WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 29 May 1997

Legislative Assembly

Thursday, 29 May 1997

THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

PETITION - GUILDERTON REGIONAL PARK

MS McHALE (Thornlie) [10.02 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned respectfully request that the Government establish a regional park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathland south of the mouth of the Moore River.
>
> We request that the Government takes urgent action to acquire this land before it is further rezoned or developed,
>
> and your petitioners, as in duty bound, will ever pray.

The petition bears 69 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 42.]

PETITION - BUS FARES, LOWER KING

MR PRINCE (Albany - Minister for Health) [10.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> I, the undersigned
>
> Would like to ask that the paying of bus fares for students travelling to and from schools in the community of Lower King be abolished.
>
> The major concern is one of safety, as we have only one route in which to travel to schools from our area. With the cost of getting students to school is 0.70 per child per trip, we find this is a cost which many families cannot afford. It can equate up to $28.00 a week for a family with four children going to school. Prior to 28th April 1997 a cost with which we did not have to bear. The only alternative is for children to walk or ride along side a busy road which has no road kerbing and only a gravel strip on either side. The journey a student would have to undertake is a minimum of a nine kilometre round trip and up to a maximum of 26 kilometre round trip. This is most unsatisfactory as it affects many young primary school students. This road also is very undulating and carries in most part a 80km/h speed limit. With adverse weather conditions experienced on the south coast, this only access road to schools presents a very dangerous situation.
>
> Your petitioner therefore humbly prays that you will give this matter earnest consideration and your petitioner, as in duty bound, will ever pray.

The petition bears one signature and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 43.]

PETITION - JOONDALUP CINEMA COMPLEX

MR BAKER (Joondalup) [10.04 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned, hereby respectfully request that the Government of Western Australia honours its long term commitment to support the construction of a cinema complex as part of the Lakeside Joondalup Shopping City development.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 885 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 44.]

PETITION - PUBLIC TRANSPORT FARE CONCESSIONS

MS McHALE (Thornlie) [10.05 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned petitioners call on the State Government to reverse their increases in public transport fares, in particular the changes to concession fares and time constraints on transfers in that they will impact most severely on pensioners, the unemployed and other low income earners.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

The petition bears 78 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 45.]

PETITION - POLICE STATION, HILLARYS

MR JOHNSON (Hillarys) [10.06 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned, draw the Parliament's attention to the proposed location of a police station in the suburb of Hillarys. While we are keen to see the long overdue establishment of a police presence in the area, we feel the proposed location at Lot 714 Flinders Drive (cnr Waterford) is not acceptable to the local community because:

. the re-zoning of the site was carried out without sufficient consultation with the local community

. the disruption caused by police sirens and other activities - particularly at night - should not take place in the heart of a residential area

. the release of offenders from the police station following charging and other routine procedures in a residential area could lead to an increase in burglaries and motor vehicle thefts

We therefore request the Parliament revise the location of the proposed station with a view to establishing it at a more appropriate place, possibly at the Hillarys Marina or the Whitford City Shopping Centre, both of which require a police presence and would more adequately suit the needs of our community.

Your petitioners, as always, humbly pray.

The petition bears 201 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 46.]

PETITION - RAILWAY AND FREEWAY EXTENSIONS TO ROCKINGHAM

MR McGOWAN (Rockingham) [10.07 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly assembled in Parliament.

This petition of certain citizens of Australia draws the attention of the House to the fact that the Government's plans to extend the freeway to Rockingham by the year 2005 and the railway to Rockingham by 2015 via Kenwick are unacceptable. We request that both projects be brought forward and that the railway be brought through Fremantle.

Your petitioners respectfully request the House immediately addresses this situation.

The petition bears 2 375 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 47.]

PETITION - SHUTTLE BUS SERVICE

MS MacTIERNAN (Armadale) [10.08 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undermentioned petitioners call on the State Government to establish a shuttle bus service between the MetroBus Perth Central Depot and Murdoch University.
>
> Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 435 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 48.]

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL

Message - Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

STATEMENT - MINISTER FOR PLANNING

Review of Planning Appeals System

MR KIERATH (Riverton - Minister for Planning) [10.10 am]: I rise to make a ministerial statement about how this Government will keep another of its election promises by conducting a review of the planning appeals system. We have been concerned about the length of time taken to make planning decisions and about the expense to appellants. This review will provide the Government with options on how the system can be improved to make more speedy, effective decisions.

I am pleased to announce that a former chief executive officer in the Public Service, Rod Chapman, will conduct the review. Mr Chapman headed the Office of Racing and Gaming and conducted the review of the Workers' Compensation Board that produced the cheaper non-litigious workers' compensation system we now enjoy. I have asked him to report back within three months. Western Australia is the only State with a dual appeal system for planning where appellants can choose an appeal to either the Minister or the Town Planning Appeal Tribunal.

The ministerial system has been the favourite option, with 780 appeals using this avenue last year and only 35 going to the tribunal. Mr Chapman will examine systems in other States, particularly whether tribunals or courts are a measure for the system in this State. I have asked him to consult relevant peak bodies on their perception of the appeals system and their view on improvement.

I expect he will talk to the Town Planning Appeal Tribunal, the Town Planning Appeal Committee, the Western Australia Municipal Association, the Royal Australian Planning Institute, the Urban Development Institute of Australia and the Australian Association of Planning Consultants. He will examine the Western Australian system to see if it can be restructured to improve efficiency, speed and impartiality and reduce the cost. This is part of the Government's commitment to improving our planning appeals system.

The appeals system deals with proposals ranging from small house extensions to major development proposals. It affects people's livelihoods and it is important we provide an accessible system to give fast and certain answers to their concerns. The appeals system already delivers a high level of service to the public. However, this review will show us how to improve it further. This Government aims to give the best it can provide to the public.

STATEMENT - SPEAKER

Petitions

THE SPEAKER (Mr Strickland): I refer to the petition just presented by the member for Rockingham. As members generally will realise, petitions must be couched in a prescribed form and must end with a prayer. I believe a precedent has been set, and I am prepared to accept the petition, although technically there are difficulties with it.

The Standing Orders Committee will be examining petitions and the possibility of rewording them in the not too distant future.

MOTION - STANDING ORDERS SUSPENSION

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

> That so much of the standing orders be suspended as will allow the member for Roleystone to move Notice of Motion No 8 forthwith.

SELECT COMMITTEE ON PERTH'S AIR QUALITY - ESTABLISHMENT

MR TUBBY (Roleystone - Parliamentary Secretary) [10.14 am]: I move -

(1) That a select committee be appointed to investigate and report on air quality in Perth, and in particular:

  (a) assess community attitudes and concerns in relation to Perth's air quality; and

  (b) investigate ways in which urban air quality can be improved for current and future generations.

(2) That the committee have power to call for persons and papers, to sit on days over which the House stands adjourned, to move from place to place and to report from time to time.

(3) That the committee present its final report by 1 April 1998.

The proposal for this committee has its genesis in the coalition's environment policy of 1993 written, as members will be well aware, by the member for South Perth. At that time the member determined that this was an important community issue which required a bipartisan approach supported by the community if it was to be addressed.

During the past couple of years two major reports on the air quality of the Perth region have been produced. The first was the Perth photochemical smog study and the second was the Perth haze study. These reports concluded that the majority of air pollution problems over the Perth region emanated from three major sources in roughly equal proportions: Vehicle emissions, industrial emissions and wood fires. Photochemical smog forms when air pollutants, mainly nitrogen oxides and reactive organic compounds react together at high temperatures in sunlight. The conditions in Perth over summer are ideal for the formation of photochemical smog.

I refer to the three major areas and some of the concerns the committee must address in its considerations. The first relates to vehicle emissions. I was chairman of the select committee on heavy transport a couple of years ago which touched briefly on the problem of emissions from diesel engines, particularly those used by heavy road transport. Although much has been done to reduce the emissions of petrol driven vehicles, not much has been done about diesel engines.

Diesel engines produce more particulates and nitrogen oxide than petrol engines fitted with a catalytic converter. Nitrogen oxide increases with high combustion temperatures, during acceleration and at high speed. The United Kingdom Royal Commission on Environmental Pollution concluded that the health implications of particulates should be taken seriously. In December 1991 during a four day period of high concentrations of NO2 the number of deaths in London rose by 150.

One of the reports on air quality in the Perth metropolitan region indicated that up to 100 people lose their life each year as a result of air quality over the Perth metropolitan region. If those 100 people lost their lives as a result of motor vehicle accidents, the community would be outraged. However, as air pollution is a silent killer, nobody seems to take a great deal of notice of its effects. It particularly affects our elderly citizens. It is an issue that must be addressed.

Sulphur content and diesel fuels are also major contributors of polluting emissions. In Sweden taxation differentials are used to encourage the production and sale of cleaner diesel fuels. As cleaner fuels are less costly to produce than originally anticipated, there are no difficulties in marketing them at the standard prices. That is something we can also consider in Western Australia.

Other issues include the problem of older model vehicles which still use super fuel, and the heavier polluting petrol vehicles which use our roads every day. In the first year of the "dob-in a smoky vehicle" policy solicited by the Department of Environmental Protection, 8 000 vehicles were reported. Smoky exhausts are a major problem and we must do something about older vehicles.

We must also examine the over-fuelling of diesel motors in heavy transport, which is done to increase horsepower. As members will be aware, Western Australia runs the largest and longest road trains in the country and their engines need greater horsepower. As soon as they have been imported from overseas and have passed the ADR test, their owners increase the amount of fuel being injected into the engine, which increases the horsepower. It was reported to our Select Committee on Heavy Transport that a 10 per cent increase in diesel fuel fed into a diesel engine that is not designed to take it can cause emissions to increase by up to 400 per cent. That is a serious problem which must be addressed by this proposed committee.

The second issue concerns industrial emissions. Ten to 15 years ago Perth's air quality was affected mainly by the air that emanated from industry along the Kwinana strip. During the past 10 to 15 years companies in that area have spent enormous sums of money on the treatment of stack emissions. As improvements continue I am sure that the Kwinana industrial area will reduce its emission levels despite the likelihood of increased industrial activity in that area.

The third area of wood fires will need the community on side. Three areas of burning of solid fuels are a cause for concern. First, we are entering the season for use of domestic wood heaters, which is an ever increasing problem; second, controlled forest burns take place later in the year when domestic wood heaters are generally shut down; and third, wildfires occur even later in the year. A great deal of work is needed to reduce air pollution from these sources. The public must be convinced of the need to use very dry wood and to ensure ample air flow is provided through the wood heaters, especially during the early stages of combustion.

Also, we need to update the older, less efficient heaters and encourage the production of even more efficient heaters. Maybe we need to move to the virtually smokeless solid fuel heaters available elsewhere in the world, and the member for Vasse may allude to his experience overseas in that regard

Mr Thomas: Or we change to gas.

Mr TUBBY: Or we simply take the revolutionary stance of banning the use of solid wood heaters because of the contribution they make to air pollution.

Ms MacTiernan: That would be a popular decision in Roleystone!

Mr TUBBY: Indeed. Luckily, such a decision would be arrived at with bipartisan support.

Dr Edwards: We will have a dissenting report; do not worry!

Mr TUBBY: Prior to Christmas, debate always ensues on whether we should conduct controlled burning. I live in the hills, as the member for Armadale said, and frankly there is no way to avoid the controlled burning of our forest as a management practice to avoid the devastating fires we have seen in the Eastern States. Members will remember the fires in the Adelaide hills in the early 1980s; those in the Blue Mountains a few years ago; and the Dwellingup fires some 30 years ago. If we are to avoid such devastating wildfires which cause enormous losses to forest and property, and, in some cases, to life, we must continue the controlled burning program.

However, the Department of Conservation and Land Management must develop more sophisticated modelling programs and liaise more closely with the weather bureau to determine the optimum times for controlled burnings to avoid contributing to the air quality problem over Perth.

Dr Turnbull: They need more funding to assist with fire management when controlled burning occurs.

Mr TUBBY: I thank the member for her interjection, as most of the controlled burns which affect the metropolitan area come from her electorate. The smoke goes out to sea and is blown back over the metropolitan area.

Dr Turnbull: That is why they need more funding.

Mr TUBBY: Wildfires are almost all deliberately lit, so the committee must consider how to address this dilemma. In addressing all these issues, the committee will take into consideration the views of the public, local government authorities and a range of state government departments. It is our intention to involve these parties in the development of an effective and economically responsible air quality management plan for Perth. I commend the motion to the House.

DR EDWARDS (Maylands) [10.24 am]: The opposition is very pleased to second the motion. Although it is welcome, the Labor Party is sorry it was not moved four or five years ago as it was promised prior to the 1993 election. It is to the credit of the Minister for the Environment that we now see this matter being addressed.

Air pollution is a very serious problem in Perth. When I was child, we would travel from the country to Perth to visit the beach about once a year, and we would sea the ocean glistening blue as we drove over the hill. Nowadays, when

one drives over the hill, all one sees is haze or smog and one feels one is descending from clean air to dirty air. I was interested to note that the haze report last year suggested that in Perth up to 70 people a year die prematurely as a result of particulate air pollution from haze. We have an increasingly visible and measurable problem, and it is impacting on the health of people living here. We do not know how much it is impacting on the health of our children.

I hope we can use the select committee to make more informed comments about health aspects. It is also an area where the environment and its care has become divorced from the people who live in it. Historically, air pollution was a health issue. The first Clean Air Act arose because the dirty air was obviously killing some people and others suffered its harmful effects.

These days our air is still somewhat polluted, but a big divide exists between what we think is happening in the environment and what is happening with people. I hope the committee will provide an opportunity to marry the health of the population with the health of the environment. Indeed, people are more sensitive to the harmful effects of air pollution than is the environment, so it is an extremely important consideration.

As the member for Roleystone mentioned, we have two types of air pollution: Haze, which comes from small particles, and smog. The major cause of haze is wood burning and the products of combustion. Therefore, vehicles contribute to haze as well as to smog.

We will have some interesting discussions on the committee about the Department of Conservation and Land Management. The member for Roleystone will be relieved to know that the Opposition supports controlled burns - they are needed to protect life and limb in areas lucky enough to have many trees. However, I have some concerns about the statements CALM makes to justify its controlled burns and the emphasis it places on Sydney research on burning and health. The research looked at the Sydney bushfires four years ago, but considered only the medium and short term effects and the impact on hospitals admissions. I imagine that when Sydney had bushfires, asthmatics used their asthma sprays because the smoke was so visible. CALM may well be misinterpreting that study, the outcome of which is much narrower than CALM led us to believe. These matters can be teased out in a bipartisan, objective manner in the committee's deliberation.

We must address Perth's love affair with the car as many households have two cars and those with teenage children probably have more. We must look at how to get people to use the car more wisely and undertake the measures referred to by the member for Roleystone and marry public transport to people's needs, in an attempt to reduce car use.

Before the last election the Labor Party believed air quality was the number one issue for people who live in urban environments, and it had a strong policy reflecting that view. We believe local air quality management plans, as well regional plans, should be developed. We should build strongly on developments occurring in places such as Sydney, which is further down the track than we and which is using the Olympics as an opportunity to ensure the city's air is cleaned up.

Select committees in my experience are a constructive way of tackling difficult problems. In my time here, I have been privileged to serve on committees considering the closure of small country hospitals, the future of Wittenoom, and waste management. They were constructive exercises, and virtually always the Government implemented the recommendations. A most satisfying aspect of being a member of Parliament is seeing an issue, which has been thought through carefully, implemented by Parliament. I hope that will happen on this occasion as well.

Finally, it is important that the select committee work closely with the Environmental Protection Authority and the Department of Environmental Protection. As the member for Roleystone pointed out, a lot of money has been spent and work done in putting out two major studies on air pollution in Perth; namely, the smog and haze studies. The committee need not reinvent the wheel, but it should work with the departments to implement the recommendations as quickly as possible. The main challenge will be to help change community attitudes and to bring the community along with us. Some of the decisions will be quite difficult. The behaviour changes people must make to improve the quality of our air will need plenty of discussion and community support before the Government can impose legislation or other measures to effect those changes. With a great deal of pleasure, along with all members, I support the motion.

MS WARNOCK (Perth) [10.30 am]: I will make some brief comments on this matter because I am aware that one or two other people also want to make some comments in support of this motion. I support with a great deal of enthusiasm this motion to set up a bipartisan committee on Perth's air quality. I am aware of the two studies on smog and haze. This matter is of great interest to the electorate of Perth largely because of the construction of the city northern bypass. The vehicle emissions of which we are all aware are contributing to the rather poor air quality of Perth. That fact is always a great surprise to people who have not been paying much attention to environmental

issues, because the clear blue skies of Perth always give people the impression that it cannot possibly have an air quality problem. As those of us who are interested in this matter know well, Perth does have a serious air quality problem; hence the work of those two committees, which created a great deal of interest among people who, like me, are opposed to the city northern bypass. I have spoken about this matter many times in the Parliament, and parliamentarians who have been here for more than a few months will be well aware of my feeling about this subject.

I am speaking on behalf of the many people who are keen to make submissions to this select committee on Perth's air quality. Many of them are university people who have made a contribution to this subject, and I know they are anxious to give their views about what can be done to improve Perth's air quality. I am speaking also on behalf of those people who expressed to me their concern about the Government's decision to build another freeway through the centre of the city, with all the attendant problems to Perth's air quality. People oppose the city northern bypass for many reasons, but one of the major reasons is an environmental objection. People feel that at this time in the history of the world and Australia, and in the history of Perth in particular, we should not continue to build major freeways which, as we all know, encourage the use of vehicles and increase vehicle emissions but should seek other ways of reducing environmental damage to our air quality by, for example, increasing public transport.

I am very pleased to see some government action to set up this committee. I am willing to be bipartisan about the matter. I support select committees because, having served on the Select Committee on Road Safety, I know that their work can be of great value to the community and that they can make suggestions which do solve problems, and that it can be in the community's interests for both sides of politics to work together on such committees. I support this motion for the very good reason that I oppose the building of the city northern bypass, largely because of its environmental effects.

MR MASTERS (Vasse) [10.33 am]: I thank members for the opportunity to speak in support of this motion to establish a select committee on Perth's air quality. I point out to the member for Maylands that the reason that the Government has been delaying this matter for some time is that it was waiting for people of the quality of the member for Wanneroo and the member for Vasse to come into this House!

The committee will need to investigate a number of issues during the course of its existence. Those issues can be listed under four general headings. The first heading is greater efficiency of existing energy usage. That will include using smaller cars; having more fuel efficient engines in larger cars; improving the road system, which may include the city northern bypass; having more efficient wood heaters, and using wood heaters more efficiently, such as using dry rather than moist wood in those wood heaters; and encouraging public transport in Perth so that at the end of the day we can reduce the number of private vehicles on our roads.

The second heading is replacement of existing energy consuming activities with non energy consuming activities. That will include encouraging the use of bicycles in Perth, which, although they produce human energy, do not produce a great deal of smog; and improving building design so that fossil fuels need not be consumed to warm buildings in winter and cool them in summer.

The third heading is controlled burning by the Department of Conservation and Land Management. That matter is very contentious. I am happy to have my name placed on the public record as a supporter of CALM's burning policy. However, the committee will have a legitimate role in looking at certain aspects of that policy; for example, the size of individual fires, which at the moment average between 5 000 and 10 000 hectares; the intensity of the fires and, therefore, the amount of unburnt wooden material that goes up in smoke; the moisture content of the material that is burnt, which impacts upon the amount of smoke that is produced; and the timing of fires with regard to the weather, which impacts on the Swan coastal plain.

The fourth heading relates to the weather conditions that prevail at different times of the year, which also impacts upon the air quality of Perth.

The city northern bypass was mentioned by the member for Perth. In my belief, any problems that may result from the construction of that bypass - I emphasise the word "may", because I do not believe those problems have been demonstrated clearly - will be the symptoms rather than the cause of the illness. I ask the member for Perth to raise her sights to the long-term and address the cause of the illness.

Question put and passed.

Appointment

On motion by Mr Tubby (Parliamentary Secretary), resolved -

> That the members for Fremantle (Mr McGinty), Maylands (Dr Edwards), Roleystone (Mr Tubby), Vasse (Mr Masters) and Wanneroo (Mr MacLean) be appointed members of the committee.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL

Second Reading

DR HAMES (Yokine - Minister for Housing) [10.39 am]: I move -

That the Bill be now read a second time.

This Bill seeks to put in place a number of state taxation measures announced as part of the 1997 Budget, and a number of other measures designed to improve the efficiency and equity of the state taxation regime. This speech will be quite lengthy, due to the significant number of amendments contained in this Bill. However, I remind members that the use of revenue laws legislation has streamlined the way in which Parliament now deals with taxation amendments, by reducing both the number of amending Bills and associated speeches required. Previous practice would have required separate amending Bills and speeches to be presented to the Parliament. Furthermore, in addition to the overview I am providing today, an accompanying explanatory memorandum has been prepared for the benefit of members which explains each of the measures in greater detail.

Specifically, this Bill proposes amendments to the Land Tax Assessment Act 1976, the Pay-roll Tax Assessment Act 1971 and the Stamp Act 1921.

The Bill is structured in four parts. Part 1 deals with preliminary matters such as the title and commencement provisions.

Part 2 of the Bill seeks to amend the Land Tax Assessment Act to implement four changes, namely -

to provide temporary relief from land tax in respect of deceased estates;

to clarify the treatment of parcels of land for the purposes of the principal place of residence exemption;

to update references made redundant by recent changes to the Corporations Law; and

to clarify the commissioner's assessment powers in certain circumstances.

With respect to land forming part of a deceased estate, the Land Tax Assessment Act currently provides that qualification for a residential exemption ceases on the death of an owner-occupier. Accordingly, if the estate has not been finalised by the 30 June following the deceased owner's demise, a land tax liability arises which must be met by the executor. This can result in a differing land tax treatment, depending on the timing of the death of the owner-occupier and the subsequent distribution of the estate to the beneficiaries.

To address such anomalies, the Bill proposes an extension of the existing land tax residential exemption for a maximum of one year of assessment after the owner’s death, subject to certain conditions. The twelve-month period should allow sufficient time for a grant of probate to be obtained and for the estate to be distributed. The exemption is to apply prospectively, such that estates which are subject to their first land tax assessment in 1997-98 or a subsequent year will benefit. It is expected that the revenue consequences of the exemption will be minimal.

This Bill also contains an amendment to the definition of "parcel" in the Land Tax Assessment Act. This change is necessary due to a recent decision of the Land Valuation Tribunal, which upheld an appeal by a taxpayer that their residential lot and an adjoining lot should be treated as a "parcel" and therefore be exempt from land tax. The determination of the tribunal introduced the concept of the owner's intentions to use a vacant lot for a residential related purpose. This contrasts with the current principles embodied in the Act and the commissioner's practice, which rely on actual land use as at midnight on 30 June to qualify for the exemption. To administer the Act in accordance with the tribunal's determination would make the assessment process extremely difficult, and could open up avoidance opportunities. Rather than add such complexities to the land tax regime, it is proposed to restore the previous position where the residential exemption for adjoining lots is dependent on actual land use.

Finally, two minor changes are proposed to clarify the operation of the legislation. The Act is being updated to reflect a recent change in the Corporations Law that removed the concept of an "exempt proprietary company" and replaced it with "proprietary company". Furthermore, an amendment is proposed to section 27 of the Act to clarify the commissioner's assessment making powers in cases where a clawback of revenue from concessional or exempt primary production treatment is triggered.

Part 3 of the Bill includes a package of amendments to the Pay-roll Tax Assessment Act to make the payroll tax system fairer and easier to comply with, and to protect the revenue base. Seven separate changes are proposed, including a broadening of the payroll tax base. All measures are proposed to apply in respect of wages paid or payable from 1 July 1997.

