING BILLS, INTRODUCTION

562. Hon NORM KELLY to the Minister for Racing and Gaming:

- (1) Apart from the Fixed Odds Betting and TAB Betting Bills currently before the other place, does the Government intend to introduce any further gambling Bills into the Parliament in this session?
- (2) Is so, what Bills are planned for introduction?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Acts Amendment (Continuing Lotteries) Bill 1999, and Gaming Commission (Continuing Lotteries Levy) Bill 1999.

#### QUESTIONS WITHOUT NOTICE

##### INDEC CONSULTING, WESTRAIL CONTRACTS

**244. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Can the minister confirm Indec Consulting was awarded 23 contracts by Westrail between 1994 and 1998?
- (2) How many of these contracts were awarded on a sole-supplier-approved basis?
- (3) How many were subject to tender?
- (4) In view of the recent serious allegations about contract splitting by Main Roads Western Australia in respect of contracts awarded to Indec Consulting, will the minister table all documents concerning these Westrail contracts?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)-(4) This is a very detailed question, and it will take quite some time to prepare an answer; therefore, I ask that it be placed on notice. I also have some problems with the fourth part which refers to contract splitting.

##### DERBY-WEST KIMBERLEY TIDAL POWER PROJECT, FINANCIAL VIABILITY OF TENDERERS

**245. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:**

I refer to the financial viability of the tenderers for the Derby-west Kimberley tidal power project.

- (1) Is the minister confident that the short-listed tenderers are in a financial position to construct the Derby power station?
- (2) Has the minister undertaken any analysis of the current financial position of the short-listed tenderers, or is he aware of any analysis of this type being undertaken?
- (3) If so, what has that analysis revealed?
- (4) If not, will the minister be undertaking any such analysis, or be requesting such an analysis before a successful tenderer is chosen?
- (5) If not, why not?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(2) The evaluation methodology required the preferred bidders to demonstrate financial capacity and soundness to construct and operate the power generation facilities. The minister has been advised by the steering committee that the evaluation team was satisfied that the preferred bidders met these requirements. The evaluation team that assessed the bids undertook this analysis with the assistance of a financial-commercial expert.



- (3) As the procurement process is ongoing, it is not appropriate that the details of this analysis be provided at this stage; however, the minister is advised that the analysis indicated that the financial status of the preferred bidders presented minimal risk to Western Power and the State in terms of the ability to finance the construction and ongoing operation of the project.
- (4)-(5) Not applicable.

#### STATE INCOME, PROJECTIONS

##### **246. Hon N.D. GRIFFITHS to the Minister for Finance:**

I refer to the minister's answer to question without notice 226 of 16 September 1999.

- (1) Upon what parameters was the analysis prepared by the South Australian Treasury based?
- (2) Will the minister now table the analysis and, if not, why not?

##### **Hon MAX EVANS replied:**

I have received a similar question which refers to question No 211.

Hon N.D. Griffiths: That is the ministerial number.

Hon MAX EVANS: I am afraid that does not help much.

- (1)-(2) I thank the member for some notice of this question, and I ask that it be placed on notice.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, RECYCLED PAPER PRODUCTS

##### **247. Hon GIZ WATSON to the minister representing the Minister for the Environment:**

I refer to the recent publication of the State Supply Commission entitled "Policies and Guidelines for Buying Wisely" which provides public authorities with guidance on government purchasing and contracting.

- (1) Does the minister support and/or encourage the use of locally produced, recycled paper products in government departments?
- (2) If so, how is this reflected in departmental purchasing orders?
- (3) Does the minister agree that the purchasing of locally produced recycled paper products by government departments would be likely to reduce the overall cost of these products to other consumers?

##### **Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The State Supply Commission, through its recycled-recyclable purchasing policy, encourages agencies to give preference to the purchase of recycled products during the evaluation process in accordance with the value for money policy. Each agency has the responsibility of managing its purchasing requirements to suit individual needs and this devolution of purchasing impacts on the policy's performance.
- (3) It is not known whether increases in purchases of locally recycled commodities, such as paper, by government departments would result in savings to the general consumer. The final cost to the consumer is controlled by the supplier and manufacturer.

#### WESTRAIL EMPLOYEES, SURVEY

##### **248. Hon NORM KELLY to the Minister for Transport:**

In reference to the survey of Westrail employees conducted last year by International Social Science Surveys Australia -

- (1) Was this survey funded by Westrail or by the rail freight sale task force?
- (2) What was the cost of the survey?
- (3) Has Westrail or the task force been provided with the results of the survey?
- (4) Will the minister table either the full results, or a summary of them?