Firstly, the definition of wages for payroll tax purposes is to include employer-provided remuneration in the form of contributions to a superannuation fund. This will include contributions made, or in the case of an unregulated fund or public sector fund, regarded as being made, by the employer, or a person on behalf of the employer, to the fund of an employee, or another fund in relation to an employee. Contributions made in respect of the superannuation of workers engaged by an employment agent are also included in the base. For the purposes of the legislation, superannuation schemes will include defined contribution accumulation schemes, defined benefit superannuation schemes, and retirement savings accounts. Contributions of shortfall amounts under the Commonwealth's superannuation guarantee charge legislation are likewise included in the base. Failure to include employer superannuation contributions in the payroll tax base would represent a substantial and growing leakage. In particular, this measure will ensure that the dampening effect of future increases in the superannuation guarantee charge on wage increases does not further erode the payroll tax base. In this regard, the superannuation guarantee charge is scheduled to increase from its current 6 per cent level to 7 per cent on 1 July 1998, to 8 per cent on 1 July 2000 and to 9 per cent on 1 July 2002. Notably, New South Wales, Victoria, South Australia and the ACT have already moved, or are in the process of moving, to extend their payroll tax base to superannuation benefits.

The second proposal is to include fringe benefits, as defined and valued for the purposes of the Commonwealth's fringe benefits tax, in the definition of wages for payroll tax purposes. Although reference to "other benefits" currently in the payroll tax legislation will be removed, it is also proposed to include an ability to prescribe benefits, which are not fringe benefits under the commonwealth legislation, into the payroll tax base. The prescriptions currently envisaged are -

contributions by an employer to an employee share acquisition scheme;

contributions by an employer on behalf of an employee to an industry redundancy fund; and

contributions by an employer in relation to an employee to a portable long service leave fund.

Although these benefits are not fringe benefits for the purposes of the commonwealth legislation, these prescriptions will recognise that such benefits represent remuneration to an employee and therefore are a direct substitute for cash wages. These amendments will remove the uncertainty in the current payroll tax regime about what benefits constitute taxable wages and what value should be ascribed to them for payroll tax purposes. The legislation also provides an ability to exclude commonwealth fringe benefits from the payroll tax base. At this stage, two benefits are intended to be prescribed, namely tax exempt body entertainment fringe benefits and living away from home allowances. It should be noted, however, that the exclusion of living away from home allowances from fringe benefits is not to remove such allowances from the tax base, but rather to clarify that such payments are "allowances" for the purposes of the definition of "wages" in the Act. Importantly, a number of major benefits paid by remote area employers, such as housing benefits, power subsidies and travel assistance will continue to be excluded from taxable wages. It is intended that regulations will shortly be made to prescribe such benefits as exempt, in recognition of the importance of these benefits in compensating employees for essential services not available in remote areas.

One further variation to the commonwealth regime is the intended treatment of benefits which have their taxable value reduced in accordance with the commonwealth legislation under the "otherwise deductible" rule. In many circumstances, such a reduction is not appropriate in the context of payroll tax, and the legislation provides recognition of this by not allowing such a reduction unless the benefit is work related. To minimise compliance costs for employers as far as possible, proposed regulations will also provide an alternative mechanism for the inclusion of fringe benefits in an employer's payroll tax return. As in other States, employers will have the choice of returning tax on FBT-type benefits either based on the actual value of benefits provided to employees, or on an estimate basis calculated on one-twelfth of the Western Australian benefits for the previous commonwealth FBT year.

Overall, the inclusion of fringe benefits and superannuation is estimated to increase the payroll tax base by around 8 per cent. However, to ensure that few, if any, employers are pushed over the annual wages exemption threshold of $625,000 by the tax base extensions, this Bill also seeks to amend the Act to provide for the threshold to be increased to $675,000. Notably, the new annual wages exemption threshold of $675,000 compares to only $375,000 when the Government came to office in 1993. Proportional broadening of the associated monthly and weekly payroll tax exemption thresholds is also provided for. These new thresholds, along with the rate reductions proposed in the Revenue Laws Amendment (Taxation) Bill, are designed to ensure that the package is revenue neutral in 1997-98.

The fourth payroll tax measure in this Bill seeks to provide an exemption for travel and accommodation allowances, provided these do not exceed prescribed reasonable levels. This will recognise that such benefits are generally in the nature of expense reimbursements rather than remuneration. It is proposed that the prescribed reasonable levels will cover all "cents per kilometre" or "dollars per night" rates specified in awards. In the absence of an award rate, it is proposed that rates per kilometre and per night will be specified. Appropriate rates are currently being determined.

The fifth payroll tax measure proposed in this Bill is intended to address an existing anomaly concerning wages paid to overseas employees. Generally, a liability arises in Western Australia where services are rendered wholly in the State, regardless of where the wages are actually paid or payable, or where wages are paid in the State in respect of services which are not rendered wholly in another State. Where an employer who is liable for payroll tax in Western Australia has employees working overseas, but whose wages are paid to the credit of a bank account in Western Australia, the wages of those employees are liable to payroll tax. If the wages were paid to those same employees directly to an overseas account, no payroll tax liability would arise. The Government recognises that it is inequitable and inefficient for a payroll tax liability to depend merely on whether an overseas employee's wages are paid to an account in the State or an overseas country. Accordingly, the proposed amendment seeks to address this anomaly by providing an exemption after six months, where wages are paid to a person in Western Australia in respect of services performed wholly in another country for a continuous period exceeding six months. The six month qualifying period is consistent with that applying in New South Wales, Queensland, Victoria and South Australia, which all offer relief in similar circumstances.

The remaining two payroll tax measures included in this Bill seek to clarify the application of the Act and to improve its administrative operation. The current definition of wages makes reference to various forms of remuneration "paid or payable . . . to an employee . . . ". The effect of the proposed amendment will be that in all cases liability to payroll tax will arise at the point an employer makes any payment "to, or in relation to" an employee. The question as to the timing of liability is particularly important in the case of payments made "in relation to" an employee, as in some circumstances the benefit flowing to the employee from that payment may be some time subsequent to the payment.

As liability to payroll tax arises at the time a benefit is provided to an employee, there is a time lag between the payment by the employer and the provision of the benefit. As a result, in these limited circumstances, the employer is not required to declare the payment in a payroll tax return until such time as the benefit is paid to the employee. This time lag can cause significant administrative difficulties for the employer in determining the correct amounts to be included in monthly returns, and also for the State Revenue Department auditing these returns. This amendment will eliminate these difficulties and will bring Western Australia largely into line with all but one jurisdiction.

It is also proposed to amend the Act to improve the administration of charitable exemptions. The Act currently provides that the Minister may, on the application of a body or organisation which has any charitable object or objects, declare, by notice published in the *Gazette*, that body or organisation to be exempt from payroll tax in relation to its charitable objects or any specified charitable object. These provisions were inserted in 1984 to widen the exemption provisions to any charitable body or organisation which the Minister, in his absolute discretion, prescribed to be of a nature worthy of exemption.

The major exclusions from these exemptions have been tertiary educational institutions which, while possibly of a charitable nature, have never been intended to qualify for an exemption of this type. Similarly, bodies which had some charitable objects but which were not established or carried on for charitable purposes have also been denied exemption due to the inherent difficulties in attributing wages to those objects as opposed to those activities which are not charitable. Charitable exemptions exist in most other state taxation Statutes; however, they are determined via application to the Commissioner of State Revenue who then determines whether the applicant meets the statutory criteria. The involvement of the Minister in approving exemptions for charities is unique to payroll tax and is administratively cumbersome.

To address these issues, it is proposed that the payroll tax legislation be amended to remove the Minister from the exemption process and, in his stead, to provide the Commissioner of State Revenue with the power to approve charitable exemptions which meet the statutory criteria. The criteria which must be met will be that the body making application is established or carried on for charitable purposes. Saving provisions will apply to ensure that those bodies which have already been provided with an exemption continue to enjoy that exemption without the need for a new application to be made.

Furthermore, the Bill proposes that any exemption should apply from a date specified by the commissioner, including, at the commissioner's absolute discretion, a date which is prior to the application for exemption. This will remove the need for act of grace payments to be made where a charitable body has incurred a liability prior to making application for the exemption.

To sum up, the benefits of the payroll tax reform package included in this Bill are -

> a fairer payroll tax system, and reduced avoidance opportunities, through the equal treatment for payroll tax purposes of employee remuneration regardless of form;

reduced compliance costs and more certainty for employers, in respect of the payroll tax treatment of non-cash fringe benefits;

reduced erosion of the payroll tax base from the dampening impact of future increases in superannuation benefits on wage increases;

fairer treatment of travel and accommodation allowances and wages paid to overseas employees;

an increased tax free threshold; and

improved administration in the granting of exemptions for charities.

Finally, I turn to the amendments to the Stamp Act proposed in part 4 of this Bill, which comprise three measures to prevent avoidance of duty, four measures to either introduce or extend stamp duty relief, and one measure to clarify the application of the Act.

Turning firstly to avoidance concerns, the Bill seeks to address the effects of a recent decision of the Supreme Court of Victoria which has opened up the potential for avoidance of stamp duty on transfers of property. Under the Stamp Act, duty is calculated on the greater of the consideration paid or the unencumbered value of the property transferred. In the past, the State Revenue Department has not taken account of a lease that depressed the market value of a property when valuing property for duty purposes. However, the court determined that a lease is not an encumbrance, and as such, its terms and conditions must be taken into account when valuing the property. This is of considerable concern to the stamp duty regime.

In the case in question, the property transferred had a freehold value of approximately $13m. However, because it was subject to a long term lease for no rental, the value was reduced to $380 000. It is not difficult to imagine that parties, particularly those who are not at arm's length, could structure a transaction to take advantage of this situation. For example, it would be simple to enter into a lease arrangement to depress the value of the property prior to effecting a transfer of that property. Once the transfer had been effected, the lease could then be terminated by agreement between the parties. The amendments seek to address this potential avoidance opportunity by providing that the Commissioner of State Revenue shall disregard any lease or other arrangement which has the effect of depressing the value of property, unless the commissioner is satisfied that a purpose of the lease or arrangement was not to depress the value.

The amendments are to apply from 27 December 1996, being the date an announcement to this effect was made by the Government. While the need for retrospective legislation is regretted, the threat to revenue was considered sufficiently large to warrant such action. Moreover, the Government's intention to amend the Act effective from this date has been widely disseminated.

The second anti-avoidance measure seeks to address concerns regarding the acquisition of property as a result of the liquidation of a company. Currently duty of $5 applies to the transfer of a property to a shareholder upon the liquidation of a company, provided the value of all property distributed to the shareholder does not exceed his entitlement to the undistributed net assets of the company. However, where the shareholder receives property in excess of his entitlement, the transfer is made in satisfaction of a debt due by the corporation to the shareholder, or the shareholder assumes any liabilities of the company, ad valorem stamp duty is payable on the amount of any excess, debt released or liability assumed.

The proposed measures seek to address an avoidance scheme which has exploited similar concessions available in Victoria and South Australia, and to strengthen the legislation with regard to the release of debts or assumption of liabilities. The specific details of the avoidance scheme will not be referred to at this time, to minimise the risk that it could be exploited before this legislation can be passed. It is intended for the Act to provide that a transfer on liquidation will be chargeable with full ad valorem duty in the future unless the commissioner is satisfied that the transfer is not made pursuant to a scheme where a purpose was the avoidance of duty. If so satisfied, no duty will apply to the transfer. The legislation provides guidance to the commissioner on matters to which he should have regard in being so satisfied. Notably, similar provisions already operate in Victoria.

The third anti-avoidance provision is pursuant to the Government's announcement of 12 May 1997 that amendments would be considered to close a potential loophole in the Stamp Act involving the conversion of ordinary share capital to redeemable preference shares. Members may recall that amendments were passed by Parliament last year to ensure that stamp duty is paid where a takeover is effected by a selective reduction in the capital of a company. The Commissioner of State Revenue has now advised that it may be possible to defeat the legislation and effect a takeover by converting the ordinary share capital of a company to redeemable preference shares without stamp duty being incurred.

Without detailing the avoidance mechanism, the scheme involves stepping outside of the stringent takeover provisions in chapter 6 of the Corporations Law and obtaining a court order under a reduction of capital by a scheme of arrangement under chapter 5 of the law. Accordingly, this Bill contains measures which will render a conversion of this nature liable for stamp duty by providing that the conversion of shares in a Western Australian company to redeemable preference shares is a taxable event.

An anti-avoidance provision in this form is considered warranted for a number of reasons. In particular, there seems to be very limited commercial rationale for a company to convert ordinary shares to redeemable preference shares, if the potential stamp duty benefit is ignored. An examination of court approvals under the Corporations Law over the past two years has indicated that such conversions are very uncommon. Furthermore, alternative and more conventional mechanisms exist for a company to either vary rights attached to shares or return capital to shareholders, without the need to convert ordinary shares to redeemable preference shares.

Indeed, the exposure draft of the Commonwealth's second Corporate Law Simplification Bill includes measures to prevent the conversion of existing share capital into redeemable preference shares, a clear recognition that it was not intended that this mechanism be used to return share capital in this manner. Unfortunately, there is no guarantee that this commonwealth legislation will proceed in its present form, or when it will proceed. Therefore, on balance it was considered that any alternative approach to that proposed in the Bill would be extremely complex and that such complexity was not warranted for a problem which should exist only in the short term. This measure is intended to have application to conversions effected on or after 12 May 1997, the date the intention to legislate was announced. Again, this intention was widely disseminated.

Four stamp duty relief measures are also proposed in the Bill. Further to an announcement made by the Government on 14 January 1997, this Bill seeks to provide an exemption from marketable securities duty which will assist local companies to raise finance in overseas equity markets. Many small to medium size Western Australian companies have had difficulty raising equity capital domestically, especially where the funds raised are for higher risk ventures such as mining exploration, or where the company has only a limited capital raising history. In particular, the failure of such companies to attract institutional investment support has forced them to conduct capital raising ventures in countries such as Canada, which have a greater capacity to accommodate this type of investment. However, companies often encounter difficulties in ensuring that the stamp duty obligations associated with share transfer registration are met. This in turn can pose great difficulties in obtaining a listing on an overseas stock exchange, something overseas institutional investors often demand to ensure the liquidity of their investment. The Bill seeks to overcome these problems by providing an exemption for certain transfers of shares and rights in respect of shares of Western Australian incorporated companies listed on prescribed overseas stock exchanges, where the transfer arises from trading on that overseas exchange and the shares are kept on a register in that country.

These proposed amendments will assist local companies by addressing the administrative and compliance impracticality of attempting to collect Western Australian stamp duty on share transfers on those exchanges. On the basis of submissions received since the 14 January announcement, in addition to the Toronto and Vancouver Stock Exchanges, it is intended to also prescribe the New Zealand Stock Exchange, the Hong Kong Stock Exchange, the Calgary Stock Exchange, the Alberta Stock Exchange, the New York Stock Exchange, the NASDAQ, the Frankfurt Stock Exchange and the Zurich Stock Exchange.

The legislation also proposes a six month qualifying period for shares to be registered overseas before the exemption is available to prevent avoidance by "register shuffling". A number of minor exceptions to the six month registration requirement are also proposed, to accommodate commercial practice without putting the revenue at risk. Measures to provide that stamp duty can be readily collected on those transfers which do not qualify for the exemption are also proposed. The cost to the revenue of the proposed exemption is expected to be minimal, due mainly to the current difficulties in collecting duty from persons in countries outside Australia and the stifling effect the duty can have in obtaining an overseas listing in the absence of the proposed exemption. However, the value of the exemption to Western Australian businesses is expected to be significant. Therefore, the proposed regime is considered to strike a good balance between the needs of Western Australian business in raising capital to build the economy, and those of the Government in protecting its limited revenue base.

The Bill also proposes three other stamp duty relief measures to -

> standardise and, in some cases, extend the exemption provisions which currently apply to residency agreements for the aged and disabled;
>
> provide a partial rebate under section 75AG of the Act in circumstances where a first home owner acquires a first home jointly with a person who has previously owned a home; and

exempt the issue of a motor vehicle licence for a heavy vehicle which prior to 16 January 1997 was registered in the name of the licensee under the federal interstate registration scheme.

The cost to revenue of the relief provided in respect of the aged care agreements and the vehicle licences is expected to be minimal. The revenue forgone in relation to the first home owners' rebate is estimated at $250 000 annually. Further detail of the need for the proposed relief and the intended scope of its operation is provided in the explanatory memorandum.

The final stamp duty amendment proposed in this Bill seeks to rectify a technical deficiency with section 27 of the Act highlighted by a recent Supreme Court decision. The court found that there was a distinction between "pleading, giving or admitting" a document in evidence and "tendering" a document in evidence, thereby limiting the application of the section. The proposed amendment to section 27(3) of the Act will remedy the problem to ensure that an unstamped instrument can be relied on in a court by the non-liable party, subject to certain conditions being met.

In summary, this Bill seeks to put in place those measures announced in the Budget to ensure that the State's revenue raising needs are met, along with a number of other changes which will improve both the equity and the efficiency of the State's taxation regime. I commend the Bill to the House and for the information of members, I table the associated explanatory memorandum.

[See paper No 430.]

Debate adjourned, on motion by Mr Cunningham.

REVENUE LAWS AMENDMENT (TAXATION) BILL

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [11.09 am]: I move -

That the Bill be now read a second time.

This Bill seeks to implement the taxation rate changes previously announced in the 1997-98 budget speech. The remaining budget taxation measures are contained in the counterpart to this Bill, the Revenue Laws Amendment (Assessment) Bill. Both Bills are accompanied by an explanatory memorandum to provide members with a greater level of detail in respect of the proposed amendments. Specifically, this Bill seeks to amend the Debits Tax Act 1990, the Land Tax Act 1976 and the Pay-roll Tax Act 1971.

I turn first to the proposed change to the debits tax arrangements. The Bill seeks to amend the Debits Tax Act to increase the tax rates to the same level that apply in all other mainland States. Debits tax was inherited from the Commonwealth in 1990 and applies to withdrawals from accounts with cheque facilities. Although all other mainland States have progressively increased their tax rates, Western Australia's rates have remained static. Unfortunately, with the substantial cuts in Western Australia's grants from the Commonwealth in recent years, we can no longer afford to charge such low debits tax rates compared with the other States. This Bill will provide that from 1 July 1997 the following tax rates will apply:

For debits of $1 or more but less than $100, the amount of tax will increase from 15¢ to 30¢;

for debits of $100 or more but less than $500, the amount of tax will increase from 35¢ to 70¢;

for debits of $500 or more but less than $5 000, the amount of tax will increase from 75¢ to $1.50;

for debits of $5 000 or more but less than $10 000, the amount of tax will increase from $1.50 to $3.00; and

for debits of $10 000 or more, the amount of tax will increase from $2 to $4.

After allowing for some reduction in the use of cheque facilities, these increases are estimated to raise an additional $47m in 1997-98 and $51m in a full year.

Apart from the pressures from the budget imperative, these increases are consistent with moves toward national uniformity in state financial taxes. A national reform package, which is subject to Queensland confirming its participation, is proposed to replace the current debits tax and financial institutions duty with a single, more broadly based ad valorem debits tax. This represents a significant attempt at cooperative tax reform by the States and Territories. If achieved, the rationalisation of financial taxes will bring significant equity and efficiency benefits to the community, financial institutions and Governments.

The second taxation scale change included in the Bill relates to land tax. The Bill seeks to amend the Land Tax Act to introduce a new land tax scale to apply from the 1997-98 year of assessment. This new scale is intended to soften

the impact of significant increases in taxable land values which have occurred as a result of the improving property market. The scale has been designed to provide land tax relief to most taxpayers, and especially to those with land in the middle land value ranges who are most affected by the progressivity of the land tax scale which compounds the effect of land value increases. For example, under the proposed scale, a taxpayer owning land with an aggregate taxable value of between $150 000 and $400 000 will have a 1997-98 assessment between 7 per cent and 16 per cent lower than that which would apply under the current scale. The relief will be achieved by increasing the land value thresholds at which the tax rates apply, for all but the lowest and highest value ranges in the tax scale.

It is estimated that if the Government had not moved to provide this relief, land tax collections would increase from $162m in 1996-97 to $175m in 1997-98 - an increase of 8 per cent. The proposed tax scale is expected to raise $168m in 1997-98, thereby limiting growth in collections to an estimated 3.7 per cent. It is noteworthy also that under the proposed tax scale, 60 per cent of all taxpayers will receive either a decrease, or no increase, in their land tax bill in 1997-98, and that of the 40 per cent of taxpayers whose land tax bill increases in 1997-98, more than two-thirds will receive an increase of less than $20. Furthermore, the proportion of taxpayers facing increases in their tax bills of more than $100 in 1997-98 will fall from 8.8 per cent to 5.1 per cent under the proposed tax scale. This will be the fourth time since coming to office the Government has provided land tax relief, recognising that with the equity benefits flowing from the system of annual valuations, it is important that the tax scale be constantly monitored and adjusted as appropriate.

The final taxation change proposed in this Bill relates to payroll tax. The Bill seeks to amend the Pay-roll Tax Act to reduce the rates of tax currently in force and to lift and broaden the wage ranges to which the various tax rates apply. These measures are complementary to the payroll tax reform measures included in the Revenue Laws Amendment (Assessment) Bill.

Specifically, this Bill seeks to -

> Lift the annual wages threshold below which the current concessional 3.95 per cent tax rate applies from $2.5m to $2.7m, and at the same time drop the 3.95 per cent tax rate to 3.65 per cent;
>
> lift the annual wages threshold at which the current concessional 4.95 per cent tax rate applies from $4 166 667 to $4.5m, and at the same time drop the 4.95 per cent tax rate to 4.6 per cent; and
>
> lift the wages threshold above which the current top tax rate of 6 per cent applies, from $5 208 333 to $5 625 000, and at the same time drop the 6 per cent tax rate to 5.56 per cent.

These rate reductions and threshold increases have been designed to make the net payroll tax base extensions included in the Revenue Laws Amendment (Assessment) Bill revenue neutral in 1997-98.

Under the proposed payroll tax scale, Western Australia will have the second highest exemption threshold and the second lowest tax rates of all the States. The Government would like to have reduced the payroll tax rates even further to reduce its reliance on this tax and thereby provide a further stimulus to business in this State. However, this was impossible in the current budgetary circumstances. Moreover, it should be understood that although the Government will continue to work on reforming payroll tax, the State is severely constrained in the absence of major reform of commonwealth-state financial relations and the national tax system.

For the information of members, I table the associated explanatory memorandum. I commend the Bill to the House.

[See paper No 431.]

Debate adjourned, on motion by Mr Cunningham.

FISHING AND RELATED INDUSTRIES COMPENSATION (MARINE RESERVES) BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mr House (Minister for Fisheries), and transmitted to the Council.

SEA-CARRIAGE DOCUMENTS BILL

Second Reading

Resumed from 27 March.

MS MacTIERNAN (Armadale) [11.18 am]: This is an exciting Bill. I note many people are crowded into the Public Gallery to listen to us discuss it!

Mr Wiese interjected.

Ms MacTIERNAN: I am not egotistical enough to believe it is me; it is the intrinsically fascinating subject matter of the Bill!

Mr Barnett: They've raced out to get copies of the second reading speech that was just delivered!

Ms MacTIERNAN: That is right, and workers from the embassy are about to come over! Today Maritime Union of Australia members are at the workers' embassy. Of course, they are interested in all matters relating to sea carriage.

This Bill will have important repercussions for Australia's trade. This legislation will repeal and replace the antique Bills of Lading Act 1955 - an Act of the British Parliament that was incorporated by reference into the law of Western Australia. The principles in that original legislation are sound and are being incorporated into this new legislation. The fundamental aim of the original Act and of the Bill before the House is to provide a regime to govern documents that confer title on goods that have been shipped by sea. In order to facilitate international trade, it has been necessary to develop a system that sets out at what point in the shipping process the title or ownership of the goods shipped changes.

It is also necessary to ensure that when the change occurs the new titleholder can take the place of the earlier titleholder with respect to various contractual rights. The most important of these are the rights of insurance and the rights to the contract with the carrier. This, of course, is contrary to common law, and statutory intervention was necessary to ensure the titleholders succeeded the interests of the original owner of the goods. The Bills of Lading Act, which has served this State well for more than 140 years, must be modified to take note of the changes in both technology and commercial arrangements. A diversity of commercial arrangements has been developed since 1855, and different bundles of rights are transferred in different documentation. It is important to have a regime that will recognise those new bundles of rights as set out in the new documentation, such as the seaway bills and ships' delivery orders. As a direct result of technological changes, much documentation is now in electronic form and it is necessary to provide a form of equivalence between the electronic documents and the more traditional paper documents. It is also necessary to provide for rules relating to the timing and receipt of electronic transmission, in the same way that rules cover the manual transference and transmission of documents.

This Bill also seeks to change the evidentiary rules in relation to these documents, in that holders of certain valid bills of lading will now be in a much stronger position because those bills will have much greater evidentiary weight and the burden of proving that the document does not accurately reflect the reality will pass to the carrier. I note the legislation, which I have spent many hours reading, contains no transitional provisions. I wonder what problems might emerge from the changeover in this system, and whether goods on the high seas will be affected by this change. Effectively a new regime will result from this legislation and the same documents will have different legal consequences. I will be interested to know from the Minister, who I am sure is very familiar with the Bill, whether there could be some difficulty with documents during the transitional period. I take some comfort from the fact that the Bill comes from the Standing Committee of Attorneys General and is part of a legislative package to be presented to Parliaments all around Australia.

Mr Prince: You have a trusting faith.

Ms MacTIERNAN: I do in this regard because I am sure this is one area in which the technical expertise of the profession is probably as wide as is necessary to cast the net in drawing up legislation to adequately do the job. I imagine this legislation has been widely vetted by those people actively engaged in commercial sea freight. We could have more intensive debate at the Committee stage.

Mr Prince: Do we have to go into Committee?

Ms MacTIERNAN: The Minister has indicated he is not overenthusiastic about this Bill being debated in Committee if it can be avoided.

Although I understand a substantial proportion of this legislation does not fundamentally alter rights but will extend the class of documents that come within the purview of the legislation, it contains elements that change the legal consequences of the documentation. That particularly relates to the evidentiary rules and the transference of the burden of proof. A product may well have been loaded and shipped before the legislation comes into effect.

Mr Prince: I do not think it makes any difference because the Sea Carriage of Goods Act still operates. This deals with title.

Ms MacTIERNAN: Unfortunately, the Minister was not in the Chamber during the first part of my address. I recognise that is precisely what the legislation is about and I fully understand that. However, various persons will

deal with this product believing there to be in place one regime, and that regime will be changed and could potentially alter their legal position.

Mr Prince: Their legal position but not their legal rights.

Ms MacTIERNAN: It may well be that people would have put in place various protections if they had been aware they would incur this additional burden of proof, or a much greater burden or obligation of proof than traditionally is the case under the existing regime. I am interested in the Minister's comments on that point.

I note that under clause 12(1) a bill of lading will now provide prima facie evidence against the carrier in favour of the shipper, in that the production of a certain class of document will put the burden of proof on the shipper who must establish against the prima facie evidence that the goods were not received or he no longer has them. That is fine and it makes sense. I am somewhat surprised by clause 12(3), which goes a step further. It not only provides that the bill of lading is prima facie evidence and it is the obligation of he who would contest it to show that it is not, but also that the bill of lading is conclusive evidence against the carrier. Will the Minister enlighten the House as to why those two different classes of burden of proof are included? Clause 12(3) is almost an indefeasibility of a bill of lading, and that perhaps is a little too strong. I have no difficulty with clause 12(2), but I want to know why a distinction is made in these two subclauses. In one instance it will be prima facie evidence and in another instance it will be conclusive evidence.

The Opposition supports the legislation and recognises that although it will not appear on the front pages of the newspaper, this type of legislation is important in ensuring a suitable framework is provided for the conduct of business.

MR PRINCE (Albany - Minister for Health) [11.30 am] The member will appreciate that I am handling this legislation as Minister representing the Attorney General, and if members want a dissertation on shipping law, I refer them to the *Hansard* of the debate in the other place where, although the Attorney restrained himself from giving a long dissertation on shipping law, it nonetheless went for several pages and was most informative. Private international law is not an area in which I have a great deal of expertise; in fact, I have none.

With regard to transitional provisions, I understand that this law is not intended to be a code for the totality of shipping but will deal only with transfer of title and other matters that relate to it. It replaces some imperial legislation that has done sterling service for a long time, and it is the result of an agreement reached by the Standing Committee of Attorneys General, which involved input from international agencies and other jurisdictions, to set up a form of legislation that would apply commonly around Australia. This legislation has been enacted in Queensland, and I gather that legislation if not in a mirror form certainly in a similar form is before the Parliaments of all States and is expected to be passed.

I understand that because this legislation deals with the transfer of title, its coming into operation will not affect goods that are in transit; it will simply change the law in the State from which the goods came. Therefore, the change in law will affect the next load of goods to leave the State, but goods in transit will probably not be affected; if they are, it is not an effect that will be injurious to any of the parties involved. This legislation will impose, as the member's colleague Hon Mark Nevill pointed out in the other place, some risk on shipowners. That is a sensible idea, and he was quite perceptive in pointing that out. It will also bring into play insurance, because often the operator of the vessel is not the owner but the charterer of the vessel.

I will take up this matter with the Attorney, because if there were some difficulty with regard to transition from one regime to another, that would have to be dealt with by all jurisdictions around Australia.

Ms MacTiernan: I envisage the situation where a ship is loaded in London and the bills of lading and the commercial arrangements are set out under one regime, but the new legislation then comes into place, and the goods go missing and do not arrive in Australia, and there is some controversy about who has the goods. It is then found that the documents that were drawn up under the earlier system now have more legal weight than they had previously. My point is that the shippers might not have put themselves in that position had they known that the new legislation would be in place.

Mr PRINCE: I am sure that the effect of this legislation will be extremely well known within that area of commerce that deals with these things on a daily basis. It is unlikely that the industry did not drive this legislation. As I understand it, the law of the place from which the goods came - in the example that the member gave, that would be British law - would apply until those goods arrived on the wharf here.

Ms MacTiernan: If between the time the goods left London and arrived here we changed the law and people did not have the opportunity of revising their documentation -

Mr PRINCE: That is highly unlikely.

Ms MacTiernan: I accept that it is likely the industry was aware that these changes would be made.

Mr PRINCE: I suspect it drove them.

Ms MacTiernan: I am still surprised that there are no transitional provisions.

Mr PRINCE: I appreciate that point as a lawyer, and I will take it up with the Attorney. I am sure there is a sensible reason. When I receive the answer from the Attorney, I will pass it on to the member. If the member has discovered a flaw in the regime that has come through this exhaustive process of the SCAG and the industry, I have no doubt we will all be delighted to acknowledge that.

Ms MacTiernan: Particularly the Attorney!

Mr PRINCE: Perhaps.

Clause 12 deals with shipment under bills of lading. Subclause (3) deals with bills signed by a ship's captain or other agent that confirms that the goods have been received on board. Subclause (2) states that in the event that is foreshadowed by that subclause, the bill of lading is prima facie evidence in any action by the seller against the carrier that the goods were received and shipped. It does seem to be reasonable - I refer again to the comments of Hon Mark Nevill in the other place - for shipowners and charterers and carriers to carry some percentage of the risk, which is, of course, then passed on to the insurance industry.

Ms MacTiernan: I believe that the word "shipper" in this subclause refers to the owner of the goods rather than the shipowner. The shipper is the person who owns the goods and puts them on the ship. The carrier will be in most cases the charterer -

Mr PRINCE: The freight forwarder. A bill of lading of their receipt for shipment is prima facie evidence of the shipment of the goods. I do not have a problem with clause 12(3) being conclusive evidence.

Ms MacTiernan: Why do we have these two evidentiary levels, where in the one instance a bill of lading is prima facie evidence, and in the second instance it is conclusive evidence? I presume there is a reason for this distinction, but it is not self-evident.

Mr PRINCE: The clause notes state that in the event that is foreshadowed by clause 12(2), the bill of lading is prima facie evidence in any action by seller against carrier that the goods were received by carrier and shipped by carrier. With regard to the events that are foreshadowed in clause 12(3), which are set out in subclause (1), it is conclusive evidence in an action by the buyer against the carrier that the goods were received by the carrier and shipped by the carrier. That is the reason given for the wording of that clause.

Ms MacTiernan: It is odd, because it gives the successor in title effectively a stronger legal position than the original titleholder, because the original titleholder, who is the shipper, can rely on the document only as prima facie evidence, whereas the successor in title can rely on the document as conclusive evidence.

Mr PRINCE: Some of the remarks that were made by the Attorney in the debate in the other place about insurance may explain the reason for this clause. I am not in a position, whether in Committee or not, to explain better than I have done the reasons for the wording of the clause. I undertake to find out more detail when I speak to the departmental officer. However, he and I discussed this matter yesterday and neither of us is in a position to study this any further.

Ms MacTiernan interjected.

The ACTING SPEAKER (Ms McHale): Order! It seems the House is entering a de facto Committee stage, yet the member for Armadale agreed that would not be the case. I ask the member for Armadale to curtail interjections and allow the Minister to continue.

Point of Order

Ms MacTIERNAN: Madam Acting Speaker, I indicated that the Opposition wanted to go into Committee on this Bill because I had some inquiries I wanted to put to the Minister. The Minister said that perhaps we could handle those inquiries during the second reading stage to save the House time. The only reason I am interjecting in this way is to resolve the issues the Opposition wanted to raise. Normally we would ask that the Bill go through the Committee stage; we are simply trying to help the process.

Debate Resumed

Mr PRINCE: I cannot give the member a better answer, but I will undertake to try to answer the member's queries.

Ms MacTiernan: It may have something to do with wanting to enhance the negotiability of bills of lading so you will have to ramp up the status for those third parties.

Mr PRINCE: I can understand that as a commercial proposition, particularly if one is dealing with a jurisdiction which is based on non-British law. However, we are dealing with bills of lading as negotiable instruments in, for example, Japan where a great deal of our trade goes and where the legal system is completely different from ours, or in parts of Europe where the system is based on the Napoleonic code. That may be the reason, but I am not in a position to tell the member for Armadale whether that is the case for sure, and I would be speculating if I did. I will endeavour to find out and let the member know.

I am grateful for the Opposition's support of the legislation because it will benefit the shippers out of this State, especially given that Western Australia produces 27 per cent of all export income earned by Australia.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

ENERGY COORDINATION AMENDMENT BILL

Second Reading

Resumed from 27 May.

MR GRILL (Eyre) [11.43 am]: The lead speaker on this matter, the member for Cockburn, has indicated that the Opposition does not oppose this Bill. I concur with that.

This legislation will have a general application throughout the State and will be a model for tendering out of the gas distribution system in towns and their surrounding areas throughout Western Australia. However, it specifically refers to the goldfields and is a result of the construction of the goldfields gas pipeline.

The Bill seals the statutory framework of a tendering process to establish the distribution and sale of gas throughout Western Australia - that is, in areas that are not reserved to AlintaGas. In that sense then, the legislation will allow for privatisation. It will establish a tendering process and, although Alinta will be allowed in certain instances to be involved in that tendering process, it is envisaged that the private sector will play a significant role in the distribution and sale of gas in the towns and regional cities of Western Australia. We are not opposed to that. However, the Opposition believes privatisation must be carried out rationally and, therefore, it has some misgivings about the goldfields gas pipeline. The Opposition does not believe it has met the expectations of both the Premier and the Minister for Energy.

This legislation is unnecessary for the goldfields. Tenders have already been received for the distribution and sale of gas to commercial and domestic clients throughout Kalgoorlie-Boulder. AlintaGas ultimately won that tender. AlintaGas has, under other Statutes, the power, the authority and the necessary licences to proceed with that operation and does not need this legislation. Therefore, it is ironic that we should be proceeding with this legislation on the basis of setting up a distribution and sales system in Kalgoorlie-Boulder when it is not needed.

I note that the legislation has adopted as its model in many instances the 1995 Water Services Coordination Act. The Opposition is concerned about the adoption of some clauses in that legislation. The provisions of the Water Services Coordination Act give the Government powers to easily cease or cut off supplies of water. All that is needed is a resolution of the Cabinet, which is then put before the Governor and gazetted, before services can be cut off. Gas, water and electricity are essential services. Those sorts of powers can be used arbitrarily, and in circumstances where the policy goal is not related to the service itself. The Government can also use those powers to gain social ends rather than the ends to which the utility has a specific function or duty. The Water Authority of Western Australia used those powers to cut off water supplies to the residents of Wittenoom. The former State Energy Commission of Western Australia was not able to arbitrarily cut off power services to the residents of Wittenoom because it operated under a different Act which did not allow water services or power services, as they were, to be cut off easily or arbitrarily.

Having said that, I will move on to some remarks about the goldfields gas transmission pipeline. Given the expectations raised, for many people, and for the goldfields generally, the goldfields gas pipeline has been a very significant failure.

Mr Barnett: Will you repeat that?

Mr GRILL: In terms of the expectations raised by the Premier and by the Minister for Energy, the goldfields gas pipeline has been a very significant failure.

Mr Barnett: That will go down very well in *The Kalgoorlie Miner* next week.

Mr GRILL: The Minister might like to propagate that. I will not be unhappy if he does.

Mr Barnett: I do not play those games.

Mr GRILL: I will talk about those expectations and that failure, because I use those words quite deliberately. In 1995 the Premier came to Kalgoorlie and addressed the gold conference, which he told that, as a result of the advent of the goldfields gas transmission pipeline, energy prices in the region would be lowered by 50 per cent. He came again in 1996 and amended the figure. He cut it by half and said that energy prices would be reduced by 25 per cent. The Minister handling this piece of legislation made similar remarks and some similar adjustments to his prognostication about the cutting of energy costs.

Mr Barnett: I have not varied my comments. The reduction in energy costs has been estimated from between 20 per cent to 30 per cent, and up to 50 per cent in the Pilbara region. That is the reality.

Mr GRILL: The Minister has been all over the place with these figures, and that is the truth of it. The expectations initially raised in Kalgoorlie-Boulder by both the Minister and the Premier were that energy prices would be cut by 50 per cent.

Mr Barnett: We said by up to 50 per cent, and they have been. Look at the Pilbara operations.

Mr GRILL: That has not happened in the goldfields; there has been nothing like it. The original figure was amended to come down to 25 per cent. What is the reality?

Mr Barnett: It is about 30 per cent.

Mr GRILL: The reality is that in terms of a grid that has been put in place by WMC Resources Ltd, the cost of power on the overall grid to six of its operations in the goldfields has come down by 6 per cent. Some of those operations were already on Western Power lines and some operated on the basis of diesel sets. The real gain in energy costs was 6 per cent. That is what we are looking at. That is reality - not 50 per cent, as the Premier mentioned in 1995; not 25 per cent as the Premier mentioned in 1996, but 6 per cent. For the people living in Kalgoorlie-Boulder and carrying on business within that town, the real reduction is nothing - zero. That is what I mean when I talk about expectations.

Expectations were raised sky high by the Minister, the Premier and other government commentators on this issue. Those expectations have never been met, and we wonder whether they will ever be met. The truth is that for most operations and most people in Kalgoorlie-Boulder, there is no gain. For people wanting to set up a new business in Kalgoorlie-Boulder, there is no benefit in terms of a better price for energy as a result of the goldfields gas pipeline.

Mr Barnett: That was the most extraordinary speech I have ever heard from the member. Usually he is quite rational. Can he explain to me why most of the prospective nickel, and some of the gold, projects are all currently putting in applications for licences for laterals to connect to the GGT pipeline? Is that some fantasy? If there is no gain, why are they wanting to connect to the GGT pipeline?

Mr GRILL: The Wiluna goldmine is the only company to date that has made a firm commitment to connect to the pipeline. It is well north of Kalgoorlie-Boulder, between 300 and 400 kilometres north. It is not in Kalgoorlie-Boulder. Even there, the gain that company will make in the reduction of energy costs - we must bear in mind that diesel sets are used there - is nothing like the 50 per cent or the 25 per cent promised by the Premier or the Minister. I am talking about Kalgoorlie-Boulder, Kambalda and places in that arena. The truth is that there is no reduction. Another truth - this has been admitted by this Minister - is that he will not allow competition in energy supply in Kalgoorlie-Boulder. He will not allow Western Power to compete against the owners of the goldfields gas transmission pipeline.

Mr Barnett: That is simply untrue.

Mr GRILL: The Minister has admitted as much before.

Mr Barnett: I have never admitted that, as such. That is untrue.

Mr GRILL: Yes, the Minister has. We can produce the evidence.

Mr Barnett: Then produce it. How can you explain that on all of these projects Western Power puts in bids in competition with private suppliers?

Mr Thomas: You said in *Hansard* that they are not allowed to marginally price.

Mr GRILL: The Minister said that he had issued an instruction preventing them from marginally pricing.

Mr Barnett: They do not marginally price to you and I in our backyards!

Mr GRILL: The Minister has prevented competition from operating in the goldfields. That is what he has done. I have heard that.

Mr Barnett: You produce one scrap of evidence of that.

Mr GRILL: It came out of the Minister's mouth.

Mr Barnett: No.

Mr GRILL: We will produce the documentation later.

Mr Barnett: That is sheer nonsense.

Mr GRILL: We have also spoken to employees from Western Power who have conceded - some quite openly at public meetings - that if they were allowed to compete in Kalgoorlie-Boulder in terms of energy prices against the goldfields gas pipeline, prices would be significantly lower, and Western Power has the capacity to do that.

Mr Barnett: If those people exist, you should bring them to my attention because I would like to hear their arguments. I have never given any instruction at all to Western Power.

Mr GRILL: There are two reasons the expectations which were pumped up by this Government about the goldfields gas transmission pipeline have not been met. The first is that the diameter of pipeline is too small. The second is that the payback period is too short. I suppose we could say there is a third reason; that is, the Minister will not intervene to bring down these costs and he will not allow competition to take place.

I want to put that into some sort of context. I have with me a couple of bar charts which were put together by a consultant in this field for a well known mining company in the eastern goldfields. I will first put this information in the national context. The areas shaded in blue mark the costs for various gas pipelines. The headings in this bar chart are: Selective Australian Gas Pipeline Tariffs; Benchmark Tariff Range, High to Low; Australian Cents Per Gigajoule Per 100 Kilometres.

A scale on the left-hand side of the page goes from zero to 40¢. The left-hand side of the scale shows the goldfields gas transmission pipeline short haul costs, which go from 31¢ to 37¢. Next to that is the long haul costs which go from 27¢ to 34¢ on the scale. It then goes on to depict figures for the Moomba to Adelaide pipeline which go from 6¢ to 7¢ on the scale. The Moomba to Sydney pipeline - it is a long pipeline, just in case the Minister says that these are not comparable in length to the goldfields pipeline - cost goes from 6¢ to 7¢ on this scale.

Mr Barnett: You will tell us the terajoules per day counted on these. You need to get across these issues. What is the volume of the gas?

Mr GRILL: The GGT pipeline cost is 7¢ to 8¢ per gigajoule. The Dampier to Bunbury pipeline cost is between 9¢ to 11¢ on this scale and the Roma to Brisbane pipeline cost is between 9¢ to 10¢. The tariff for the Palm Valley to Darwin pipeline is 11¢ to 12¢ on the scale, and for the south west Queensland pipeline it is 11¢ to 12¢. The Australian average on this scale is 6¢ to 11¢/GJ per 100km. The short haul tariff for the goldfields gas transmission pipeline is 31¢ to 37¢. In other words, transmission costs are somewhere between four and five times higher than the Australian average. Yesterday the Minister said that costs on the Dampier to Bunbury pipeline could be as low as $1 a unit. What is the cost on the goldfields gas transmission pipeline? It is $3.56. That is not competitive. That is totally uncompetitive. When one compares the goldfields gas pipeline tariff with the international scale the situation is even worse. Another graph puts the tariffs for the goldfields gas transmission right out on their own. On a scale of 0 to 40¢/GJ per 100km the costs for the goldfields gas pipeline vary between 27¢ to 36¢. The Australian average is 6¢ to 11¢.

[Leave granted for the member's time to be extended.]

Mr GRILL: The cost in the USA is 5¢ to 10¢, in the United Kingdom, 3¢ to 7¢, and in Europe the cost is between 12¢ to 20¢. Because of its size, the payback period, and the fact that the Minister will not allow competition and will not intervene, by national and international standards the goldfields gas pipeline is massively uncompetitive.

Mr Barnett: Who supplied you with those figures?

Mr GRILL: I will not tell the Minister.

Mr Barnett: That is an interesting comment.

Mr GRILL: The Minister has a growing reputation for being vindictive. I will not allow the Minister to be vindictive with these consultants or the mining company that commissioned the work. The Minister knows that these figures are correct. The Minister knows from his own knowledge of prices that what I am saying is spot on.

Mr Barnett: This is amazing; it is like rent a lobbyist in Parliament with the Labor Party.

Mr GRILL: Is the Minister now going to get personal?

Mr Barnett: I am making a general comment about the Labor Party and resource issues in recent times.

Mr GRILL: One can say some nice things about the pipeline. It does deliver gas to the goldfields! As a result, gas will be reticulated to commercial and domestic customers in that area. I will be fair; the Government did not pump up expectations in that regard. In some sense the delivery of domestic and commercial gas to Kalgoorlie-Boulder has worked out better than I thought.

Mr Barnett: In the early days not only did the member doubt that this pipeline would be built, but also he stood in this Parliament and said we would never see gas reticulation in Kalgoorlie.

Mr GRILL: Yes, I did.

Mr Graham: The Minister said that about Port Hedland too. The Minister told lies in the last two election campaigns when he said he would do that. He has not and he will not.

Mr GRILL: That is right, the Minister did. However, I am prepared to admit it. I canvassed a number of instrumentalities, agencies and companies and their advice was that it was most unlikely that gas would be reticulated to Kalgoorlie-Boulder. The figure that has been touted around the place is 95 per cent. AlintaGas has tendered on that basis. If Kalgoorlie-Boulder receives 95 per cent coverage, I will not complain.

Mr Barnett: How gracious. Perhaps the member might even say, "Well done". I know his constituents are happy

Mr GRILL: My constituents are not happy that they will be paying 4 per cent more than the people in Busselton, Mandurah or Perth for commercial reticulation. People in the goldfields will not be happy that they will be paying 6 per cent more than other people for domestic reticulation.

Mr Bloffwitch: It will be a lot cheaper than the bottled gas they were paying for.

Mr GRILL: That is not the point. We are talking about relative competitiveness, and if gas is a major component in the costs of a business, it will not relocate to Kalgoorlie-Boulder and pay an extra 4 per cent.

People in Kalgoorlie-Boulder want to see their industrial and commercial bases expand. However, when the transmission costs of gas for those purposes are between four and five times higher than the international and national averages, that industrial development will not take place.

Mr Barnett: What about the acid plant? What about the pipeline, and the prospect that the industrial site will finally have investment taking place. The member for Eyre should compare that with the years of Labor Government when he was the local member, and a Minister. What did he achieve? Were the runs on the board? They were not there.

Mr GRILL: The smelter that the Minister just referred to got off the ground during the period of the Labor Government.