##### **Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) It was funded by Westrail.
- (2) The contract price is \$121 220.
- (3) Westrail has been provided with the draft results of the survey. The rail freight sale task force has not been provided with the draft results, but has been made aware of the draft general findings and conclusions of the survey.

- (4) I will table a summary of the results when the final report is received.

#### COUNTRY SPORT ENRICHMENT SCHEME

#### 249. Hon B.K. DONALDSON to the Minister for Sport and Recreation:

Can the minister, first, state the aims of the country sport enrichment scheme; secondly, indicate whether the CSES has been a success; and, thirdly, provide details of the types of activities conducted?

#### Hon N.F. MOORE replied:

I thank the member for some notice of this question. The country sport enrichment scheme is designed to take high-quality sporting events to country areas or to provide the services of elite athletes, teams, coaches and officials for the conduct of special initiatives. The CSES has been readily accepted by country sporting communities and there is now an increased demand to stage activities in rural areas. The Perth-based state sporting associations have also embraced the scheme because it helps them to propagate their respective sports more effectively in country Western Australia. The organisers of sports such as athletics, basketball, baseball, cricket, football, gliding, karting, lawn bowls, motocross, soccer, swimming, tennis, touch football, triathlon and so on have conducted major events in areas such as Albany, Broome, Bunbury, Esperance, Exmouth, Geraldton, Kalgoorlie, Karratha, Manjimup, Moora and Port Hedland.

Some of the key activities include, first, the conduct of the first ever interstate football game outside Perth, namely the Western Australia versus Tasmania football match which was won by Western Australia in front of a crowd of 6 000 spectators - a great day; secondly, the conduct of two four-point Westar Rules football games between Subiaco and East Perth in Exmouth and Swan Districts and Perth in Moora, focusing especially on the natural disasters experienced by those communities; thirdly, the staging of two pre-season National Soccer League soccer games involving Perth Glory in Bunbury and Geraldton; fourthly, the playing of a pre-season cricket match between Western Australia and South Australia in Kalgoorlie; fifthly, the attraction of the South African touch football team to play in Karratha; and, finally, the attraction of the Zimbabwe polocrosse team to play in Geraldton and Northam, and suchlike initiatives. Discussions are being held with key state sporting associations to ensure there is better coordination and that more activity takes place in country Western Australia. Any country members who wish to become involved in this scheme should seek to put forward proposals for sports in their regions to the Ministry of Sport and Recreation, and it would be very happy to support them.

#### HOME AND COMMUNITY CARE FEE FOR SERVICE POLICY

#### 250. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

I refer to the home and community care fee for service policy which became mandatory on 1 July 1999.

- (1) Does the policy allow service providers to set their fee structures, provided they stay within the policy's graduated fee-capping system?
- (2) If not, why not?
- (3) Will the future HACC contracts include the new fee policy?
- (4) If so, other than the capping schedule, will any other mandatory fee schedule for individual services provided by projects be included?

#### Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) Compliance with home and community care safeguards policy will form part of future HACC service agreements.
- (4) The fee schedule must document the fee per unit of service for clients at the four established income levels and the maximum fee for multiple service users at each income level; that is, the fee limit.

#### GOODS AND SERVICES TAX, BUILDING COSTS

#### 251. Hon TOM HELM to the minister representing the Minister for Fair Trading:

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

- (1) What measures are in place to monitor these types of prices to ensure the impending goods and services tax is not being taken advantage of to inflate current prices?
- (2) What benchmark exists to assess the impact of the GST next year?
- (3) What body in Western Australia is carrying out these checks?
- (4) Can the minister confirm that the Government still has to introduce the necessary legislation to allow price monitoring, as agreed to in the intergovernmental agreement on the reform of the tax system?

#### Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Commonwealth Government has introduced an amendment to the Trade Practices Act titled A New Tax System (Trade Practices) Amendment Act, which deals with the monitoring of prices and the prohibition of price exploitation. Under this amendment, the Australian Competition and Consumer Commission has been provided with powers to monitor prices in order to prevent the possibility of consumer exploitation and excessive profit taking in the transition to the new tax system.
- (2) The Australian Competition and Consumer Commission has commenced and will continue conducting price surveys until the full introduction of the goods and services tax on 30 June 2000 to establish these benchmarks.
- (3) The Australian Competition and Consumer Commission.
- (4) The relevant legislation has been drafted and is likely to be introduced into the Legislative Assembly this week.