Mr Barnett: I referred to the acid plant.

Mr GRILL: The acid plant was forced on Western Mining by environmental considerations.

Mr Barnett: It has happened. It is working. Things happen under our Government.

Mr GRILL: Not because of economic considerations.

The ACTING SPEAKER (Mr Osborne): I am prepared to accept interjections between the speaker on his feet and members in the Chamber, but if members other than the speaker on his feet are engaged in debate, it is not healthy for debate.

Mr GRILL: It is ironic that the Minister should mention the Kalgoorlie nickel smelter. Until recently that smelter was a massive polluter. The fact that Western Mining has now installed an acid plant has nothing to do with the advent of the goldfields gas pipeline.

Mr Barnett: I did not say it had. I made the point there was investment. I said there were examples of investment in Kalgoorlie under our Government.

Mr GRILL: That was the implication from the Minister's statement. The Minister is all over the place.

Mr Thomas interjected.

The ACTING SPEAKER: Order! Member for Cockburn.

Mr Thomas: The Minister is misleading the House.

The ACTING SPEAKER: I have asked interjections to be directed to the member on his feet. I do not want interjections between other members.

Mr GRILL: The Minister implied that the goldfields gas pipeline was responsible for the acid plant being set up at the Kalgoorlie nickel smelter. When we respond by saying that it has nothing to do with the goldfields gas pipeline he changes his tack -

Mr Barnett: I gave two examples. One was the acid project and the other was the goldfields gas pipeline. Read *Hansard*! I will let you make your speech, but do not make one for me. I will enjoy replying to this garbage. I have never seen a member display such disloyalty to his electorate by these extraordinary statements.

Mr GRILL: My loyalty is to my constituents and to people who want to set up commercial and industrial operations in Kalgoorlie-Boulder. Under this Minister's regime that will not happen. On the first page of his speech the Minister gives the impression that there has been massive industrial development in Kalgoorlie-Boulder and the goldfields as a result of the advent of this pipeline. He said that the goldfields gas pipeline has delivered on its potential by increasing mineral processing, existing and new, due to lower priced electricity and the availability of natural gas as a processed fuel; that it has created new markets for gas producers, encouraging further investment in proving up reserves and in producing facilities. The truth is far from that. The truth is that we do not have either nationally or internationally competitive fuel in Kalgoorlie-Boulder. The truth is that no processing operations, existing or new, have been put in place as a result of the goldfields gas pipeline. We hope there may be some in the future. We hope that this Minister will do something about a competitive policy and thereby bring down some of the costs. As a result of those costs we have no real prospect of additional large industrial investment in Kalgoorlie-Boulder or its surrounds. We have no real prospect of new commercial industries of any great nature, while these costs remain so high.

This Minister is developing a well-earned reputation for being anticompetitive. Until recently he had earned something of a reputation for the deregulation of gas. He is resting on his laurels. The whole edifice is starting to fall around him. The Minister knows he has a reputation for being anticompetitive and is very touchy about it.

Mr Barnett: I will stop these projects around the State!

Mr GRILL: That reputation will continue to grow while he adopts his non-competitive policy on the Dampier to Bunbury pipeline.

Mr Barnett: Which lobby hat is this?

Mr GRILL: The Minister is playing the vicious politics that I mentioned earlier. If an operator comes up with a new project which the Minister does not favour, he belittles the operator and runs it down privately and publicly. That is why I am reluctant to make available the names of the consultants who put together the graphs or the name of the mining company that commissioned the work. The Minister has a growing reputation for undermining companies and consultants, both privately and publicly. This is the direction this State is taking. These vicious, malicious tactics are being used by this Minister on a personal and public level. He started on that track a few moments ago by rubbishing the company involved, and trying to allege that I am somehow a lobbyist for a particular company. I am not a lobbyist for a particular company; I am a mouthpiece and lobbyist for more competition and lower prices. Frankly, the Minister is not delivering on either score. His reputation for being anticompetitive is growing by the week. He may strongarm the few friends who agree with him, but his friends are few and far between these days. They do not believe the Minister's policies are working or that he will ultimately deliver on deregulation.

MS ANWYL (Kalgoorlie) [12.15 pm]: I support the legislation. This is a significant piece of legislation and part of its significance relates to the provision of a framework for the regulation of distribution of gas throughout the State, not only in the medium term for the goldfields generally but also with reticulation in Kalgoorlie-Boulder as the primary focus.

Energy is not an issue of major relevance to my shadow portfolio areas. Notwithstanding that, I must impress upon members the importance of energy not only to my electorate but also regional Western Australia. During the most recent election campaign one example of that was the fairly heavy emphasis in the Esperance region on energy pricing

generally. I will comment later on the problems which may be faced by regional Western Australia relating to long term energy deregulation.

In regard to the importance to my electorate of energy generally and economic development in the goldfields region, one of my concerns relates to the long term viability of Kalgoorlie-Boulder as a city. From time to time concern is expressed about the long term future of the city. It is extremely dependent on the mining industry and it will be extremely beneficial if the mineral industry processing sector increases. Although I do not seek in a large degree to explore the issues raised by the member for Eyre, it is not just a question of the mineral industry processing sector increasing but of other industry being developed. Without doubt energy is vital to the future of not only the mining industry and other sectors, but also to industry generally. In that regard, the Mungari industrial estate lies idle at the edge of Kalgoorlie-Boulder. That has been the situation for some time. Although I note that several people have been involved in trying to further the future of the park, it is unclear whether the advent of the gas pipeline will completely solve the problem. There have been discussions from time to time about the sort of industry which might relocate or establish in the park. Currently, apart from the concept of moving explosives reserves to that park, no significant player has indicated a willingness to establish in the region, specifically at that park. The Minister for Energy enjoys visiting my electorate.

Mr Barnett: I am up there all the time!

Ms ANWYL: The Minister took the opportunity to visit the region immediately after the announcement of the gold royalty. Unfortunately I was unable to be there. I think he attended the budget briefings, so it may have been a couple of days after the budget debate. I think the member for Eyre was also unable to attend that session. I recall vividly the opening of the goldfields gas pipeline and the role that the Minister played.

Mr Barnett: The opening of the Parkeston power station was a nice event. There have been many openings in Kalgoorlie over the past few months.

Ms ANWYL: I know how the Minister enjoys visiting the area. I recall his offering to show me around my electorate, I think towards the end of last year.

Mr Barnett: You are never there.

Ms ANWYL: I wrote to the Minister and said that I would welcome the opportunity to be shown around my electorate and to visit the various achievements and commercial operations.

Mr Barnett: I will be going up there again in a couple of weeks. I hope you can come along. A series of nickel projects will begin.

Ms ANWYL: I hope the Minister gives me notice so we can do that.

Mr Grill: We just want the Minister to lift his game.

Ms ANWYL: There is some degree of flippancy in what I say. However, I acknowledge that the Minister for Energy has a lot to do with my electorate. I am not sure the pipeline would not have proceeded whatever the political complexion of the Government of the day. I do not know that it necessarily follows that if a Labor Government had been in power, there would not have been a pipeline.

Mr Barnett: You should bear in mind that when the Government promoted the concept of the pipeline - you were not in Parliament at the time - all your members ridiculed the concept for that project. They made fun of it and talked it down. Your colleagues gave no support to the concept until it started to become a reality.

Mr Grill: We didn't know about it to begin with. As soon as we knew about it, we supported it entirely.

Mr Barnett: Once it was going to happen, you did; but you ridiculed and made fun of it.

Mr Grill: Not at all.

The ACTING SPEAKER (Mr Osborne): Order! Members, can we have a debate and not a general conversation?

Ms ANWYL: I have made a comment on that pipeline. I do not think it would be productive to pursue that issue at this time. I acknowledge the Minister presided over the advent of that pipeline and will preside over the advent of gas reticulation to Kalgoorlie-Boulder. For that I praise the Minister. One must remember my praise of the Minister is relative; one must look at his ministerial colleagues. I consider the Minister for Energy is one of the more able Ministers in his Government. He rose markedly in my estimation a couple of weeks ago when he was the only Minister in this House who did not vote for the third wave legislation.

The reticulation of gas to Kalgoorlie-Boulder has been promised in a succession of election campaigns. The successful tenderer, AlintaGas, believe it can be achieved within a time frame of two years. From when will that two years commence?

Mr Barnett: That will be from the granting of the licence following the passage of this legislation. AlintaGas is effectively planning and designing the system now. It is assuming the licence will be granted. It is my understanding - I might stand corrected - that AlintaGas will start laying pipes this year. It will be done very quickly.

Ms ANWYL: The two year period would commence a short time after the proclamation of this legislation?

Mr Barnett: Yes. As soon as the pipes are laid, customers will be connected. Some customers will be connected in a few months.

Ms ANWYL: The Bill will provide for the regulation of the gas distribution system in Kalgoorlie-Boulder. It is important to note that the framework will be provided for the whole State. I want to discuss the ramifications for not only Kalgoorlie-Boulder, but also the State, especially in the context of the uncertainty that exists in the deregulation of energy in Western Australia. The consequences of gas reticulation in Kalgoorlie-Boulder are several. Some of the key issues include the greenhouse implications of a major swap to gas supply in Kalgoorlie-Boulder, which is now a city of about 35 000 people. A greater choice will be available for consumers and there will be greater potential for cogeneration to be employed for some of the significant energy users in the city. My own passion is the advent of a heated swimming pool. I understand from the architects considering that proposal that it is a possibility.

Mr Barnett: Heated by gas?

Ms ANWYL: No, there will be an opportunity to take energy from the significant users and use that energy in part.

Mr Barnett: As waste heat?

Ms ANWYL: Yes, it is the excess heat. That is the basic premise of cogeneration. A number of swimming pools in South Australia are heated along that model. I think the Boral group is a significant player there. I understand from AlintaGas that negotiations are under way with the principle users of energy such as Kalgoorlie Regional Hospital and the Kalgoorlie campus of Curtin University of Technology.

Mr Barnett: There are some social, as well as economic, benefits.

Ms ANWYL: I acknowledge that it can have some benefit. I do not seek to become involved in the argument about the rates. However, opposition members have continually tried to impress on the Minister that considering the marginal nature of gold operations, 6 per cent can be a significant amount.

Mr Barnett: AlintaGas will not supply gas to gold operations under this arrangement.

Ms ANWYL: I understand that, but the Minister will appreciate that 6 per cent for those operations is still a significant amount, notwithstanding that it is not 50 per cent, which we would like to see, or even 25 per cent. Everything is relative.

Mr Barnett: The further up the pipeline and the closer to the Pilbara, the bigger the savings.

Ms ANWYL: Yes, I was discussing with the member for Pilbara that the savings are much more significant there. There are also four major players in the supply of gas there, which is different from the position in the goldfields.

The overwhelming heat source for domestic use by residents of Kalgoorlie-Boulder is wood fires. This issue is timely considering the announcement today of the select committee into air pollution. Every morning there is a haze over Kalgoorlie-Boulder which can be seen when one flies into the city. That must be considered along with the greenhouse effect and problems with the availability of wood for wood heaters. Although Kalgoorlie-Boulder is one of the world's largest natural woodlands and has been significantly replenished since earlier days when the bulk of wood was used for underground mine operations, there is still a significant use of wood by people to keep themselves warm. Many people would elect to use gas heating in the longer term in preference to wood fire heaters as a result of its availability in other than bottled form, irrespective of price. We have yet to receive full details of the exact price at which the gas will be available to residential customers. I look forward to that further detail.

I received representations from tendering companies other than AlintaGas. I was concerned specifically to obtain detail about the time frame for the provision of reticulation to households. Supply to 95 per cent of households within two years is ambitious. When I suggested that to AlintaGas recently, I was told it preferred to think of it as aggressive rather than ambitious.

It will also be interesting to know the time frame for the licence expiry. I raised that earlier and I note that the legislation provides for a maximum of 10 years. I look forward to hearing from the Minister the exact time frame.

It is also noteworthy that one of the by-products of the reticulation process is that a number of cabling companies have made approaches to provide the cabling for Kalgoorlie-Boulder.

Mr Barnett: Another benefit. It keeps coming.

Ms ANWYL: I have absolutely no difficulty speaking of the benefits, regardless of which side of politics was in power at the time those benefits were gained. I note that a delegation from the City of Kalgoorlie-Boulder currently is visiting Ballarat, looking at the best options available. I understand AlintaGas will provide at least three or four contracts to the companies that will dig trenches for the reticulation. I consider it extremely ambitious to provide all that reticulation in just over two years.

Mr Barnett: Kalgoorlie is not that difficult. It has flat terrain and a grid pattern of roads. It is not difficult to lay gas pipes.

Ms ANWYL: The bulk of reticulation in established areas will be in rear laneways.

Mr Barnett: It has low density accommodation and is very spread out. There is plenty of land through which to run pipes.

Ms ANWYL: One of the concerns raised with me was the type of rock that must be dug out, but that is way beyond my expertise.

Mr Barnett: It is not deep and most likely poly-pipe will be used. It is very simple and light. They work with it very quickly.

Ms ANWYL: Whether it is an ambitious or aggressive program, I hope the pipes can be laid in even less time.

Mr Barnett: The member can rest assured they will be laid by the time of the next election - well and truly.

Ms ANWYL: Does that mean there will not be an early election? Another matter of interest to my constituents is the order in which AlintaGas will lay those pipes. It has expressed an intention to be even-handed about the various areas. I commend it for that.

I now refer specifically to proposed division 7 in the Bill containing the enforcement provisions. If there should be a need for regular auditing of the time frame, how is it intended to monitor that, if at all? I note that proposed new section 11ZC(2) provides that if a licensee fails to comply, the Minister may serve a letter of reprimand; impose a fine not exceeding $100 000, which is insignificant bearing in mind the size of contracts involved; and deliver a notice of contravention and rectification. I seek some detail of the way in which that will be effected.

[Leave granted for the member's time to be extended.]

Ms ANWYL: Other issues arise from this legislation and it is fair to say there is a climate of uncertainty about deregulation of energy in Western Australia. We do not know whether that will be resolved in the short or medium term. Some debate is occurring in the goldfields on that issue. I was recently invited to attend a seminar organised by the Goldfields-Esperance Development Commission, which considered power deregulation and gave specific examples of what had occurred in Victoria. Victoria is currently divided into five regions in a wedge shaped scenario. The metropolitan area, which is the most lucrative, is radiated out in a fan shape to include the other regions. The example presented to the seminar was the north east region of Victoria. There is much concern in that region about what will happen when the current price ceiling is removed in 2000.

Mr Barnett: Some of the speakers at the seminar did not help at all. I am somewhat annoyed about the message they gave to people. They alarmed people about something that is not policy, and they did not have the courtesy to discuss it with the relevant government agencies or with me.

Ms ANWYL: It was organised by a body that has extremely close links with the Minister for Regional Development, and I do not know what, if any, input he had.

Mr Barnett: Zero.

Ms ANWYL: That is interesting. He seems to have a huge input into everything else the commission does. If we accept what was said by delegates at the seminar, the concern in north east Victoria is that the regional areas will be severely disadvantaged at the end of the price fixing in 2000. Certainly, there is a great deal of interest in regional areas in what has happened in the United States over several decades. I understand one of the regions is seriously trying to foster the concept of regional cooperative power stations or provision of power as a result of sharing arrangements between municipal authorities and interested regional groups - presumably commercial and individual - such as credit unions and the like. It will be interesting to see what occurs following the recently announced plans of the Government of New South Wales.

Mr Barnett: There seems to be a division of view about that.

Ms ANWYL: No doubt there is, and there will be continued discussion on the ramifications for the future. Bearing in mind the Victorian experience, I have serious doubts about whether the Premier of that State has considered the long term effects of the policies put in place.

Mr Barnett: Do you think the Premier of New South Wales considered the long term effects?

Ms ANWYL: I am sure he will in future because there will obviously be much debate in that State prior to the privatisation. I am primarily concerned for my constituents and for regional Western Australia that the cost of energy is already sufficiently high. I referred earlier to the disgruntled residents of Esperance, and the concerns they continually voice. It will be interesting to see what happens in other States, and make some application to the Western Australian example. If anything, the concerns raised in north east Victoria, and presumably other regions of Victoria, will be much more amplified in Western Australia, given the distance and other issues.

Mr Barnett: As a good member of Parliament, you should take a more sober and responsible attitude to energy issues in regional Western Australia and not be whipped into a frenzy by comments made in Victoria that are not applicable in this State.

Ms ANWYL: If the Minister thinks I am whipped into a frenzy now, I am surprised. However, it is important that there be a rational debate about this whole issue and that a lot of thought be given to the ramifications. It is easy for the Government to take certain action for politically expedient reasons. Some aspects of the Queensland budget are interesting if looked at in the framework of a forthcoming election.

Another issue causing concern to Western Australians is the prospect of paying their energy bills to foreign corporations. In Orbost, people write cheques to Texas Instruments for their electricity accounts. There is a certain degree of parochialism in every country, and there would be a great deal of resistance in Western Australia to paying overseas companies for key utility services.

This Bill provides a framework for distribution across the State. I ask the Minister to address my questions in relation to division VII. Otherwise, I support the legislation.

DR TURNBULL (Collie) [12.41 pm]: We are told that this Bill is necessary for the reticulation of gas throughout Kalgoorlie. As explained in the latter part of the second reading speech, its two major objectives are to provide for the licensing and supply of gas in certain areas of the State and to enable the supply areas to be defined.

This is being done using a similar method to that used in relation to the provisions for licensing of water services in Western Australia. This Bill is not simply about reticulation in the Kalgoorlie area, although that area will be the first area reticulated under this new form of licensing. It has been pointed out by the member for Eyre and the member for Kalgoorlie that people in Kalgoorlie-Boulder will probably be paying 6 per cent more for their gas than people in Perth. It is obvious that industry will also pay more because gas in Kalgoorlie will be more expensive than gas in the south west. This issue concerns me and all other National Party members, and it should also concern all Liberal Party members representing country electorates.

This legislation amends the 1994 Energy Coordination Act. Does the Minister envisage that this type of licensing and definition of supply areas for gas will also apply to electricity? Will this licensing be applied to new and existing Western Power transmission lines? We already have a form of prescription of supply areas under the management of Western Power, but we do not have legislation defining the areas. Does the Minister anticipate further amendments to the Energy Coordination Act to achieve that?

I am pleased that in my talks with the Minister for Energy he has expressed a very strong commitment to the management of deregulation of the energy industry. These amendments relate to an arrangement whereby the Government can undertake that management. The energy industry of Western Australia is essential to our economy and its wellbeing. If deregulation is not managed, we could very easily slip into a situation where no companies or private investors would be prepared to invest in new energy projects.

Mr Barnett: How is the power station going at Collie?

Dr TURNBULL: It is going very well.

Mr Grill: Is that the one that did not go out to competitive tender?

Dr TURNBULL: That is the one on which competitive tenders were called by the Labor Government.

Mr Barnett: The work force peaks at 500 in the next few weeks.

Dr TURNBULL: Yes. Unfortunately, the third wave industrial relations turmoil caused by the unions has led to the loss of three weeks' work on the construction of the power station. The power station agreement between the consortium and the unions will not be affected one iota by the state laws. It is terribly disappointing to the average worker on the site. They have lost three weeks' work and salary because of the demands being placed on them by the unions of Western Australia. It is very disappointing because, of course, it has put the work on the site behind schedule. There are certain processes that cannot be undertaken in the winter, and if they are not coordinated within the construction timetable, everything is put behind schedule.

Mr Grill: It was going well until the third wave.

Dr TURNBULL: That is correct; the project was on schedule prior to that. The workers had lost three days' work because of the dispute about the federal changes to taxes on travel allowances, but that had been caught up.

The greatest tragedy - which a few members opposite are laughing about - is that it gives a very bad impression, particularly internationally, about Western Australia's reliability. The unions are crucifying themselves and the future of the average unionist.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 3470.]

STATEMENT - MEMBER FOR THORNLIE

Protection of Heritage Buildings

MS McHALE (Thornlie) [12.50 pm]: My statement is prompted by yet another decision of the Minister for the portfolio "Seek out and Destroy" - the Minister for Labour Relations and Heritage. What will it take for the Minister for Heritage to realise that in order to have a strong future we need a strong heritage; that is, the link between our history and our future? We condemn the Minister for ignoring the advice of the Heritage Council by ruling out listing Council House on Western Australia's register of heritage places. Under his management we have seen the loss of the MLC building; the Raffles Hotel has no protection; the Heritage of Western Australia Act has not been reviewed; Xavier Herbert's house was illegally demolished, and the Minister refuses to state publicly and clearly that he will support and adopt the Heritage Council's recommendation on the Bellevue homestead. That is a shameful record. This seek out and destroy Minister has no mandate to destroy the industrial relations system. He has no mandate to disregard important, significant heritage and architectural sites.

Council House was opened in 1963 by the Queen. It is an icon of our 1960s heritage style of architecture. The Minister's lamentable decision gives further support to the worrying view that our early modern buildings are not considered worthy of heritage or being included on our heritage register. We should remember that what was considered ugly in the 1960s is now seen as valuable and worthy of preservation. The Minister stands condemned for his decision.

STATEMENT - MEMBER FOR JOONDALUP

Eureka Flag

MR BAKER (Joondalup) [12.52 pm]: I wish to raise with this House and place on the public record yet another instance where the Labor Party and several misinformed members of the union movement have sought to rewrite Australian history by perverting our nation's symbols and history. I refer to the Builders Labourers Federation's use of the Eureka flag as its trademark or symbol on construction sites and in the broader community in Western Australia. One very recent and close to hand example of this is the use of the Eureka flag at the Trades and Labor Council's enclave across the road from this Parliament.

The Eureka flag was designed, manufactured and flown by the miners who took part in the Eureka Stockade uprising in 1854. This uprising was the culmination of an ongoing dispute between goldminers and the Government of the day concerning the high cost of gold licences issued by the Government and the way in which the Government sought payment. All historical eyewitness accounts of the events of the Eureka Stockade uprising clearly indicate that all the miners who participated in the uprising were self-employed persons. Not one of them was a unionist, not one of them was an employee and, for that matter, not one of them was a builder. The uprising was essentially a dispute between the then self-employed small business sector carrying on business on the Victoria goldfields and the Government of the day. It was a dispute about an unfair tax on small business, not a dispute involving employers and employees.

The BLF's misuse of the Eureka flag is yet another example of the highjacking of our nation's symbols and the attempt by the Labor Party's affiliates to rewrite Australian history for their own political purposes. The misuse of the Eureka flag is an affront to the 30 self-employed diggers who lost their lives in their pursuit of entrepreneurial endeavour in the face of bloody mindedness from a high taxing, unrepresentative, centralist Government.

Points of Order

Mr GRILL: I understand that our rules prevent people reading from speeches. The whole of that 90 second speech was read at a furious rate.

Mr Bloffwitch: The others are too.

Several members interjected.

The ACTING SPEAKER (Mr Osborne): Order!

Mr GRILL: It does not matter. The usages of this House are that speeches are not read except where they are made by a Minister. The member is showing a lot of promise but he is not a Minister yet. We must endeavour where possible to keep within the usages of the House.

Mr JOHNSON: The recommendations from the Select Committee on Standing Orders and Procedure, which made the recommendation to allow mainly backbenchers, private members' 90 second statements, were designed so that members could get what they wanted to say completed in 90 seconds. Members read almost all of their 90 second statements because they want to make sure they get their messages across.

Mr ACTING SPEAKER: The member for Eyre's point of order in fact is a point of view. Some degree of latitude is permissible during 90 second statements.

Statements Resumed

STATEMENT - MEMBER FOR PEEL

Rockingham Health Service

MR MARLBOROUGH (Peel) [12.54 pm]: I will try to not read from too many notes! I draw to the attention of the House the disastrous state of health care in the Rockingham-Kwinana region, as evidenced in the answer of the Minister for Health yesterday and as reported in this morning's *The West Australian*.

Neale Fong, a senior spokesperson from the Health Department, said in today's *The West Australian*, when questioned on the average waiting list in hospitals for orthopaedic surgery, that the average waiting time is 5.4 months. The average waiting time for orthopaedic surgery in Rockingham-Kwinana District Hospital is three years and 175 patients are waiting for surgery.

I also draw the attention of the House to a letter from Dr Peter Bath to the Health Department which complains about the cutbacks in his services; he sees only three patients a week because of budgetary constraints. They are the same budgetary constraints that last year were causing problems for the Rockingham-Kwinana District Hospital when the Minister for Health, after first trying to hide the problem, had to admit to a $1.2 million deficit in health care needs in Rockingham. It is appalling that that problem is continuing for a second year. The Minister refuses to recognise how quickly the area is growing and he fails to recognise the needs of people, particularly the elderly, who require this surgery. It is outrageous and there is no excuse for it.

STATEMENT - MEMBER FOR SOUTHERN RIVER

PC Cops Crime Prevention System

MRS HOLMES (Southern River) [12.56 pm]: A week ago I was pleased to attend the City of Armadale's launch of a new crime prevention initiative, PC Cops. PC Cops is a crime prevention measure which is the initiative of Mr Norm Hepburn, a life-long member of the Armadale Neighbourhood Watch committee.

PC Cops is a computer operated system which provides instant communication from the police, via the telephone, to the community. A recorded message is passed down the telephone line to selected people, including businesses, community groups and Neighbourhood Watch. They are instantly aware of what is going on in the area and their clients have the ability to reciprocate by providing information back to the police.

Used correctly PC Cops has the potential to produce a 33 per cent reduction in crime statistics. Such a reduction in Armadale, based upon an average of $2000 cost per burglary, equates to a saving of $947 000, plus police costs.

The adoption of Mr Hepburn's excellent initiative has the potential to provide enormous savings to not only the State but also the community at large. I commend him for the perseverance and the resolution of his dream.

STATEMENT - MEMBER FOR KALGOORLIE

Drug and Alcohol Rehabilitation Centre, Kalgoorlie-Boulder

MS ANWYL (Kalgoorlie) [12.58 pm]: I call on the Government to address the urgent need for a drug and alcohol detoxification and rehabilitation centre in Kalgoorlie-Boulder. The 1995 drug task force figures reveal that Kalgoorlie-Boulder has the highest regional incidence of intravenous drug use in Western Australia. Recent figures show that at least 600 Fitpacks are made available out of hours - that is, between 8.00 am and 8.00 pm - each month in Kalgoorlie-Boulder, each of which contain several syringes from the Kalgoorlie Regional Hospital.

Methadone is available to drug users in Kalgoorlie-Boulder but there is a long waiting list. People are also experiencing problems accessing patient assistance travel scheme money for that purpose. I applaud the recent decision of the Goldfields Drug Action Group to pursue this matter. I am involved in that committee.

Drug use must be treated as a health issue. The responsibility for the task force should be taken from Family and Children's Services and given to the Health Department immediately. The entire matter should be readdressed as a health issue rather than one of law and order or education, which has been the simplistic solution of the past.

STATEMENT - MEMBER FOR AVON

Churchlands Senior High School Fire

MR TRENORDEN (Avon) [1.00 pm]: I refer to the Churchlands Senior High School which, unfortunately, burnt down earlier this week. I have great empathy with members of that community because, as members will know, the Toodyay school burnt down in May two years ago. It was a great loss to the community, and a very devastating time for Toodyay. I can understand the feelings of the people and students connected with the Churchlands school.

The member for Churchlands telephoned me earlier in the week and asked me whether I could contact the principal of the Toodyay school and the P & C association to have them assist the people at the Churchlands school in their time of need. I made the contact, only to be a day too late in the process: The people in Toodyay had immediately offered assistance, and did not need any intervention from me or anybody else. They were already assisting those at Churchlands school to get back on their feet.

We must realise the State will replace the bricks and mortar, but not the heart of the school and the assets built up by the school over many years. The Toodyay people have appreciated the assistance given to them during the two years since the fire to their school. Following that fire, the people of Toodyay got enormous assistance not only from the other schools in Western Australia, but also the general public. I believe everyone should kick in and give the people in the Churchlands school community the assistance they need now.

Sitting suspended from 1.02 to 2.00 pm

[Questions without notice taken.]

ENERGY COORDINATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

DR TURNBULL (Collie) [2.37 pm]: I am pleased that in my talks with the Minister for Energy he expressed a strong commitment to a managed deregulation of the energy industry. Licensing of gas distribution, and possibly electricity distribution, gives the Government a legitimate role through which to manage developments in the energy industry. I see this as an essential role. It should be the highest priority of any Government in Western Australia to ensure the orderly availability and supply of energy at a reasonable price. Under the Energy Coordination Act the functions of the Coordinator of Energy are clearly stated. The first item is to assist the Minister in the planning and coordination of the provision of energy in the State, taking into account the energy needs of the State. I believe, as do all National Party members, that consideration of the energy needs of industry and people in rural and remote areas of Western Australia is vital for the economic viability of our State. Equity of access is not just a fundamental human right; equity of access and equity in pricing are fundamental requirements for industrial and business activity in regional areas of Western Australia. The lifeblood of the Western Australian economy flows from the primary industries of mining and farming, and secondary processing in mining, agricultural and fishing products.

The Bill sets up a structure for licensed distribution and prescribed areas of distribution for gas, and allows for differential pricing of gas. If it had not been for this licensing system, most likely there would not be a gas pipeline from Kalgoorlie or a pipeline to Busselton. Despite that, this Bill introduces a differential pricing system.

As I have already stated, I have a number of questions to put to the Minister. First, does he envisage any further amendments to the Energy Coordination Act that will set up a similar licensing structure for electricity? Second, what are his reasons for not including provisions such as those in the New South Wales and Victorian legislation that give the Minister, through the coordinator, direct influence on the pricing of gas? Third, does the Minister envisage an important role in the deregulation process for the public interest? I ultimately describe the public interest as the interest of all Western Australians, be they in urban or rural areas, in our economic wellbeing.

The electricity utilities, be they publicly or privately owned, must supply electricity at a price that ensures industries in regional areas can continue to operate. There is no point in energy distribution systems if the users - domestic, industry or business - cannot afford the gas or the electricity. I put to this House that for the ultimate good of Western Australia this Government must ensure that economic development of regional areas is not stymied by electricity costs that are too high. The members for Eyre and Kalgoorlie have expressed the opinion that the price of gas in regional areas, particularly Kalgoorlie, is already too high and it might slow down the industrial development in Kalgoorlie which relies on gas. At present the electricity prices in Kalgoorlie, even for industry, are commensurate with the prices in Perth. However, I advise the House today that electricity prices in Esperance and Carnarvon for business are higher than those in Perth.

Finally, I come to the crux of my speech; that is, I do not want to see this gas distribution legislation as it stands, which no doubt is very suitable for gas supplies, introduced for the supply of electricity. I warn the Government that I definitely do not want it to introduce an electricity supply licensing system with defined supply areas that does not include management tools which allow the Government to have some influence over the price of electricity.

MR MINSON (Greenough) [2.45 pm]: Some years ago when I was Deputy Leader of the Opposition I developed an interest in the question of energy and why Western Australia in the past had had so many secondary industries. At one time the WASP engine was manufactured by Western Australian Steel Products. There used to be a raft of manufacturers in this State. I understand even aircraft were manufactured in Western Australia at one time. When I inquired why the manufacturing base had disappeared, a couple of obvious answers reared their head. The first related to the labour market, about which we have heard much in recent times, and I do not want to go into that. The second related to the price of energy.

Certainly, the barriers dropped between countries in trade and commerce such that if a company wished to manufacture something it might well decide to choose a place in which the land, energy and labour were cheap. Therefore, that severely disadvantaged Western Australia. Even within Australia, places such as Queensland have coal with high calorific value in close proximity to population centres. Therefore, Queensland was able to construct power stations close to that coal and, by virtue of the deregulation that had occurred, it was able to produce electricity at an extremely low price. Western Australia has become so disadvantaged over time that between 25 and 30 years ago energy was regarded only as something that flowed through light bulbs when the switch was turned on. It was not regarded as particularly important for the economy of the State because at that time agriculture was booming and the iron ore and mining sectors were beginning to come into their own. Since the agricultural and fishing industries have reached saturation point for employment opportunities and the population has increased, it has been necessary to do something about energy prices.

It is interesting to note what is happening in my electorate of Greenough, with the proposed development north of Geraldton of the Oakajee industrial site. It is proposed to bring gas to that site, but that gas is not required to be of the same grade as the gas flowing through the main pipeline. The gas that would usually be flared off at the power station can be fed down, and I suspect that the electricity in Geraldton will become the cheapest in Western Australia. I understand the proponents plan to build a 500 megawatt power station that will be able to produce electricity very cheaply. Also, the gas will enable iron ore and other minerals to be processed, purified and value added in that area, using some of the lowest priced energy anywhere in Western Australia.

I support the legislation. It will go a long way towards enabling flexible distribution and proper planning of the distribution of gas and energy supplies in Western Australia. As pointed out by the member for Collie, it is important that regional areas have access to reasonably priced energy. Of course, gas can be transported over long distances more cheaply than electricity. Not only is it often cheaper to establish a pipeline than to erect transmission lines, but they are also environmentally more acceptable from an aesthetic point of view and there is no voltage drop. We can now build small and very efficient combined cycle power stations with efficiencies in the high 40 per cent to 50 per cent range, which was unheard of 15 or 20 years ago. That in itself will solve the problem of energy prices in regional areas, thereby allowing industry to establish on a footing equal to or better than it would have had it established in the metropolitan area. I support the Bill and commend it to the House.

MR BARNETT (Cottesloe - Minister for Energy) [2.51 pm]: I thank members for their support of this legislation. The Bill creates an arrangement whereby licences can be given for the reticulation of gas within towns or areas of Western Australia outside the area serviced by AlintaGas and sets up a proposal to allow for the competitive bidding for, and distribution of, gas that is about to take place.

Some of the speeches by members opposite bore little or no relationship to the Bill.

Dr Turnbull: It is interesting that they are not here.

Mr BARNETT: The member for Cockburn has just returned. He made his speech about deregulation, gas pipelines and second pipelines to Perth and the south west for the sixth time. They are serious issues, but they do not relate to this Bill.

The member for Eyre raised numerous other issues and principally discussed the operation of the goldfields gas pipeline. I was genuinely stunned to hear him say in this Chamber that the pipeline is a failure.

Mr Grill: In terms of the expectations the Minister raised.

Mr BARNETT: He qualifies that now. To describe it as a failure is amazing. It probably still stands as the most important industrial development in Western Australia in the 1990s. I remind members opposite that that gas pipeline - which they thought would never happen and about which they were quite scathing - was built over 1 400 km in about 12 months and began operations in November last year. It is a new pipeline and it is operating at low volume levels. As industry develops, we will see the volume gradually increase, and hopefully we will see tariffs come down. I do not hide from the fact that the transport charge is high; it is an expensive operation. It is a long pipeline with a limited number of customers.

The member for Eyre spoke about how it has not brought any benefits. The construction of the pipeline was of immense benefit to the region. In conjunction with the pipeline, six gas fired power stations with a combined capacity of 370 megawatts - larger than the Collie power station generation - involving a total capital investment of $265m have been built at Newman, Mt Keith, Leinster, Parkeston, Kalgoorlie and Kambalda. Apart from the construction of a $400m pipeline, there have been associated investments of $265m. It has transformed the goldfields, the northern goldfields and the eastern part of the Pilbara from an area that was deficient in generating capacity to one that has a surplus. Market forces will play their role and as volume goes up the prices will come down. That will be part of the unfolding of the process. To suggest that it has been a failure and has not brought benefits is extraordinary.

Mr Grill: You raised expectations far too high.

Mr BARNETT: So we should have had eight power stations! I cannot take the member seriously.

Mr Thomas interjected.

Mr Grill interjected.

Mr BARNETT: Do the members want to have a debate? I will sit down and when they have finished I will continue.

Several members interjected.

The SPEAKER: Order!

Mr BARNETT: The price of energy compared with the next best alternative has fallen by about 25 per cent to 30 per cent in the Kalgoorlie region and by up to 50 per cent in the Pilbara. That is the reality. The alternative has been road and rail transported diesel. That is the difference.

Mr Grill interjected.

Mr BARNETT: The member can dispute it. He will continue to criticise this project. Next time I go to Kalgoorlie - I hope the member is there - I will happily talk to industry about the benefits of this project to the goldfields.

Mr Grill interjected.

Mr BARNETT: I am telling the member that they are saving about 25 per cent to 35 per cent. If the member doubts that, why are several projects at an advanced stage on the drawing board or about to be constructed involving lateral gas pipelines? Through the Minister for Mines, the Government is issuing licences for connections to the gas pipeline. If it is such a failure, why is that happening? Why have six power stations been built and why are further groups connecting to the gas supply? The gas volume will increase and the infrastructure for power generation and transmission lines will grow. That will give the goldfields a major competitive advantage in energy.

In the past there was a shortage of energy and we could not get the power down the line from Muja without a 30 per cent transmission loss. Of the electricity leaving Collie, 30 per cent did not make it to Kalgoorlie because of transmission losses. We now have power generation available in Kalgoorlie

Several members interjected.

Mr BARNETT: That is exactly right; the security of the south west was enhanced because, during the industrial disruption, power was generated in Kalgoorlie and distributed into the south west grid. We have the reverse benefit of a more reliable system.

Several members interjected.

The SPEAKER: Order! We cannot have interjections across the Chamber.

Mr BARNETT: After those two speeches, fortunately both the quality and content improved dramatically. Speakers, including the member for Kalgoorlie, addressed the Bill before the House, which relates to gas reticulation in Kalgoorlie.

Mr Grill: Here we go with the petulance.

Mr BARNETT: "Petulance" is nicer than "sleazy little cheat", I suppose.

The member for Kalgoorlie, to her credit, recognised the benefits of gas reticulation. It is conceded that the price in that region will be about 6 per cent higher than people pay in Perth. However, they are now offered the choice of gas, electricity and bottled gas.

Mr Grill: Did I not also acknowledge that?

Mr BARNETT: Most reluctantly at the end.

In response to the member for Kalgoorlie, construction is likely to commence in the next two or three months. About 95 per cent of Kalgoorlie - about 9 300 customers - will have gas delivered within two years.

This legislation will allow the granting of a licence for construction to commence. This is a direct example of how significant resource related development can bring benefits to people. Another recent example is the development of the Beenup mine on the south coast, which has seen the sealing of Sue's Road. That will help separate industrial and heavy traffic from tourist traffic in the south west. In addition, it will provide shorter and quicker access from Perth to Augusta. There are some substantial indirect benefits, but in this case the benefits are very direct.

The member for Kalgoorlie acknowledged, quite properly, that there are substantial benefits, such as co-generation, heating of swimming pools and so on. Arrangements are close to finalisation for the inclusion of cable communication systems as part of the laying of the pipelines. Again, that will provide a significant benefit to the people of Kalgoorlie.

The member for Eyre also said that the Bill is a facilitating piece of legislation that could apply in other areas. It could well assist in the restructure of gas supplies to Albany and improve the quality and breadth of service to customers, if we were to consider a similar process, but there is no scope for a pipeline connection to Albany.

The member for Collie also said that this Bill could stimulate changes in electricity generation in regional areas. In Kununurra, for example, the Ord River hydroelectricity scheme is a privately owned power generator which sells electricity to Western Power, which Western Power then distributes. Similar arrangements could be developed in areas such as Esperance, Broome or Exmouth.

The arrangements being developed in electricity do not extend to its distribution at this stage. However, that option should not be closed off, because it may be appropriate for smaller communities or Aboriginal communities in particular.

The Bill will improve gas and electricity services. It will result in lower costs and the provision of better quality and reliable power supplies to regional areas.

The member for Collie also drew attention to on-pricing of gas. Rather than direct influences on pricing, the Government has relied on a light-handed regulatory framework. I believe that is the way to go if we are to establish competition. The agreements in the Bill are protective measures to ensure that those who are given franchises cannot exploit them. In that regard, the public interest will be looked after properly. There are enough powers under the Energy Coordination Act to address that.

I thank members for their support of the legislation. Not a large amount of gas will travel down the pipeline.

Ms Anwyl: Will you address the question about the enforcement division and how that will come into effect in terms of licence control?

Mr BARNETT: I cannot do that in any detail off the top of my head, but it is consistent with the regulation of energy. Western Power and AlintaGas are subject to enforcement control. If the House does not go into Committee on this Bill I will make a point of responding in writing to the member on that matter.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Osborne) in the Chair; Mr Barnett (Minister for Energy) in charge of the Bill.

Clause 1: Short title -

Mr THOMAS: I will use this opportunity to make some general comments about the second reading debate and the remarkable performance of the Minister for Energy. The Opposition supported the legislation which provided for the construction of the goldfields pipeline when it was brought to the Parliament and it wished the proponents well in their endeavours.

Mr Barnett: You knew it was happening at that stage.

Mr THOMAS: Exactly. We supported that. The member for Eyre made -

Point of Order

Mr BARNETT: Mr Chairman, the second reading debate is over. There is scope for a third reading debate, if the member for Cockburn would like it, but I respectfully suggest that we are in Committee and the member is embarking on a general discussion of the Bill. That should be properly left for the third reading.

The CHAIRMAN: Order! Clause 1 is the short title of the Bill. Will the member for Cockburn address his remarks to that.

Committee Resumed

Mr THOMAS: I am. The short title provides that the Act will be cited as the Energy Coordination Amendment Act, which has to do with the coordination of energy. I am addressing general matters that arise under that heading. The standing orders provide that I have five minutes to address that matter - and perhaps another five minutes and another five minutes after that. Making a few short comments under this heading is a more economical use of the time of the Chamber than answering the Minister for Energy's petulant point of order.

When the Government foreshadowed this project it promised enormous reductions in the price of energy in the goldfields. All the Opposition has done on this occasion is to point out that that has not occurred, and it has incurred the wrath and ire of the Minister for Energy. Reductions have certainly been achieved in the price of energy in areas where people were hitherto dependent on dieseline carted in by road and rail, but those price reductions are coming off a very high base.

The Opposition is simply making the point that the Government is misleading the industries and people of the goldfields, particularly in light of the statement in the second reading speech - which the member for Eyre quoted directly - which says that the goldfields gas pipeline has delivered on its potential by increasing mineral processing, existing and new, due to lower priced electricity and the availability of natural gas as a process fuel. That, at best, is a gross exaggeration.

When the member for Eyre produced some figures to illustrate his point, the Minister became insulting and accused the Opposition of impropriety, simply by drawing attention to the fact -

Mr Barnett: I don't recall doing that.

Mr THOMAS: The Minister accused the Opposition of being lobbyists for hire.

Mr Barnett: I asked for whom you were acting today, yes.

Mr THOMAS: Is the Minister suggesting that when Opposition members adopt a different point of view from his they are in the pay of other people?

Mr Barnett: I did not suggest in the pay, but you act as a lobbyist.

Mr THOMAS: In the British Parliament, which operates within a similar system to our Parliament, that is a serious allegation. I hope that is hyperbole.

Mr Barnett: If you feel insulted, I apologise; but you represent the views of vested interests.

Mr THOMAS: The point is the Minister said it. In any event I do not wish to perpetuate this. I want to make good something which the member for Eyre overlooked and seek to have incorporated in *Hansard* graphs which prove that the gas transmission charges on the goldfields are among the highest in the world.

Mr Barnett: I have no objection to the graphs being put into *Hansard*. Allegedly, they prove something. I do not doubt their credibility. However, they are unsourced.

The DEPUTY CHAIRMAN (Mr Osborne): If it is technically possible to incorporate the graphs, leave is granted.

Points of Order

Mr BARNETT: I do not object to the inclusion of the graphs. However, is it normal practice to incorporate material like that which is unsourced? It is not attributed to anyone. I think it is reasonable that the source of the material be made public.

Mr THOMAS: Documents are often incorporated in *Hansard*. The source is the speech from which they derive. The member for Eyre described the documents and what they are. There is no need to have footnotes in *Hansard* so that the Minister can mark them as if he were marking an essay or something like that. They stand or fall on the credibility of the speech to which they relate.

Mr BARNETT: If the member for Eyre says they are his documents, I will accept them.

Mr THOMAS: It is not up to the Minister to accept them or not accept them. I am seeking to have them incorporated in *Hansard*, as is my right, and that is it. The Minister can either like it or dislike it.

Mr BARNETT: I dislike it because they are unsourced.

Mr THOMAS: That is of no consequence to me. The Minister has access to far better advice on these matters through the Office of Energy and other sources than does the Opposition. If he questions their credibility, I suggest he have them checked and if they are wrong, he will have the opportunity to rebut them.

Mr KIERATH: As long as I have been a member of this House, which is nine years, the tradition has been that information is not incorporated in *Hansard* unless it is the will of the House. Usually members of the Opposition lay documents on the Table for the balance of the day's sitting.

The DEPUTY CHAIRMAN: Order! There is some doubt about the incorporation of these graphs in *Hansard* in the Committee stage. Perhaps they should have been included during the second reading stage. I will consider the matter during Committee and will make a ruling during the third reading of the Bill.

Committee Resumed

Mr GRILL: We want to see a competitive energy system in the goldfields with the lowest prices possible. At the earliest opportunity, when I realised the price reductions for energy would not be delivered, I drew this matter to the attention of the Minister for Energy on the occasion of the opening of the goldfields gas transmission pipeline at Boulder. I asked him whether he would intervene to ensure there was competition for energy in the goldfields and whether he could do something to bring about lower prices. The Minister seemed to be amenable to doing something at that stage. Later, when I was critical publicly of the tariffs, he said in a very petulant and public way - it was published in the newspaper - that if I was going to be critical of the pipeline, he would not be prepared to intervene.

Mr Barnett: Rubbish.

Mr GRILL: Yes, the Minister did.

Mr Barnett: Where is the quote?

Mr GRILL: It has been published.

Mr Barnett: Where?

Mr GRILL: I will find it for the Minister.

Mr Barnett: I don't treat your comments that seriously when you express them like that. Generally, I treat you seriously. I think you are critical of the pipeline and that is inappropriate. I think you are silly for criticising it. However, that will not affect my judgment about tariffs and my role in that respect.

Mr GRILL: The Minister has already been proved wrong today on his recollection of a debate that occurred last week in the Estimates Committee. The Minister is wrong on this matter also. He did behave petulantly and he did say publicly that if I continued to criticise the pipeline, he would not be prepared to intervene in lowering the tariffs. I will show it to him later.

Mr Barnett: I will be very interested to see that.

Mr GRILL: I do not have it here. However, I will dig it out and I will show it to the Minister.

Mr Barnett: I will be fascinated to see it.

Mr GRILL: That was carried in the *Kalgoorlie Miner* shortly after my criticism of these tariffs.

Mr Barnett: That is not a quote that I have made.

Mr GRILL: We will see. It was certainly carried in the paper.

Mr Barnett: It may have been in the paper. It is certainly not something that I said. I do not appreciate your criticism of the pipeline at all. I think that is wrong. However, I would not draw your criticism to how I may or may not act as Minister responsible for the Act.

Mr GRILL: I approached the Minister in the most civil way to investigate these matters and to intervene.

Mr Barnett: I don't think I have spoken to the *Kalgoorlie Miner* for several weeks.

Mr GRILL: I will dig out the quote and the Minister will have the opportunity to deny it. The Minister has taken no action as far as I am aware to see that these tariffs come down.