#### DISTRIBUTION ADJUSTMENT ASSISTANCE SCHEME

**252. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:**

With regard to the distribution adjustment assistance scheme -

- (1) Since the last round of payments that were made following arbitration, what is the total amount of financial assistance that has been paid to vendor-distributors under the scheme, inclusive of schemes A, B and C and all amounts paid subsequent to arbitration?
- (2) What is the total sum of the revenue raised by the levy on milk that was imposed for the purpose of providing financial assistance to displaced milk vendors-distributors?
- (3) Is that levy still in operation?
- (4) If so, does the Minister for Primary Industry have any plans for the levy to cease?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)-(4) The information sought by the member will need to be sourced from the Dairy Industry Authority of Western Australia. It will therefore take some time to collate and, as such, the minister has asked that the question be put on notice.

#### SCHOOL ADMINISTRATION SOFTWARE PRODUCTS

**253. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:**

What is the estimated dollar value of the net benefit to the Education Department of Western Australia of replacing pre-existing school administration software products with the product from RM Australasia Pty Ltd?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question. All products submitted under the request for proposal for consideration were subjected to a value for money assessment. The assessment did not consider the school administration software in isolation.

#### ESPERANCE-KALGOORLIE RAILWAY, UPGRADING

**254. Hon MARK NEVILL to the Minister for Transport:**

What action is the minister taking to ensure that \$35m is being provided to upgrade the Esperance-Kalgoorlie railway?

**Hon M.J. CRIDDLE replied:**

We have already said that when negotiations for the agreement with the new purchaser are held, that will be part of the arrangement in the contract. That section of rail will be upgraded. As the member will know, Portman Mining Ltd has agreed to send its iron ore out of the port. With that agreement comes the contract arrangement within the sale process.

#### PORT KENNEDY RESORT LTD, LAND GRANT

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

- (1) Has the Minister for Planning received a request from Port Kennedy Resort Ltd for a further crown grant of land at Port Kennedy?
- (2) Did the minister refer this matter to the Port Kennedy management board for its consideration; and, if so, what did the management board recommend?
- (3) Did any members of the Port Kennedy management board absent themselves from the discussions because of a conflict of interest?
- (4) Does the minister intend to make the land grant as requested by Port Kennedy Resort Ltd; and, if so, what is the quantity and value of the land involved?

- (5) Is the minister concerned at the lack of progress in the Port Kennedy development; and, if so, what does he intend to do about it?
- (6) Has the minister initiated a review of the Port Kennedy project; and, if so, who is conducting the inquiry and what are its terms of reference?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The board recommended that subject to Port Kennedy Resort Ltd demonstrating to the satisfaction of the minister that it has complied with the provisions of Section 10 of the Port Kennedy Development Agreement Act and has incurred expenditure on the project as required by the Act, the board raises no objection to a grant of crown land, provided any entitlement is calculated in accordance with the provisions of the Act and provided priority for expenditure arising from the grants is directed to project works identified in the revised program.
- (3) No.
- (4) The company applied for land to the value of \$3.925m. The Minister for Planning has agreed to the release of 10 crown grant lots valued at \$1.515m and totalling 4 358 square metres, on the condition that funds raised from the grants are used in the first instance to pay local creditors.
- (5) Yes. The Minister for Planning has commissioned an independent assessment of the Port Kennedy project and the Port Kennedy Development Agreement Act as publicly announced on 10 September 1999.
- (6) The independent assessment is being conducted by Peter Leonhardt of Brookfield Capital Pty Ltd.

I seek leave to table a copy of the terms of reference for the member's information.

Leave granted. [See paper No 188.]

#### SCHOOL MANAGEMENT SYSTEM, EVALUATION

**256. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:**

I refer to the Education Department of Western Australia's evaluation report for the school management system which says that the ability of "Key Solutions" to deliver over the long term is closely dependent on the ability of OMNIS to remain connected to the mainstream of technological developments.

- (1) What steps have been taken to assess the capacity of OMNIS to remain connected to the mainstream of technological developments?
- (2) Will the Minister for Education confirm that he has assessed that OMNIS has the ability to maintain this connection?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) The contract between the Education Department of Western Australia and RM Australasia Pty Ltd requires RM to supply, maintain and support the software. As part of its contractual obligation, RM is responsible for ensuring that its database - presently OMNIS - remains connected to the mainstream of technological development.
- (2) As already stated, the ability of RM's database - OMNIS - to maintain this connection is managed through the contract between EDWA and RM.