The DEPUTY CHAIRMAN: Order! I ask that the discussion be directed to clause 1. I have considered the request for inclusion of the graphs presented by the member for Cockburn. If they can be incorporated in *Hansard* from a technical point of view and if the Committee agrees to their incorporation, that will be done.

Mr Barnett: I do not think leave should be granted. However, I will not oppose it.

Mr GRILL: The Minister said a while ago that he would not stand in the way.

Point of Order

Mr BARNETT: I will not stand in the way. However, that material is not sourced and it is inappropriate to quote so-called expert evidence. I would appreciate knowing the source of it, for no vindictive reason. I have a fair suspicion of who did it and that is fine. However, I do not think it is proper parliamentary procedure to incorporate in *Hansard* material which is not sourced. I say that in the parliamentary sense. I am not sensitive to who did it. I have seen many different documents and research papers on energy costs in the area and I am not sensitive.

The DEPUTY CHAIRMAN: Order! I am advised that under the standing orders the material does not need to be sourced to be incorporated. I note that the Minister is not opposed to its incorporation despite his misgivings on the matter.

Committee Resumed

[The material in appendix A was incorporated by leave of the House.]

[See page 3491.]

Clause put and passed.

Clauses 2 to 6 put and passed.

Clause 7: Part 2A inserted -

Mr THOMAS: Proposed section 11D is probably the most important part of this clause, although other matters that follow consequentially in the Bill are important also. It creates three new classes of licence. Will the Minister explain in a little more detail than he did in his second reading speech and in his summing up at the end of the second reading debate what rights and obligations are being created by these new categories?

It has been said several times in this debate that the Bill is about not only extending domestic and light industrial gas to the goldfields, but also creating a legislative framework through which gas services can be extended to other parts of regional Western Australia. The Minister's second reading speech deals mainly with Kalgoorlie. He said new gas distribution and trading licences will be awarded on the goldfields. He does not mention a gas transmission licence.

A gas transmission licence will allow somebody to transmit gas over large distances at high pressure. A gas distribution licence will provide the opportunity for somebody to distribute gas throughout the area and a trading licence will allow somebody to trade in the product which will be transmitted and distributed through the networks owned by the holders of transmission and distribution licences.

The Minister's second reading speech indicates that the licences are for a limited duration and they will not necessarily be renewed on an exclusive basis. He indicated there would be scope for competition within a given area in either the distribution or transmission of gas. These categories which have been created are new and significant. However, they have not been given the attention that is warranted in the Minister's second reading speech.

To what extent does the Minister envisage concurrent transmission, distribution and trading licences within a given area? How does the Minister envisage the term of the licences to be determined? I understand that it will be a decision by the Minister subject to the recommendation of the coordinator. By what criteria will it be determined that a licence will be anywhere between three and 10 years? Obviously, a 10 year licence in a given area is a much better asset than a five year licence. To what extent will people who are granted licences for a specified time be given the exclusive right to distribute gas within that area? For example, if I applied for and was granted a gas distribution licence in Merredin, could I expect that at any time somebody could make an application for a gas distribution or trading licence to operate in that area?

The Bill is creating new legal categories. They are valuable assets. The legislation provides for those rights to be circumscribed, but it does not circumscribe them individually. The Minister will have a fair amount of discretion or regulations will be implemented at a later date. What this Bill does is important, but the Opposition has not been given the full picture.

Mr BARNETT: The reason for having three classifications of licences - a licence to transmit, a licence to distribute and a licence to sell - is that situations may arise in the future where the person who transmits the gas may not be the same person who distributes or sells it. I imagine that distribution and sales will go together, but that may not always be the case. In most cases the franchise holder will probably hold all three licences, but that may not always be the case. It allows flexibility and the ability to cope with different situations. There is no scenario in mind.

The Government does not see a lot of immediate opportunities for gas reticulation to be spread, principally because of the load. Gas reticulation is not likely to be economically viable in the north of the State unless there are major advances in gas airconditioning. We are looking at Kalgoorlie. Ultimately, if gas is extended by pipeline to Esperance there may be a prospect for reticulation. At Albany, there could be a small scale, locally based liquid natural gas facility.

Mr Grill: There is one now.

Mr BARNETT: There is, but it is limited and it is restricted in its usefulness. We are looking at trying to improve the service in Albany.

The 10 years franchise period is consistent with the national competition policy. People made bids on the basis of a 10 year licence. However, that franchise extends only to householders and small businesses. If a large industrial customer operating in Kalgoorlie were consuming over 100 terrajoules of gas per year, it would be free to negotiate and buy gas from whomever it wished.

Mr GRILL: It appears that supply areas very similar to the Kalgoorlie and Boulder supply area will be designated in the future. A copy of the map which designates the area was tabled by the Minister when he made his second reading speech. I understand that under proposed section 11J exemptions will be granted. I understand from the briefing opposition members received on the Bill that the exemption clause will be used to virtually create monopoly areas for AlintaGas. They will be optional monopoly areas in the sense that AlintaGas will have an exclusive right within those areas to supply gas. It will not be an obligation to supply gas to every householder and commercial establishment. I also understand that AlintaGas is extending its gas operations as far south as Busselton.

Mr Barnett: Another benefit of deregulation.

Mr GRILL: I have said in the past that the Minister should be given credit for that deregulation, although I am concerned about the speed of it.

When will those areas be designated? What are those areas likely to be? Will commercial and domestic users within the extended area from Perth to Busselton enjoy a uniform tariff? If so, will other areas enjoy uniform tariffs? In that event, why cannot Kalgoorlie and Boulder enjoy a tariff at the same level?

Mr BARNETT: Work is continuing on defining what will be effectively AlintaGas' geographic franchise. I have always seen it extending from the Perth metropolitan area to Bunbury and now to the Busselton area. A question will

arise perhaps whether a pipeline will extend to Dunsborough-Margaret River. However, I doubt that will be the case. There is almost a coastal strip defined as the franchise area of AlintaGas. By 2000 that franchise will be limited to customers consuming less than, or equal to, 100 terrajoules a year. They will involve essentially small and medium size businesses and the household sector.

Within that area, which is served under single, overlapping contracts through the Dampier to Bunbury natural gas pipeline, the uniform tariff will apply. Where AlintaGas supplies outside that area, such as in Kalgoorlie, it will be on a competitive basis with private sector participants. That is the case in Kalgoorlie where there is a different contract and the gas transmission costs are substantially higher. Therefore, it is not a uniform tariff situation. We only ever envisaged the uniform tariff on gas applying in that area, where it should apply.

Mr THOMAS: I refer to proposed section 11L covering licence applications. Reference was made to it in the Minister's second reading speech, but more information was given by briefing on the process we have reached in this matter. I understand that once the legislation is passed these licences will be granted to AlintaGas, a publicly owned utility to trade and distribute gas in the goldfields area.

On what basis are these licences sought? By what criteria are they assessed? On what condition are they granted? We were advised that a number of criteria were established when licences were called. I understand that the applicants were assessed according to weighted criteria and selected by the group of people advising the Minister.

This Bill does not have specific provisions for that, although it contains a number of criteria which may be invoked. However, to what extent is the lowest price to the customer a criterion? Will a bid be able to offer a lower price to industrial consumers in return for perhaps a higher price to domestic consumers if it is felt that it is in the public interest to grant a licence on the basis of encouraging commercial development in a particular area? I am not suggesting that is the case, but the legislation is not prescriptive in that respect. We hope that the cheapest product to the consumer will be the principal determinant in most cases.

The Opposition is very pleased that AlintaGas, a publicly owned utility, has been able to win against private bidders. We assume it won by being able to offer the lowest price to consumers in the goldfields area. As my colleague from the goldfields said during the second reading debate, we are disappointed that that price is greater than the price people in the metropolitan area pay for the same product. Nonetheless, we are pleased it is not that much higher.

Are we able to have access to the documents associated with the granting of a licence? Is it a public document and will the people who live within the licence area, and others who may have an interest in these matters, be able to access that documentation which will determine a fairly important part of their lives.

This Minister has a reputation for citing commercial confidentiality as a reason for keeping people in the dark. We hope he will not follow that course and that information will be available for people to see the terms under which the licensees will be able to distribute and trade in gas in those areas.

Mr BARNETT: I hope members opposite will agree that the granting of any pipeline licence should be an open and competitive process, as was this. I am not sure what is the position of the Labor Party on that.

Mr Thomas: Absolutely, and the same goes for the licence to sell Western Power, which you will not make public.

Mr BARNETT: The criteria cover public benefit, competition, price, investment and capacity to deliver and put the infrastructure in place. They are all assessed independently by a committee within government and that advice is forwarded to me. The documentation pertaining to the issuing of a licence is public and following this legislation it will be available.

Mr GRILL: The Minister responded to a question from the member for Cockburn during the second reading stage. The member for Cockburn said that the previous week, the Minister had announced that he would consider applications for a second pipeline within two years. The Minister said that he did not say that and that the Government would issue licences on a competitive basis. He said in his answer that the licence would be operational from 1 January 2000.

Mr Barnett: I said, "could be operational".

Mr GRILL: That is an important point because people may think the pipeline could be operational.

Mr Barnett: It is unlikely, but possible.

Mr GRILL: Let us be clear: Will the licence be issued before 1 January 2000?

Mr Barnett: We have yet to determine the process for doing that. I made it clear in the statement that a pipeline licence would be available from 1 January 2000 onwards, or words to that effect. I said that we would start, probably

at the beginning of 1999, a formal process of inviting expressions of interest for a licence. However, the licence to actually transmit and distribute gas will not be issued or be effective before 1 January 2000. That is as far as I went.

Mr GRILL: We can presume then that unless one had the licence, one could not commence construction.

Mr Barnett: That is not necessarily the case; one could have work approval. One will have a licence to build it, and need a licence to operate it.

Mr Thomas: You would need to have courage to build a pipeline without a licence to operate it.

Mr Barnett: Not necessarily. People are building all sorts of things around this State while waiting for final approvals as part of the process. One could have an approvals mechanism for the pipeline. I am saying that under the program the pipeline will not be distributing gas prior to 1 January 2000.

Mr GRILL: Will the Minister open tenders on the basis of the timetable he is discussing?

Mr Barnett: Earlier. I indicated in a speech the other day that I anticipate inviting expressions of interest in early 1999.

Mr GRILL: One cannot get much earlier than 1 January.

Mr Barnett: Sorry; I meant the beginning of the calendar year. We may even start earlier and it is possible that the licence will be operational from 1 January 2000.

Mr GRILL: The Minister will admit that the balance of the year in which it goes out for tender will be taken up with the tender process.

Mr Barnett: If people genuinely want to a build a pipeline in that time frame, I could imagine a scenario in which a pipeline was operational some time during the year 2000.

Mr GRILL: Just answer the question.

Mr Barnett: We are trying to second-guess the construction schedule and the like.

Mr GRILL: I am trying to find out the Minister's schedule. We found out that some time early in 1999, not necessarily 1 January, the Minister will put out for tender a second pipeline licence.

Mr Barnett: That is right.

Mr GRILL: My next question was whether the Minister envisages that the rest of that year would mostly be taken up assessing and awarding those tenders.

Mr Barnett: I do not know. I imagine the process could take up to six months. It depends how early we start and what information and detail goes out in the expressions of interest process. Frankly, we have not started work on that.

Mr GRILL: If the Minister went to tender in January, and one added another six months onto that process, he would be up to July or August.

Mr Barnett: Mid-year.

Mr GRILL: Therefore, it is most unlikely that one would see any construction commence before 2000.

Mr Barnett: It depends how keen people are and how much preparatory work they have done. If they have access to an easement - we are not talking about using a government easement -

Mr GRILL: Come on, Minister; we are talking about being realistic.

Mr Barnett: I do not know. People said that the goldfields pipeline would not be built: The original program was to build that over 18 months, and it was built in a couple of days over 12 months. I think one is looking at a 12-month construction period, so it could start at the earliest some time during 2000. Who knows?

Mr GRILL: That is what I am asking. Therefore, it is unlikely it will start before 2000.

Mr Barnett: It could, but it will probably start in late 1999 or early 2000 in reality.

Mr GRILL: That clarifies the situation.

Mr THOMAS: I am surprised my colleague feels that the Minister has clarified the situation as it has totally muddied the waters for me. The Minister says that he will see and it depends how long the process takes. Does the Government want gas flowing on 1 January 2000, or is it 1 January 2001 or 2002? What is the date? Surely, the

process is to decide when one wants a product on the market, and then to work back to ensure the process accommodates that date? When does the Minister feel it would desirable to have gas flowing to market from this second pipeline?

Mr Barnett: I have no comment; the member is not talking about the Bill.

Mr THOMAS: The Minister has refused to answer the question.

[The member's time expired.]

Dr HAMES: I add my name to debate to allow the member to rise again.

Mr THOMAS: I thank the Minister for Housing for that courtesy. *Hansard* will show that the Minister for Energy was given the opportunity to tell the Chamber when he believes a second gas pipeline should bring the product to market in the south west of the State, and he chose not to answer. He said the question had nothing to do with the Bill. I guess that the matter concerned is only incidentally related to the Bill, but plenty of members and Ministers have used such references to Bills to convey information to Parliament when they believed Parliament should have that information. This should be such a case. The Minister either knows the answer to my question and does not want to tell the Parliament and the public, or perhaps he does not know. Either way, it is a most undesirable situation.

I return to the Bill. I hope the Minister will speak on the application process. Concern has been raised in some quarters that AlintaGas had an unfair advantage in obtaining the licence because it is a publicly owned utility. From the information made available to the Opposition, that is certainly not the case, as is reflected in the fact that legislation is before us under which AlintaGas will operate rather than under the Gas Corporation Act. I understand that procedures in the granting and assessment of applicants guaranteed that such legislation would be used. Will the Minister make some reference to the procedures involved so we can refer them to people who might be concerned that AlintaGas had some unfair advantage? It will show that the process was fair.

Mr Barnett: AlintaGas certainly did not have any unfair advantage at all; the process was conducted on a strictly competitive-neutral basis. All bids were assessed in that way which achieved that outcome. All those involved in the bidding process accept that it was a fair and proper process. To some extent, it might have been nice to see an independent gas operator win the bid, as it would have demonstrated clearly that it was an open and competitive process. As it was, AlintaGas put in the best bid; therefore, it deserved to win the job, as it did.

Mr THOMAS: I understand that a letter from one of the proponents praising the application process is available. Can it be made available to show it to people who have raised the question with us?

Mr Barnett: I am advised that Boral, one of the bidders, wrote saying it was totally satisfied and congratulatory about the process.

[The member's time expired.]

Mr CUNNINGHAM: I did not quite grasp the member's comments.

Mr THOMAS: I have two questions about new section 11Z, which is titled "Asset management system". I understand that this legislation imposes an obligation on the owners of a distribution system to maintain those assets - presumably for the purposes of public safety, and to protect those assets should someone else wish to use them at some other time. I regard that as most desirable. If a licence were cancelled, would the owner of that licence have a continuing obligation to maintain the assets that related to that licence? Do any gas distribution assets exist already in this State that people have a continuing obligation to maintain? I understand from the briefing that was given to us, and I was most surprised to learn, that there is a gas reticulation system in Leonora which has not been used for some time.

Mr Barnett: It is probably in pretty good nick!

Mr THOMAS: It may or may not be. The assets of Fremantle Gas and Coke, which were in continuous use, turned out not to be in good nick in some cases. If an operator went bankrupt or the company was dissolved, would that obligation disappear and the public have to make do?

Mr BARNETT: If a licence were cancelled for whatever reason, it would be transferred to a new party if it were intended to continue the service, and the obligations which related to that licence would be transferred to that new party. Therefore, if the system were operational, the obligations would remain. In the unlikely event that the operator collapsed, the pipeline would be dormant. The assets would have a long-term life, and if they were not being used, they would probably be fairly secure.

Clause put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

RESTRAINING ORDERS BILL

Second Reading

Resumed from 8 April.

MR McGINTY (Fremantle) [3.57 pm]: This is a very difficult and currently unsatisfactory area of the law; for that reason, the Opposition is very pleased that this legislation has been brought forward. This area of the law is difficult because, firstly, many people, particularly women, are unwilling to report domestic violence or the Criminal Code offence of assault, which unfortunately in our society occurs all too often. The reason is partly cultural and partly historical, but it is a great pity that the nature of this offence is that it is often committed but unreported.

Secondly, many women are unwilling to take action against their spouse. I think we can all appreciate that many women who are the victims of domestic violence know that to report to the police an assault by their spouse or partner will often make matters worse. Therefore, we often find not only that women are unwilling to report the commission of a criminal offence against them, but also that they are reluctant to take action when that is brought to the attention of the authorities.

Thirdly, many women who have experienced domestic violence have little faith in the legal system as being an appropriate way of dealing with this problem. Research in this State by Dr Ralph has shown that the usefulness of restraining orders is questionable. Forty-one per cent of the victims of domestic violence interviewed by Dr Ralph who had obtained a restraining order reported that it did not help them at all. Fifty per cent of the women who had obtained a retraining order said that it placed them in danger of even worse violence than that from which they were seeking to be protected or to escape. It is also quite a well known statistic that 50 per cent of the women who have been murdered by their spouse have had a restraining order in force against that spouse.

One can understand in the light of those statistics why women who are victims of domestic violence have very little faith in the legal system when it comes to offering them protection from criminal acts perpetrated against them. In that sense this legislation is welcome. It codifies the law and substantially implements the recommendations made, particularly by the Chief Justice's Taskforce on Gender Bias, which reported in 1994. It was a ground breaking report in Western Australia, as a result of an initiative by Chief Justice David Malcolm. It contained a great many recommendations to vary the law and to modify the attitude of the judiciary on matters of relevance to women. There were 198 recommendations in the report. A great number of those relating to domestic violence are incorporated in this legislation. For that reason the Opposition welcomes the legislation and indicates its support for it.

We will draw attention to some areas in the course of the debate where we think that the legislation could be improved. Members who speak later on this legislation will give their view based on their experience as lawyers, people involved in the legal and judicial systems. They will give their views on the practicality of some of the provisions from an administrative point of view. I will draw attention to other matters where the recommendations in the report of the Chief Justice's Taskforce on Gender Bias have been somewhat watered down. We will draw attention to those matters in a difficult and unsatisfactory area of law, in the hope that through the codification of the law on restraining orders it will offer greater protection and comfort to female victims of domestic violence.

It is also appropriate at the beginning of my speech to pay tribute to my erstwhile parliamentary colleague, Dr Judyth Watson, who was the first person, I think it is true to say, to advocate stand-alone legislation covering restraining orders for domestic violence. She was in many senses a champion of the many issues that are raised in this legislation. It is a tribute to her continual advocacy of the need for domestic violence restraining order legislation that we have now taken out of the Justices Act the provisions relating to restraining orders. We see a very important piece of social legislation, which we hope will be more effective than the current provisions of the Justices Act dealing with domestic violence and restraining orders.

The legislation is also important because it draws a distinction between the more serious forms of domestic violence leading to the seeking of restraining orders. They are classified in this legislation as violence restraining orders. The second form basically involves a breach of the peace or misconduct restraining orders. The first category causes most

concern and gave rise to the need for this legislation. It is good to see that that distinction is made, so that when magistrates deal with the issuing of restraining orders when a violent criminal assault has been perpetrated against the person, we can hope to see urgency and purpose attached to the matter when dealing with the relevant authority, whether the police or the courts. That is a most vital distinction. Another very important step forward with this legislation is that it casts obligations on the Police Force to proceed to prosecute revealed breaches of the Criminal Code so that when a woman complains of domestic violence and there is evidence of an assault, a duty is cast on the police to prosecute for that breach of the Criminal Code as well as to assist in the obtaining of a protection order or, as it is referred to in this legislation, a restraining order.

I will refer to a number of other matters in the legislation which are positive steps forward. This legislation can be further enhanced in a number of ways. I hope that in the course of the debate the Government will approach the matter with an open mind and with a view to looking at ways in which we can come up with a model piece of legislation. We have a number of suggestions to make to the Government during this debate about ways in which it might be improved.

The starting point for considering this matter is the report of the Chief Justice's Taskforce on Gender Bias, which is dated 30 June 1994. That report made 198 recommendations to improve the lot of women in the legal and justice systems. I will refer to a number of those recommendations. The first is recommendation 74, which basically casts upon the police an obligation to lay charges when matters of domestic violence are reported to them. Every member in this House will be aware of the attitude of the police historically to matters of domestic violence, which was, "It is only a domestic." Even when a very serious criminal offence had been committed, the police were reluctant to lay charges because they saw it as a domestic matter between the husband and wife or man and woman in a relationship. By today's standards that attitude would be judged to be wrong. We have seen in the recommendations of the task force a specific recommendation to put an end to that approach by police to what they used to refer to as domestics. Recommendation 74 reads -

> The response by the police in matters involving violence against women should be the same as that involving any other violence in our society.
>
> This means:
>
> (1) That where a person has suffered an assault Police should be required to investigate with a view to determining what sort of charge should be laid against the assailant.

It then gives a whole range of recommendations, but the important thing is that domestic violence is a criminal offence and must be treated as such. In a similar vein, recommendation 101 reads -

> Police be required to investigate the possibility of laying charges where the evidence given in an application for a restraining order is of serious threats or actions of sexual or physical violence.

Each of those recommendations relates to the role of the police in these matters and deals with the first issue of police pursuing evidence of an assault when it is given to them as a result of a complaint being made relating to domestic violence.

The second recommendation that I want to draw attention to relates to the other duty which this legislation casts on police; that is, the duty of the police to assist victims of domestic violence to obtain a restraining order. Police involvement in the process will give greater efficacy to the order itself. It leads therefore to the greater likelihood that the order will have considerably greater impact and effectiveness than the existing restraining orders. Based on the research to which I referred in opening, the current rule is that restraining orders are broken and people do not see them as effective. I hope that the greater involvement of the police in seeking not only to prosecute the perpetrator of violence but also seeking a domestic violence restraining order will add to the effectiveness of that restraining order.

Recommendation 74(4) of the Chief Justice's Taskforce on Gender Bias report reads -

> Police should take responsibility for applying for restraining orders, in conjunction with laying criminal charges, when that also appears to be appropriate or where there is insufficient evidence to charge the assailant.

We see the dual obligations cast on the police, which are most timely. In my view that is adequately reflected in the legislation.

The next matter to which I refer, arising out of the Chief Justice's Taskforce on Gender Bias report is the question of firearms. We have all been horrified at one time or another by examples of relationships between men and women which have become frayed at the edges and have broken down, and where the violence that has followed resulted in

the use of firearms by men against women. There may be an odd case where the woman takes the gun, but in the overwhelming bulk of cases the violence is perpetrated by men. I have been assisting a woman in her case for criminal injuries compensation. Her former husband used a gun on his two children as they lay in bed with their mother. He then shot off the mother's leg and turned the gun on himself.

It distresses me greatly that the Government has not moved to appoint additional criminal injuries compensation assessors to reduce the backlog of cases because people, such as the victim to whom I have just referred, who want to get on in rebuilding their lives, are denied the financial means, the compensation, which would enable them to do that. However, that is another issue. That is a very gruesome example of domestic violence where the spouse has turned to a firearm and used it against a former partner.

In recent history there are too many examples of that. I hope the Port Arthur tragedy and the clamp down on guns, particularly handguns and semi-automatics, will lead to a greater awareness that guns have no part to play in our suburban culture. I also hope fewer women will die at the end of a rifle than has been the case in the past as a result of that very gruesome experience at Port Arthur and the provisions in this legislation against firearms when a restraining order is issued. This area of the legislation does not go far enough. Although it touches on this issue, I suggest the Government reconsider giving a discretion to the magistrate to allow the defendant involved in these restraining order applications to keep a firearms licence or a firearm. The recommendation of the task force was unequivocal.

Recommendation 84 states -

> Where a restraining order is made in circumstances concerned with personal violence or threats there should be automatic revocation of the defendant's Firearms Licence and confiscation of any firearms.

It admits no exceptions. It contemplates something which of its nature is mandatory and automatic. This legislation is well short of that recommendation. If the Government wished to leave an element of judicial discretion with the magistrate in dealing with an application of this nature, it should be very heavily hedged. The legislation should make it clear that it will be given in only the most exceptional circumstances, and the general rule will be that it will take absolutely remarkable circumstances for the magistrate to exercise his or her discretion in favour of allowing a person, against whom a domestic violence order or restraining order is made, to keep the firearms.

I can envisage a situation where that might be contemplated; it may relate to employment. That then casts a very heavy onus on the employer of that person to be involved in the supervision of the use of the firearm by the employee. The case of a police officer springs immediately to mind. Beyond that, I do not think a general discretion should be given to the magistrate to allow that person to retain a firearm; however, that is what this legislation does. That is contrary to the recommendations in this report, and I think that matter should be looked at again. These provisions in this legislation are too lax.

I have already made the observation that I am very pleased to see this legislation distinguish violence restraining orders from misconduct restraining orders. Recommendation 89 of the report of the task force states -

> That Restraining Orders for personal/domestic violence be differentiated from those not related to violence, by being named Protection Orders (Family Violence) or Violence Orders.

The notion of separating the two has been embodied in the legislation. Frankly, it does not matter what the orders are called. It has been suggested that they should be called protection orders. Given their very chequered history to date, where they have been shown to be remarkably ineffective, I do not think it would be appropriate to call them protection orders because restraining orders are not regarded by too large a proportion of the population that uses them as offering any protection whatsoever. I hope, as a result of this legislation, this will change and in future we might be able to look at the purpose of these orders; that is, to provide protection. At the moment the focus must be on the defendant and the emphasis must be on the restraints which they impose, generally speaking, upon the males who have committed some form of domestic violence. To continue to call them restraining orders properly focuses the attention on the evil which they are designed to combat, not the advantage that I hope will flow in the future to the beneficiary of the restraining order; that is, the applicant.

Another very good thing in this legislation is that it opens up the ease of access to restraining orders. As I indicated at the outset, too often women will feel reluctant to seek a restraining order. Where that reluctance exists, quite often any excuse, any barrier, which the procedures that are involved throw up, will be sufficient to deter a woman from seeking a domestic violence restraining order. I am very pleased to see the recommendations of the task force about simplifying the application for a restraining order embodied in the legislation. It is a difficult issue for quite a few lawyers to come to grips with. Applicants can pick up the telephone, ring a magistrate and get a domestic violence restraining order immediately. It is not unprecedented in other areas, but when dealing with the criminal law, it is very unusual.

Recommendation 93 of the report reflected the difficulty that this concept posed. It states -

> The Justices Act be reviewed with a view to altering practices, so that restraining orders may be obtained after hours by telephone in special circumstances.

Two members of the task force were women magistrates, although I think one has since gone on to become a District Court judge, and they recorded their dissent to that recommendation. I do not say that to be critical in any way of those who did not want to embrace that recommendation. I just think it reflects the procedural and practical difficulties associated with making a telephone application in these circumstances. It would generally be made in circumstances of considerable distress, of great pressure and great emotion. The judicial system does not operate well in those circumstances. Here we see a very practical realisation in this legislation that it is not easy; it will be difficult, but it must be done if we are to encourage women who are the victims of domestic violence to take out restraining orders. We see the notion of telephone applications not for all restraining orders, but only those based on violence, and where there is a great sense of urgency. A telephone application for a misconduct restraining order, which is the lesser of the two, is inappropriate and is not contemplated in this legislation.

In recent days I have reread the report of the Chief Justice's Taskforce on Gender Bias and in the context of this legislation I am impressed with the progressive nature of the report and the way in which the principles and the recommendations have been picked up by the Government in this legislation. The Opposition welcomes this legislation for what it does.

I want to touch on the difficult issues of where the man has been detained in police custody following an incident of domestic violence, the bail conditions that are set, and returns to the family home. Recommendation 96 of the Chief Justice's task force is that bail conditions be set so that the perpetrator is not allowed to return home or have contact with the victim if there is any likelihood of violence reoccurring. That is a difficult concept. The principle has been stated in absolute terms in the report of the task force. It has not been picked up and implemented with full vigour and extent in the legislation. That is arguably the case for practical reasons. These matters involve a series of degrees, and a variety of rights are at stake. This legislation takes that principle as far as practical, but stops well short of the recommendation made by the Chief Justice's task force.

The final matter I want to draw attention to is the recommendation to increase the penalties for breach of a restraining order. Too many men saw it as okay to breach restraining orders. The breaches were far too commonplace, as is reflected in the statistics that I referred to earlier. The Chief Justice's task force recommended that the penalties for breach of a restraining order should be increased. Recommendation 108 of the task force noted that the present maximum penalty for breach of a restraining order was $1 000 or six months in gaol. The report drew attention to the need to say to people in loud and clear terms through the legislation that the issuance of a restraining order was a serious matter, and the $1 000 fine or six months in gaol was an inappropriate penalty. It is pleasing to note that the legislation dramatically increases penalties. The penalty for breach of a violence restraining order will be $6 000 or 18 months in prison. That represents a sixfold increase in the monetary penalty, and a threefold increase in the imprisonment penalty for a general violence restraining order. The existing penalty for a short term violence restraining order is doubled. However, the fine for a breach of a violence restraining order for 72 hours or less - that is, a short term violence restraining order - will be $2 000 or six months imprisonment. Conceptually, I have some difficulty with the notion of short term violence. That does not fully comprehend domestic violence and the patterns of behaviour that invariably accompany domestic violence. In all of the literature that I have read, and from what I have been able to see of life, the notion of short term domestic violence is a myth. This legislation seems to give currency to what is a myth.

The most important element of the penalties is to continue that differentiation between a restraining order based on violence and one based on misconduct, the latter being the less significant. The penalty for a breach of a misconduct restraining order remains a fine of $1 000. This differentiation between a fine of $6 000 and imprisonment of 18 months in the case of a violence restraining order, as against a misconduct restraining order which carries a penalty of $1 000, is an appropriate delineation of the relative importance of the two. I am extremely pleased, generally, to see the extent to which the major issues contained in the report of the Chief Justice's task force have been picked up in this legislation.

The distinctions I have already referred to between the misconduct restraining order and the violence restraining order are carried through with a number of provisions in this legislation. I have already referred to the difference in the penalty which attaches to each and differences run through in very many other ways. We see that distinction being made in relation to who can apply for restraining orders. The exception to the general rule that the violence restraining order is the more serious and therefore attracts the greater penalty and facilitated access is countermanded by the greater range of circumstances in which one can apply for a misconduct restraining order. Generally speaking, the victim, the parent or guardian of a child, or a police officer can apply for a violence restraining order. A fourth category exists for a misconduct restraining order. A police officer can apply where there is no particular victim or

person who should be protected, but the community or society as a whole needs some measure of protection against misconduct by the individual. In a misconduct restraining order the police have the capacity to apply for a general restraint on the individual from committing a public nuisance.

Other distinctions apply between the two categories. One is the duration of the orders. Generally speaking a violence restraining order will last for two years unless it specifies a different period, whereas a misconduct restraining order will run for only 12 months. That reflects the relative degree of importance attached to each. I have already referred to the penalty, and I have made some reference to a telephone application for a restraining order. That is available only for a violence restraining order and cannot be used in the case of a misconduct restraining order. A further and appropriate difference relates to what conduct can be restrained. The violence restraining order gives greater powers to restrain violent behaviour than does a misconduct restraining order; that flows from that basic distinction which is made.

Division 1 deals with violence restraining orders. Clause 11 of the Bill spells out the criteria for the granting of a violence restraining order. It deals with the grounds for a violence restraining order. It gives the court jurisdiction to make a violence restraining order if the court is satisfied that unless restrained the respondent is likely to commit a violent personal offence against the applicant; or, secondly, to behave in a manner that could reasonably be expected to cause the applicant to fear that the respondent will commit such an offence; and, thirdly, that the granting of a violence restraining order is appropriate in the circumstances. It deals with three circumstances: First, where the court is satisfied that a violent offence will be committed a violence restraining order can be issued; secondly, where there is a subjective fear on the part of the applicant that is reasonably based, the court can issue a violence restraining order; and, thirdly, there is the general discretion where the court believes a violence restraining order is appropriate in the circumstances.

Clause 12 sets out a number of matters that are to be considered by the court in issuing a violence restraining order. The first three are the primary considerations; that is, to protect the applicant from personal violence; secondly, to prevent behaviour that could reasonably be expected to cause fear that the applicant will suffer personal violence. Again, it is directed at the conduct of the respondent which will give rise to a reasonable fear of personal violence. The third prime consideration in the issuing of a violence restraining order is the welfare of children. The legislation lists other factors to be taken into account, but in weighing each factor none seems to be anywhere near as important as the primary matters of protection, prevention of violence and the welfare of children. They are the accommodation needs of the respondent and the applicant, hardship that may be caused to the respondent; any orders of the Family Court; other current legal proceedings; the criminal record of the respondent; any previous similar behaviour of the respondent; and an all-encompassing catch phrase "other matters the court considers relevant".

Earlier I referred to the Chief Justice's task force on the matter. A requirement of a recommendation in that report was that bail conditions place weight on only one factor; that is, the protection of the applicant in domestic violence restraining order proceedings. We find in this legislation the first departure from that recommendation where the court is instructed to consider and place some weight on the hardship that may be caused to the respondent by the issuing of an order - in other words, the male who has perpetrated the violence. That is for practical and reasonable reasons. I hope that, generally speaking, the hardship imposed on the perpetrator of domestic violence will not become the dominant influence on the decisions of the court. This legislation stops a long way short of saying this is a prime consideration; nonetheless by this Statute it is a factor to be taken into account.

Clause 13 deals with the restraints that a violence restraining order can impose on the respondent or the perpetrator of the violence. They relate to the matters with which we are all familiar relating to a restraining order: That is, restraining a person from being on or near premises where the victim lives or works; restraining the respondent from being on or near any specified premises or any locality or place, or any other place that would be frequented by the woman, such as her parents' home, her friends' place, places of entertainment, a school or a child care centre. These provisions do not add to the law as it stands or to the discretion a magistrate has in issuing a restraining order in the current circumstances.

Also listed is the restraint to be imposed on the respondent from approaching within a specified distance of the applicant; communicating or attempting to communicate with the applicant, and perhaps the not so commonly used restraint to prevent the applicant from using personal property or causing or allowing another person to engage in any conduct detrimental to the interests of the applicant. Therefore, a wide range of restraints can be imposed.

That is the general framework of the legislation. That is the way in which it is cast and, to that extent, it has the support of the Opposition. I turn now to one of the areas I foreshadowed earlier, with which the Opposition has difficulty. That relates to firearms. In the past couple of years in this country we have had sustained and principled debate on firearms. I am a little disappointed that this legislation is a little softer on allowing a person who is the subject of a violence restraining order to keep a firearm. I will walk briefly through the provisions of the legislation which lead me to that view. Clause 14 starts out in strong terms by indicating that every violence restraining order

includes a restraint prohibiting the person who is bound by the order from being in possession of a firearm or firearms licence and from obtaining a firearms licence. Subclause (2) states that a person who is bound by a violence restraining order must give up possession, in the prescribed manner, of all firearms and firearms licences held by the person. That was a recommendation by the Chief Justice's task force, and it is strong and unequivocal.

Subclause (5) states that when making a violence restraining order a court may permit the respondent to retain possession of a firearm, and the firearms licence relating to it, on such conditions as the court thinks fit, if the court is satisfied that, first, the respondent reasonably needs the firearm in order to carry out the respondent's usual occupation. One can think of a police officer, and that is fine.

Mr Riebeling interjected.

Mr McGINTY: If the police officer was a member of the Tactical Response Group and had to attend a situation of extreme violence, we would not want him to attend unarmed. However, one could argue that a constable on the beat should not wear a weapon in the first place. That is an argument for another day and another piece of legislation. Routinely it is part of their employment. A soldier is in a similar category.

Mr Riebeling: In that case we would look at the order to ensure the gun was not in his control at home.

Mr McGINTY: That is an important point. This legislation attempts to do that. However, we need to deal with another point before we reach that stage. To the extent that certain obligations are cast on the employer if someone uses a firearm in his employment, this legislation contains reasonable provisions. Under the provisions of general power in clause 14(5), the court can permit a person to keep a gun where it is necessary for employment. The second condition is where the behaviour in relation to which the order was sought did not involve the use, or threatened use, of a firearm. That is an important condition. The third condition is that the safety of any person is not likely to be adversely affected by the respondent's possession of a firearm. If the conditions were cumulative and the respondent needed to satisfy each of them, I would have no objection to the provision. It is a matter of construction. The use of the word "and" between paragraphs (b) and (c) tends to suggest that all three of the conditions must be met.

If all three requirements had to be met before someone who was the subject of a domestic violence application could retain a firearms licence and firearm - that is, if the firearm was needed for employment, the person's behaviour did not involve the use of a gun, and the magistrate was of the opinion that safety was not likely to be adversely affected - that would not be a problem. The way in which the clause is structured tends to suggest that. The explanatory notes on clause 14(5) of the legislation state that the court may permit the respondent to retain possession of a firearm if it is satisfied the firearm is necessary to enable him to carry out his usual occupation, or if his behaviour in relation to the order sought did not involve the use, or threatened use, of a firearm or if it is considered the safety of a person would not be adversely affected by the respondent's continued possession of a firearm. The explanatory notes use the disjunctive "or" to say that any one of those three circumstances could lead a person to keep a gun when he is the subject of a domestic violence restraining order.

Mr Riebeling: When the court is considering a violence restraining order, the court must be of a mind that the person is likely to act violently towards another person. Any court that came to that conclusion would not go to the next stage and say "but". That is what that clause states, which is confusing to me.

Mr McGINTY: Yes. That is the conceptual problem with the notion of the court allowing a licence to be granted to people who are being restrained from committing a violent act, which the court believes they will commit against the applicant, and then saying it takes the view they would not use a gun. The courts will be proved wrong, very painfully, on too many occasions if that is the case. I can see there is a need to have an accommodation in unique cases only - not as a general accommodation. The member for Burrup points to the difficulty in meeting all three of those criteria, which means it would be an absolute exception that anybody would be allowed to keep a firearm or a firearm licence. If all three of those conditions were met, that is something I would be prepared to live with in the acknowledgment that we cannot outlaw the commission of offences, but can only punish them when they occur. In the practical world that is something I would be prepared to live with for a period to see how it goes. However, I feel uneasy about the respondent having to satisfy only one of those three conditions. The explanatory notes to the legislation suggest that any one of those conditions can be satisfied. In that case, all that must be satisfied is that the respondent did not use a gun the first time, in which case he would be eligible under this legislation to retain the firearm licence and firearm.

Mrs van de Klashorst: In your comments on job description you referred to policemen. What about farmers or roo shooters?

Mr Baker: Or, for example, someone transporting a firearm in the course of his occupation?

Mr McGINTY: I do not want to see firearm licences become like extraordinary drivers' licences. That would cause me considerable concern.

Mrs van de Klashorst: Roo shooters must have a gun to carry out their job.

Mr McGINTY: Sure. If the criteria for the court exercising its discretion were a lot narrower than they are, I would be happier to see an extension of the range of people who for occupational reasons required a gun, whether it be a removalist transporting a gun, a roo shooter, or a farmer. I would not be happy if all they needed to prove was that they did not use a gun the first time they committed the violence. I ask the Parliamentary Secretary to look at that matter.

Mrs van de Klashorst: I will have a word with the Attorney General about this issue to see whether anything can be changed.

Mr McGINTY: The other issue with which I have some difficulty is the notion of short term violence. Everything I have read or heard about domestic violence suggests that it is a character trait and a form of behaviour; it is not something that occurs on a one-off basis and that is it. Experience dictates that the only form of behaviour that will be caught by this legislation is ongoing behaviour of a violent nature. I must confess to some difficulty with the way the legislation addresses how that behaviour arises. There seems to be great emphasis on the 72 hour restraining order; in other words, a short term restraining order to deal, presumably, with short term domestic violence. I ask the Parliamentary Secretary to consider this matter. Unless she can explain to the House this notion that seems to be given prominence in the legislation, the legislation might need to be reworded to reflect the fact that domestic violence of this nature is an ongoing problem and is not of a one-off nature.

Mrs van de Klashorst: I believe this order is a telephone order that is made for 72 hours to give time for the proper order to be made - when the two parties can get together to sort something out or when the victim can apply for a more lasting order. That is my understanding of that clause, but I will check that out to ensure I have not misunderstood it.

Mr McGINTY: I confess to some difficulty understanding that provision in what is otherwise extremely readable legislation. I can understand the Bill, so it must be good. I cannot find the origins of the 72 hour application, other than as an interim order, as the member for Joondalup indicated. All members will have received correspondence from the domestic violence council that tends to suggest that is not the nature of the 72 hour order; that it is something peculiar to Aboriginal people and it has been inserted at their request. If that is the nature of the order, perhaps it should be limited in its effect, rather than its being a general power to issue an interim order over the telephone. I am not clear from my reading of the legislation why it receives the prominence it does. There is power to make a restraining order based on violence for whatever period is required. That is appropriate. It might be appropriate to issue an interim order for three days or five days, or however long is considered appropriate in the circumstances. There seems to be an obsession with 72 hours throughout the legislation. If the provision was inspired by circumstances relating to Aboriginal people, let us confine it to those circumstances and leave a general discretion to the court to make an interim order for a shorter period. Let us not write into the legislation something that cuts across the real experience with domestic violence, as I understand it, because it detracts from what is otherwise good legislation.

Mrs van de Klashorst: We have been approached by Aboriginal people who say that often they do not want more time than that 72 hour period. They often want time for the person who perpetrated the offence to cool down and they do not want him or her charged afterwards. I will check out that provision for the member. I remember from my briefing that it was an interim order.

Mr McGINTY: By and large the legislation is very good, and after fine tuning these matters may be a significant improvement. I make the point that the notion of a cooling off order presents me conceptually with great difficulty, as does the notion that when someone breaches the restraining order, consent of the person who received the benefit of the restraining order is a defence to subsequent charges for that breach. We should appreciate that the nature of the perpetrators of domestic violence is such that they will often be manipulative and two-faced in their approach to these matters. I have great difficulty with the concept that consent to someone breaching a restraining order issued by the court is a defence when that person is prosecuted for the breach. There must be a realistic accommodation and if true reconciliation is effected during the period of a restraining order, someone should not be prosecuted for that breach. However, that would not be likely, except in a malicious sense. It poses a difficulty in the way the legislation is constructed. We have all heard stories of women not wishing to report their husbands in cases of incest. It is becoming legendary and I am afraid that presenting a defence of consent in those situations might undermine the whole structure because it will be one person's word against another's. I do not know whether the way in which it is currently constructed is appropriate in this area.

Those are the major areas with which I have some concern. I will raise other matters at the Committee stage. Contributions will be made by various members of the Opposition on this legislation. It is very important to the way in which our society works and it has the support of the Opposition, which will seek amendments that will enhance and improve the legislation.

I refer the Parliamentary Secretary to clause 16 and I will ask later for information on the interaction between subclauses (2) and (3). It is stated in clause 16(2) that a 72 hour violence restraining order will lapse if not served within 24 hours of the order being made. Many restraining orders will not be served within that limit for practical reasons. Very few are currently served within that time limit, and without enormous additional resources the police will not suddenly be able to serve them all within 24 hours. Therefore, those restraining orders could lapse through no fault of the person seeking to be protected. Subclause (3) refers to telephone orders with a duration of 72 hours or less and notwithstanding that they lapse, the orders will remain in force for the period specified. Again, I seek some clarification of that subclause. The difficulty may be my lack of knowledge in these matters. There are two issues - the apparent conflict between the two subclauses and, more importantly, the practicality of the order lapsing if it is not served within 24 hours.

This is good legislation and I hope it will be a gigantic step forward in offering greater protection to some very vulnerable people in our community and to the tens of thousands of people who have sought restraining orders, for some of whom the restraining order has not been successful. I remind members that the existing law is deficient. I repeat the three statistics I gave at the outset: 50 per cent of those women murdered by their spouses had restraining orders against their spouses when the murder occurred; 50 per cent of women who took out restraining orders are on record as saying it placed them in danger of even worse violence than that they had complained of; and, 41 per cent of those who had taken out restraining orders in this State reported that they did not help them at all. I hope this legislation will be a significant step in dramatically changing those figures. If that is achieved, the Parliament will have done well.

MS WARNOCK (Perth) [4.56 pm]: Like my colleagues on this side of the House, I support this legislation in principle because for the most part it represents a better system of restraining orders for this State. As my colleague the member for Fremantle said, the Opposition supports the legislation, although it has enormous reservations about it. I will make some brief comments today, and these matters will obviously be taken up in more detail when Parliament resumes after next week.

These restraining orders are only part of the armoury against domestic violence in Western Australia, although they are a very important part. Many people who work in the field, and whose advice has been offered to the Government and the Opposition, believe the Government should put more money into community intervention projects which involve a joint approach by police, the courts and community based agencies to fight domestic violence. That is the modern approach to this problem, and those who work in the field are urging that approach on the Government.

Other people believe that a huge shift in attitude - a change of mind as well as a change of heart - is necessary on this issue. Approximately 7 000 applications are made for restraining orders in Western Australia each year. Most are made by women against their male partners - husbands or men they live with. It is a regrettable fact which should, of course, be fairly well known, that one in five women in Australia have been victims of domestic violence at some time. They come from all sections of society; it is not restricted to one socioeconomic group. For some years Governments have been obliged to acknowledge the problem and, to be fair to most Governments, they have at least made the right noises about domestic violence. This problem was first exposed by the women's movement in the 1970s, and Governments have begun to spend some money on it in recent years. It is a serious issue for the community, and it demands our attention and concern as members of Parliament.

A report by the Legal Aid Commission's domestic violence unit in 1996 entitled "I just want to be left in peace" criticised police and the courts. The report stated that police did not always respond to calls from women who had been abused and, if they did, often little or no action was taken against the perpetrator. My colleague has suggested that has been the unhappy history of restraining orders until relatively recently. Women did not want to go to court and see the perpetrator while applying for a domestic violence restraining order. They often found magistrates were unsympathetic and not very knowledgable about domestic violence. They did not have the right attitude to appreciate that domestic violence is a common occurrence - all too common, alas - and that it should be regarded as seriously as any common assault in the street.

We must hope that with more money being spent on domestic violence programs in the community, with police getting some education, and with a Chief Justice who seems to understand the need to educate judges about gender issues, there will be improvements in the way domestic violence is regarded in our society. In other words, it will be regarded as a violent offence like a common assault and it will demand that sort of attention.

The cuts to legal aid funding are worrying. Obviously funding is necessary for any kind of legal application. With the terrible squeeze in funds at both federal and state levels, it is frightening to think that people might be at home putting up with a bad or dangerous situation because they cannot afford to do anything else. Western Australians who need to resort to the law and who cannot afford a lawyer themselves deserve our assistance. It is reprehensible that so many fewer people will be able to do that in the future.

To turn now to the Bill itself: The Opposition supports the introduction of these two different orders: The violence restraining order and the nuisance restraining order. It also supports telephone applications for violence restraining orders. It urges that both police and magistrates be provided with the necessary training so that they are aware of issues in relation to domestic violence with the aim of protecting the victim from further violence and abuse. That must be the core of our plans in any discussion of restraining orders. We must have a better attitude with the aim of protecting victims of this reprehensible crime from further abuse.