#### ALINTAGAS, GAS SUPPLY CONTRACTS

**257. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:**

I refer to an interview with Phil Harvey of AlintaGas on ABC 6WF on the morning of Thursday, 16 September.

- (1) Has the Australian Competition and Consumer Commission contacted AlintaGas requesting information in respect of its operations?
- (2) On what date was that request made?
- (3) What information did the ACCC request from AlintaGas?
- (4) Has the ACCC indicated to AlintaGas the purpose of the request; and, if so, what is that purpose?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Initially the Australian Competition and Consumer Commission requested information on 22 June 1999. AlintaGas

responded on 6 July 1999. The ACCC requested further information on 8 September 1999. AlintaGas is in the process of preparing a further response.

- (3) The ACCC requested information relating to gas supply contracts between AlintaGas and three of its customers and ancillary matters relating to AlintaGas' gas distribution network.
- (4) The ACCC received a complaint from a competitor of AlintaGas alleging misuse of market power in the supply of natural gas in Western Australia. Correspondence from the ACCC has stressed that it has not yet formed a view on whether any issues under the Trade Practices Act arise.

#### WESTRAIL, FREIGHT MARSHALLING YARD

#### **258. Hon RAY HALLIGAN to the Minister for Transport:**

- (1) What is the current land area required for rail freight at Westrail's Forrestfield marshalling yards at Westrail?
- (2) Has consideration been given to allowing for future growth in Westrail's marshalling freight yard requirements?

#### **Hon M.J. CRIDDLE replied:**

- (1)-(2) Westrail has retained 21.2 hectares of land at the Forrestfield marshalling yard site for a locomotive, wagon and railcar repair and maintenance facility. The area retained also includes sufficient land to cater for any future Westrail requirements at the site. Co-operative Bulk Handling Ltd and Specialised Container Transport occupy sites of 16 hectares and 8 hectares respectively for rail industry-related activities. Future growth in the rail industry will be provided for at the Kewdale marshalling yard complex in accordance with the outcome of an intermodal study undertaken by the Department of Transport. The majority of future Westrail requirements in the metropolitan area will be provided for at its Kwinana marshalling yard complex.

#### GOVERNMENT'S LIGHT VEHICLE FLEET

#### **259. Hon LJILJANNA RAVLICH to the minister representing the Minister for Works:**

I refer to the funding facility for the Government's light vehicle fleet.

- (1) Have systems been put in place by the Department of Contract and Management Services to capture and integrate individual vehicle fuel, maintenance and other cost data with data in the Matrix hirer database to enable holistic monitoring of fleet costs?
- (2) If so, what was the annual fleet cost for 1997-98 and 1998-99?
- (3) What was the cost of fuel for 1997-98 and 1998-99?

#### **Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes. The Department of Contract and Management Services engaged four fleet managers in October 1998 to manage the Government's light vehicle fleet. In the new contracts, fleet managers are responsible for the collection, monitoring, storage and retrieval of data from each vehicle. CAMS has engaged an information management and analysis contractor in collating the fleet data from the fleet managers and the Matrix hirer database to develop a comprehensive cost view of the Government's fleet assets. The IMA contractor is in the process of developing a set of reports. The first report is expected in October 1999.
- (2)-(3) No centralised records were kept in 1997-98. It is expected that the first set of reports in October 1999 will partially cover 1998-99.

#### ROYAL LIFE SAVING SOCIETY

#### **260. Hon KEN TRAVERS to the Minister for Sport and Recreation:**

- (1) Has the Royal Life Saving Society lodged an application for extra funding over the past 18 months?
- (2) If yes -
  - (a) how much was the application for;
  - (b) did the application go to Cabinet;
  - (c) was the application approved; and
  - (d) what was the total amount of government grants received by the Royal Life Saving Society in 1997-98 and 1998-99?

#### **Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) (a) The application was for \$900 000 over three years.

(b)-(c) No.

(d) In 1997-98, \$157 260 and in 1998-99, \$157 300. That was in state government grants; I do not know if the society receives any commonwealth government grants.

#### JARRAH ALLOCATION

**261. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:**

- (1) Can the minister confirm whether a new jarrah allocation has been awarded to either Bush Mills or the Donnelly River Timber Mill since 4 May 1999? If so -
- (a) how much is the new jarrah timber quota;
  - (b) what is the standard or specification of logs; and
  - (c) from which coupes will the new allocation come?
- (2) Have any other new allocations of timber been made to any other sawmillers since 4 May 1999? If so -
- (a) to whom;
  - (b) for how much;
  - (c) of what specification or standard; and
  - (d) from what coupes will the new allocation come?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question..

- (1) No new jarrah timber allocation has been awarded to either Bush Mills or the Donnelly River Timber Mill since 4 May 1999.
- (2) No new contracts of sale have been entered into for the sale of hardwood sawlogs to other sawmills since 4 May 1999.

I seek leave to table the forest produce licences which have been issued for the Regional Forest Agreement area since 4 May 1999 for small quantities of mainly low-grade sawlogs. Forest produce licences for the collection of craft wood have not been listed.

Leave granted. [See paper No 189.]

#### GOODS AND SERVICES TAX, WORKERS COMPENSATION

**262. Hon J.A. COWDELL to the Attorney General representing the Minister for Labour Relations:**

- (1) Does the goods and services tax apply to workers compensation premiums?
- (2) Has the Government factored cost savings into the workers compensation system to take into account this added GST pressure on premiums in the 2000-01 financial year?
- (3) Will both stamp duty and a GST be imposed on workers compensation premiums in the 2000-01 financial year?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1)-(3) In relation to the issues raised, the goods and services tax is payable on workers compensation premiums. However, the employer is entitled to an input tax credit equal to the GST, so there is a zero net cost. In relation to application, at this stage discussions are still being held with Treasury on implementation. I will read in the last line of the answer provided to me because it does not quite make sense. It states "both stamp duty will still apply".

Hon Kim Chance: The GST and the stamp duty will apply.

Hon PETER FOSS: I assume that. I have read out what it says but I will not try to interpret it because that would be unwise.

#### CASUARINA PRISON, OVERTIME PAYMENTS

**263. Hon JOHN HALDEN to the Minister for Justice:**

- (1) How much overtime was paid to prison officers at Casuarina Prison in the first half of the 1998-99 financial year?
- (2) How much overtime was paid to prison officers at Casuarina Prison in the second half of the 1998-99 financial year?
- (3) How many prison officers not permanently employed at Casuarina Prison received overtime payments for working at Casuarina Prison?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The overtime paid in the 1998-99 financial year June to December totalled \$258 129.15.
- (2) The overtime paid in the 1998-99 financial year January to June totalled \$1 454 465.63.

- (3) A total of 152 officers not permanently employed at Casuarina Prison received overtime payments for working at Casuarina Prison.

#### STATE BUDGET, MAJOR ECONOMIC AGGREGATES

**264. Hon N.D. GRIFFITHS to the Minister for Finance:**

I refer to the current state budget and ask -

- (1) Have the actual major economic aggregates year average percentage changes for the 1998-99 financial year been determined? Will the minister table these?
- (2) What are the current forecasts for the major economic parameters for 1999-2000 upon which expenditure and revenue estimates are based? Will the minister table these?

**Hon MAX EVANS replied:**

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

#### LANDCORP, JOONDALUP PROPERTIES

**265. Hon KEN TRAVERS to the minister representing the Minister for Lands:**

I refer to the sale by LandCorp of properties in the Joondalup central business district and ask -

- (1) Was it a condition of sale for any of these properties that development must commence within a certain time frame?
- (2) If yes, what was the general length of time and what mechanisms were used to enforce this condition?
- (3) Have all properties met their conditions of sale with respect to the commencement of development?
- (4) If not, how many properties have not met this condition and for how long?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Sale conditions require the purchaser to meet staged development milestones.
- (2) Sale conditions require development approval within 12 months of settlement, building licence approval within 24 months of settlement, and practical completion certification within 36 months of settlement. Conditions are enforced by a caveat, a repurchase option, and deeds of variation.
- (3) No.
- (4) In the order of 80 per cent of sales achieved development conditions. Of those which did not, two lots were repurchased and on-sold and the remainder are subject to deeds of variation.

#### MINISTER FOR MINES, KALGOORLIE OFFICE

**266. Hon TOM STEPHENS to the Minister for Mines:**

I refer to the minister's decision to open a ministerial office in Kalgoorlie and his reported comments that it makes sense for the Minister for Mines to have a presence in the goldmining capital of Australia and that the office would give the mining industry easier access to the State Government.

- (1) Why does it only make sense six years after the Government first came into office, after it has implemented a gold royalty and just over a year out from the state election?
- (2) On how many occasions has the minister visited Kalgoorlie since the 1996 election?
- (3) What are the names, positions and levels of the people who will staff this office?
- (4) Is it correct that the Department of Minerals and Energy has offices in Kalgoorlie giving the mining industry access to the State Government?

**Hon N.F. MOORE replied:**

- (1)-(4) Is it not extraordinary that the Labor Party should complain about this? I would have thought that, as a member representing Kalgoorlie, the Leader of the Opposition would be delighted that a ministerial office has been located in his town.

Hon Tom Stephens interjected.

Hon N.F. MOORE: Is the Leader of the Opposition going to let me answer the question?

I have been thinking for some time that it would be appropriate to locate a ministerial office in Kalgoorlie. I made a decision about a year ago to proceed down that path and it has taken a long time to find suitable accommodation. I am providing a ministerial office to service the mining industry in the mining capital of Australia. Just today the Labor Party moved an urgency motion condemning the Government for not providing better services to the country and I would have thought it would be standing on the rooftops applauding this decision.

Hon Kim Chance: Political expenditure! We are supposed to applaud that!

Several members interjected.

The PRESIDENT: One at a time!

Hon N.F. MOORE: When I look back at the Labor Party's term in office I see that it had ministerial offices in almost every regional centre in Western Australia. It was an extraordinary arrangement - local members who were ministers had ministerial offices in their electorates. No-one, including members on this side of politics, complained about that. As a cost-cutting measure, this Government decided not to have regional ministerial offices. However, I have deemed it appropriate at this time, and the Premier has agreed, that the Government should spend extra dollars in Kalgoorlie to provide a service for the mining industry. The member for Kalgoorlie has complained about this. She said it is part of a plot to get rid of her. As I said to the media, if she is so insecure that she believes that this is a plot and that she will lose her seat, she should lose her seat.

Hon N.D. Griffiths: She simply does not want to see you in her town.

Hon N.F. MOORE: I am sure that she does not, despite the fact that when I do turn up I am usually carrying a cheque or making a decision that will benefit Kalgoorlie. I am happy to make available a list of those occasions for the Leader of the Opposition's benefit. I am happy to tell him about the centre at the Kalgoorlie college; the decision to amalgamate the Kalgoorlie college with Curtin University to create a university college; and the decision to create the best aquatic centre outside the metropolitan area - this Government spent \$4m on that project. I am happy to detail the things that happen when I go to Kalgoorlie, and I go there regularly. I will provide a service to the goldmining industry that will be better than that which has been offered in the past because the ministerial office will be there. That office will be available to whoever is the Minister for Mines.

Hon Tom Stephens: Who will staff the office?

Hon N.F. MOORE: I will get to that in a minute. The member asked the question and should wait for the answer. That office will be available to anyone in Kalgoorlie who has an interest in the small-p politics of mining and who wants to state his or her point of view.

As members know, the Department of Minerals and Energy has an office in Kalgoorlie. The member for Kalgoorlie said it was under-resourced. I have checked that since her statement and I am assured that that is not true. Members should ask those involved. Some of the work done in the office is highly political because a number of people who have a few axes to grind waste its resources by lodging political complaints. I expect the ministerial office in Kalgoorlie to relieve the local departmental office of some of the pain it must go through because of a couple of disgruntled people. The office will be staffed by a Department of Minerals and Energy policy officer who will provide on-the-spot information and advice. If he is unable to provide that advice, he will seek it from my office in Perth. It will also have a research officer-receptionist, who also has a background in the mining industry. I am pleased that the Government has been able to put together a relatively small package in the context of government administration to assist Kalgoorlie at a time when things are grim from the point of view of commodity prices on the world market. It is a very positive move and I am flabbergasted at the Labor Party's negative response.

#### DEMENTIA CARE, FUNDING

#### 267. Hon NORM KELLY to the minister representing the Minister for Health:

- (1) Does the Health budget include funding for dementia-specific services for the aged separate from generalist aged services?
- (2) If yes, what is the budget for 1999-2000 and what are the forward estimates for the next two financial years?
- (3) Does the Government intend to follow the lead of Victoria and New South Wales, and develop a state plan for dementia care?
- (4) If so, how and when will this be done?

#### Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Approximately \$2.6m in 1999-2000. Funding in forward years is dependent on the year-by-year home and community care program funding offer from the Commonwealth Government. There is also significant provision of services for people with dementia by mainstream HACC services. For example, it is not unusual for HACC daycare centres to have one or two days a week specifically allocated to the care of people with dementia.
- (3) Yes.
- (4) The plan will be developed in collaboration with the Alzheimer's Association of Western Australia as part of the development of an overall planning framework for aged-care services in Western Australia. The plan will be developed over the next six to 12 months.