As my colleague the member for Fremantle said, it is not as though it is a one-off incident in the lives of those who suffer from domestic violence or those who inflict it. It is generally a pattern of behaviour, and that is what we must stop.

It is dangerous and distressing for the victims if people acting in this field, such as magistrates and police officers, have the wrong attitude. If they think violence at home is just a "domestic", as we have often heard people say, and refuse to deal with the problem seriously, they could leave the victim at the mercy of a very dangerous and abusive perpetrator.

People working in this field have said they have mixed feelings about restraining orders. I agree. In one survey, 50 per cent of women interviewed said that they felt the process of obtaining a restraining order placed them in danger of worse violence from the perpetrator. That is a serious problem. We in this society set out several years ago to solve these problems by setting up this restraining order system. We have also done other things, such as establishing refuges for women and so on. However, the idea of the restraining orders was to help in some way. To think that at least 50 per cent of people interviewed regarded the restraining order as putting them in further danger is certainly very worrying. It is worth noting that 50 per cent of women murdered by their spouse had a current restraining order against that person. It is obvious that restraining orders are often ineffective in preventing further violence. As I said, we need a variety of tools in this field to fight this terrible community problem, and restraining orders are among them. As my colleagues have already said, we hope that this new Bill will improve the situation in relation to restraining orders.

The legislation has another fault. Reference is made to "authorised person". I have spoken to people working in the domestic violence field. They have pointed out that many victims of violence do not report it to the police. They seek the support that is now available from domestic violence victim support and advocacy services, which are based on the Duluth model. Some groups in the community are able to help the victims of domestic violence in this way. It is pleasing to see that there are now more of these organisations in the community, and we hope women will use them. As a consequence, the prescribed class of persons regarded as authorised persons in the context of this legislation should include domestic violence support workers. The Opposition will raise that issue in Committee.

Mrs van de Klashorst: Are you referring to people from the refuges or the specific victim support groups?

Ms WARNOCK: The people in victim support groups.

Mrs van de Klashorst: Not the refuge workers themselves?

Ms WARNOCK: There might be support workers in refuges as well. I am referring to the people working in those support groups. They are the people to whom women turn these days, and I am very glad they are there.

The Opposition has a problem with the concept of using a summons to get someone to court for a violence restraining order hearing. The arrival of the summons can trigger a greater problem for the person seeking the restraining order. Because there is a period of time between the arrival of the summons and appearance in court, the perpetrator can intimidate a victim and try to persuade them not to continue with the application. That is not helpful and it could be dangerous. There is probably another way to handle that issue.

The Bill's references to violence retraining orders, as opposed to the nuisance restraining orders, includes mention of the accommodation needs of the alleged perpetrator. While this is certainly worth considering, it seems that the accommodation needs of the victim or applicant should surely take precedence. If she - it is usually a she - must go to a refuge with the children because it is considered that her male partner will not be able to find accommodation, it could be said that that creates unfair hardship for that woman and her children. That is something that should also be discussed during Committee.

When issuing a violence restraining order, a court may permit the respondent to retain possession of a firearm if that firearm is reasonably necessary to the person's usual occupation. As I understand it, police officers who are the subject of a restraining order must turn in their firearms, and I wonder why other people do not. It is a bad idea to allow anyone who has a restraining order against them to retain a firearm. Although I understand that in some circumstances this might create difficulties, it will create more difficulties for the victim. We should rethink that part of the Bill.

The DEPUTY SPEAKER: Order! The background level of conversation is getting to the stage where I am having trouble hearing the member for Perth. I ask members to keep background conversations to a minimum. If they want to raise their voice, they should go behind the Chair.

Ms WARNOCK: I refer members to the part of the Bill referring to authorised magistrates making a final order. The concern here relates to special training for magistrates. Without training to make them aware of the fear and dread that victims of domestic violence suffer, magistrates might not recognise the urgency of the proceedings and might not convey that to the police, and that might result in the wrong order being issued. It is important that we make a point about special training for magistrates. We have had a couple of fairly shocking instances recently of judges making extraordinary remarks that suggest they have no sensitive understanding of the cases at all. I am referring particularly to a recent incest case. These people must understand the fear that is part of being a victim of domestic violence.

Although I have not known the fear of domestic violence, I know people who do. I also understand the situation well having assisted victims of domestic violence in my work in women's refuges in the 1970s. I am not sure that everyone in positions of authority, such as magistrates, understand that fear, but it is important that they do.

The Opposition supports this Bill because these orders are an important part of the armoury again domestic violence. However, the Opposition has reservations about some matters and my colleagues will address those on another day.

I refer briefly to the clause on consent as a defence, because all too often victims of domestic violence can be persuaded by someone who has habitually used that coercion against them to consent to the withdrawal of a restraining order. We should seriously rethink that provision concerning consent as a defence.

Solving the problem of domestic violence is a large call. It requires a complex attack, involving many different departments and community groups. Women, who are the majority of victims of domestic violence, deserve our understanding, and they deserve to have the problem of assault in the home taken as seriously as an assault outside the home.

Debate adjourned, on motion by Ms McHale.

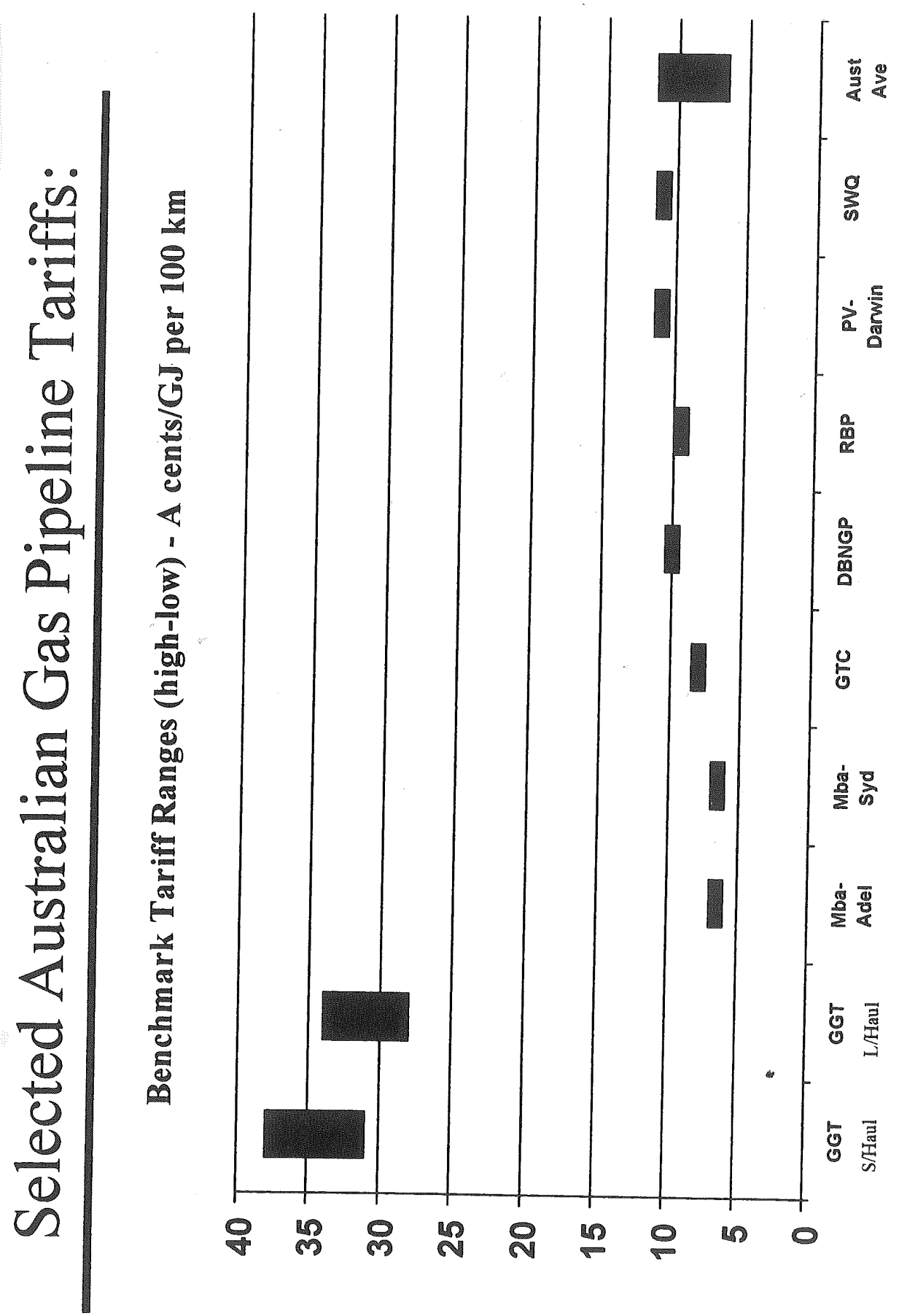
ADJOURNMENT OF THE HOUSE - SPECIAL

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

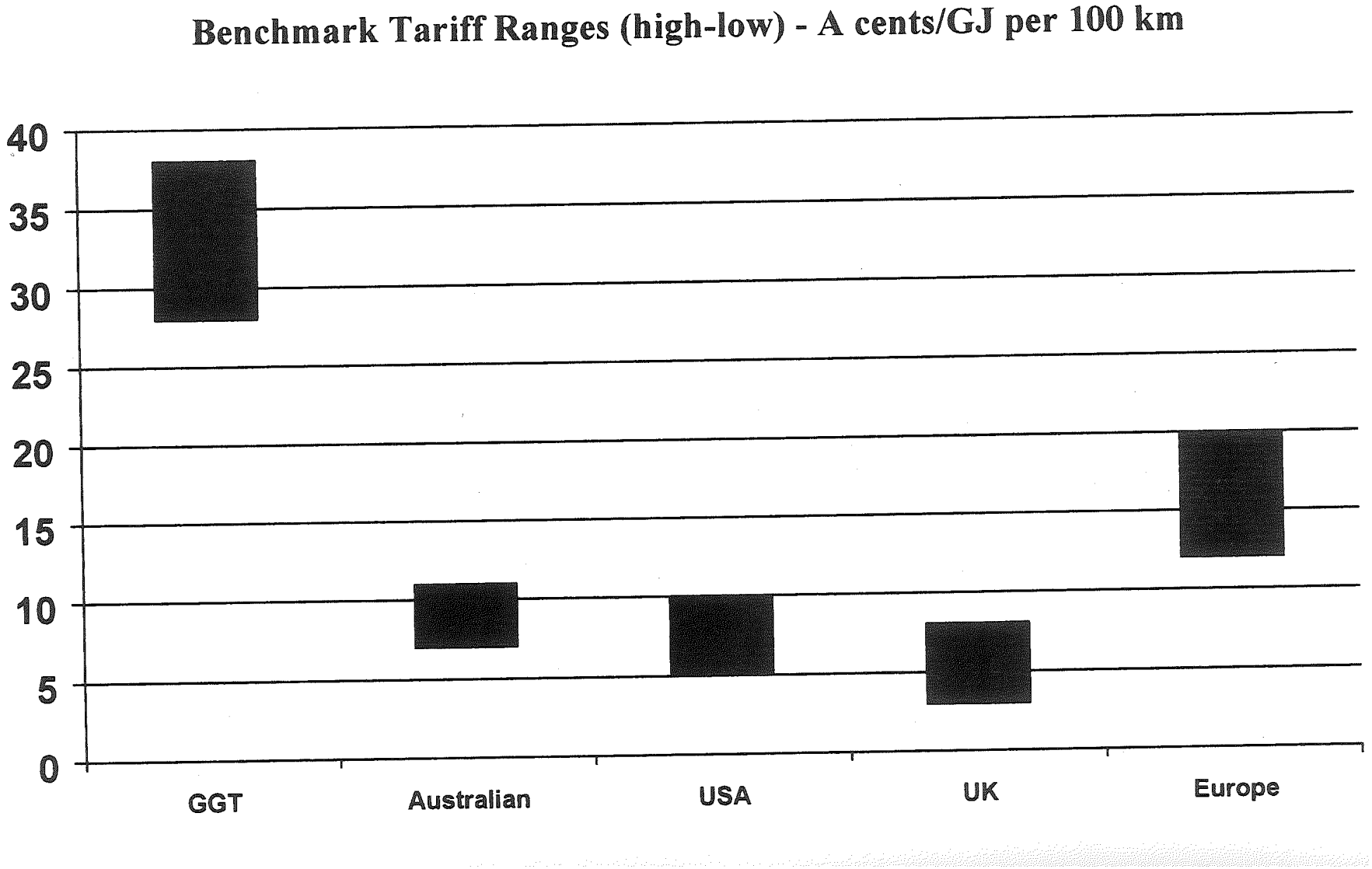
That the House at its rising adjourn until Tuesday, 10 June at 2.00 pm.

House adjourned at 5.12 pm

APPENDIX A


Selected Australian Gas Pipeline Tariffs:
Benchmark Tariff Ranges (high-low) - A cents/GJ per 100 km
40
35
30
25
20
15
10
5
0
GGT S/Haul
GGT L/Haul
Mba-Adel
Mba-Syd
GTC
DBNGP
RBP
PV-Darwin
SWQ
Aust Ave

Selected International Pipeline Tariffs:



QUESTIONS ON NOTICE

GOVERNMENT PROPERTY - SALE

54. Dr CONSTABLE to the Minister for Labour Relations; Planning; Heritage:

(1) In relation to all real estate (land and buildings) sold within the Minister's portfolios in the 1995-96 and 1996-97 financial years -

(a) where was the real estate situated (giving the actual address of the land and building);

(b) for what amount was the real estate sold;

(c) when, if ever, was the most recent valuation of the real estate conducted; and

(d) what was the value of the real estate according to the valuation?

(2) What real estate within the Minister's portfolios is currently for sale or in the process of being sold?

Mr KIERATH replied:

Department of Productivity & Labour Relations

(1)-(2) Nil

WorkSafe Western Australia

(1)-(2) Nil

Commissioner of Workplace Agreements

(1)-(2) Nil

Department of the Registrar, Western Australian Industrial Relations Commission

(1)-(2) Nil

WorkCover

(1)-(2) Nil

Ministry for Planning

(1)-(2) The tabled paper details the information sought. [See paper No 432.]

However, I am not prepared to release the details of the supporting valuation advice which is considered to be commercial information of the Western Australian Planning Commission.

Office of the Minister for Planning (Planning Appeals)

(1)-(2) Nil

Heritage Council of Western Australia

(1)-(2) Nil

East Perth Redevelopment Authority

The total value of real estate sold by the East Perth Redevelopment Authority during the years 1995/96 and 1996/97 is as follows:

(a) 1995/96 - $5,756,000

(b) 1996/97 (to 28 February 1997) $10,286,000

Subiaco Redevelopment Authority

(1)-(2) Nil

MINISTERIAL OFFICES - MINISTER FOR RESOURCES DEVELOPMENT

Refurbishment

253. Mr RIPPER to the Minister for Resources Development; Energy; Education:

(1) Have any refurbishments or renovations been undertaken to the Minister's office since December 1993?

(2) If so, what was the nature of the change/s?

(3) What was the cost of the work undertaken?

Mr BARNETT replied:

(1)-(3) From December 1993 to 13 March 1997, the following renovations/refurbishments were carried out -

Minor Building Alterations, including fees	$4,402.00
Signage, including fees	$ 669.40
Replacement Furniture (Minister's Office)	$5,559.00
Replacement Furniture (Reception)	$7,084.00

It should be noted, however, that my ministerial office was relocated to the 19th Floor of the Capita Building in January and modifications have been carried out. Final costings for this work have not been received to date.

ENVIRONMENTAL PROTECTION AUTHORITY - DECISIONS

Public Information

318. Dr EDWARDS to the Minister for the Environment:

What measures will be taken to ensure the public is informed by the Environmental Protection Authority of planning schemes and amendments the EPA decides not to assess?

Mrs EDWARDES replied:

Under existing measures a public record of all schemes referred to the EPA and the level of assessment set is kept in the DEP library and is publicly accessible. I am awaiting advice on how these measures may be improved.

POLLUTION - AIR

World Health Organisation Levels

343. Ms WARNOCK to the Minister for the Environment:

(1) What are the standards used by the Government in relation to air quality along the city northern bypass route and how will these standards be controlled?

(2) If World Health Organisation pollution levels are exceeded as a result of the tunnel, what steps will the Government take to minimise this pollution?

Mrs EDWARDES replied:

(1) The air pollution levels recommended by the Department of Environmental Protection in relation to the Northbridge Tunnel are:

Ambient Air Quality Guidelines

Constituent	*Ground Level Concentration*	*Averaging Period*
Carbon Monoxide	25 ppm 9 ppm	1 hour 8 hours
Nitrogen Dioxide	0.16 ppm	1 hour
Suspended Particulates	120 micrograms per cubic metre	24 hours

Notes:

"ppm" means parts per million by volume.

Micrograms per cubic metre expressed dry at 0 degrees Celsius and 1.0 atmosphere pressure (101.325 kilopascals).

"Suspended Particulates (PM10)" means inert particles each having an equivalent aerodynamic diameter of less than 10 micrometres.

An assessment of the method for controlling emissions from the tunnel to meet these standards is likely to involve some form of emissions monitoring but a detailed program has not as yet been formulated.

(2) As the air quality criteria are incorporated in the construction contract, the tunnel is designed to avoid exceeding recommended ambient air pollution levels.

INDUSTRIAL RELATIONS - WORKPLACE AGREEMENTS

Number

605. Mr BROWN to the Minister for Labour Relations:

(1) How many workplace agreements were registered in the months of -

(a) January 1997;
(b) February 1997; and
(c) March 1997?

(2) How many workplace agreements expired in the months of -

(a) January 1997;
(b) February 1997; and
(c) March 1997?

(3) How many workplace agreements were cancelled in -

(a) January 1997;
(b) February 1997; and
(c) March 1997?

(4) What was the total number of workplace agreements registered as at 31 March 1997?

(5) How many of those workplace agreements are "live" in that they apply to an existing employee-employer relationship?

Mr KIERATH replied:

(1) (a) 3,685
(b) 2,978
(c) 2,434

(2) (a)-(c) This information is not available.

(3) (a) 9
(b) 16
(c) 34

(4) 72,827 agreements under the Workplace Agreements Act 1993 have been registered from 1 December 1993 to 31 March 1997.

(5) This information is not available as there is no requirement for parties to notify the Commissioner of Workplace Agreements when an employment contract ceases. However, there have been 89,276 employee parties involved in workplace agreements from 1 December 1993 to 31 March 1997.

FORESTS AND FORESTRY - SOFTWOOD

Area and Use

642. Mr PENDAL to the Minister for the Environment:

(1) I refer to the State's softwood plantations and ask what area of the State has been planted for softwood production in each of the past 15 years?

(2) Of this, what has been planted -

(a) by the State itself;
(b) by private forestry companies and/or by farmers engaging in agro-forestry?

(3) What proportion of current hardwood timber uses can be met by softwood timber, including current sawn timber and woodchip uses?

Mrs EDWARDES replied:

Figures for 1996 are not available. The 15 year period quoted is 1981-1995. A significant proportion of planting by the State in recent years has been replanting of cleared felled areas.

(1)

Year	Area (hectares)
1981	2,664
1982	2,400
1983	2,295
1984	2,622
1985	3,270
1986	2,518
1987	3,242
1988	2,959
1989	2,215
1990	1,742
1991	1,881
1992	2,881
1993	2,291
1994	1,701
1995	2,181

(2) (a)

Year	Area (hectares)
1981	2,373
1982	2,168
1983	2,080
1984	2,407
1985	2,392
1986	1,715
1987	2,514
1988	2,142
1989	1,438
1990	1,294
1991	1,673
1992	2,680
1993	2,243
1994	1,556
1995	1,631

(2) (b)

Year	Area (hectares)
1981	291
1982	232
1983	215
1984	215
1985	878
1986	803
1987	728
1988	817
1989	777
1990	448
1991	208
1992	201
1993	48
1994	145
1995	550

These figures only represent the areas reported to CALM. There are undoubtedly additional areas not known to CALM. The figures identify the areas established. However, since that time the areas may have been reduced due to failure, change in land use, or harvesting.

(3) The market for timber uses is so large, diverse and complex that it is not possible to answer this question definitively. Where specific properties of hardwood timber are required, such as for making charcoal or producing some grades of paper, it is not technically possible to substitute softwoods for hardwoods.

Sawn timber for structural purposes may be either hardwood or softwood but the proportion cannot be estimated without knowledge of the intended uses and the dimensions and strength required. The quantity of pine timber required would be greater than the quantity of the hardwood timber it was replacing due to the poorer strength characteristics of the pine. Where timber is used for furniture and decorative uses it is difficult to appraise the proportion of each which will be accepted by the market.

DUTCH GOVERNMENT - PURCHASE OF KARRI

663. Dr EDWARDS to the Minister for the Environment:

(1) Further to question on notice 1811 of 1996, has the Department of Conservation and Land Management completed its review of the response of the Dutch Directoraat-General, Rijkswaterstaat, received by CALM on 12 September 1996, regarding the refusal of the Dutch Government to buy karri?

(2) If yes to (1) above -

(a) what does CALM's review say;

(b) will the Minister table the review?

(3) Will the Minister table the letters of 24 May and 22 July 1996 sent by CALM to the Dutch Government regarding the refusal of the Dutch Government to buy karri?

Mrs EDWARDES replied:

(1) No.

(2) (a)-(b) Not applicable.

(3) See paper No 433.

ALINTAGAS - SPONSORSHIP

Fremantle Dockers Football Club - Confidentiality

736. Mr PENDAL to the Minister for Energy:

(1) I refer to AlintaGas' sponsorship of the Fremantle Dockers Football Club and the recent increases in tariffs by the gas utility and ask is it correct that the level of sponsorship is confidential?

(2) If so, how does the issue of "commercial confidentiality" sit with the requirement of accountability?

(3) Is it correct that notwithstanding the corporatisation of AlintaGas, its tariffs which have recently been increased and are now before the House as part of the State Budget, need to be passed by members as part of the Budget?

(4) If yes to (3) above, on what grounds can sponsorship remain confidential for a public or semi-public utility?

Mr BARNETT replied:

(1) Yes.

(2) AlintaGas operates in a competitive environment, competing with private sector businesses. When established, AlintaGas was created under the principles of corporatisation. The major plank of this was the appointment of an independent Board of Directors with a broad range of skills. The Board was charged with conducting the business of AlintaGas in accordance with prudent commercial principles with a view to making a profit consistently while maximising its long term value. The Board was to operate autonomously, not as part of "whole of government". These aspects are important to enable AlintaGas to compete effectively and hence maximise its value. To start interfering at the micro level, such as disclosure of details of contractual arrangements, will only serve to frustrate these objectives. AlintaGas and the Board remain fully accountable with the heavy Corporations Law duties imposed on them plus the greater level of disclosure of information contained in the Gas Corporation Act. Not only does commercial confidentiality sit comfortably and appropriately with accountability, but it is also a necessity for the other party to the transaction, the Fremantle Dockers Football Club, in order to extract the best value from its sponsors which it competes for in a highly competitive environment.

(3) Not correct. AlintaGas has open to it two avenues for determination of gas charges. The first is to negotiate with a customer direct and to provide for the relevant charges in a contract between them. The second is for AlintaGas to make By-Laws under the Energy Corporations (Powers) Act which it does with the approval of the Governor. Currently those changes are found in the Gas Corporation (Charges) By-Laws 1996. Those charges do not form part of the State Budget.

(4) Not applicable.

SUBURBAN STREET LIGHTING - LOCAL GOVERNMENT ROLE

738. Mr PENDAL to the Minister for Energy:

(1) I refer to the provision of suburban street lighting and ask who provides and owns the reticulation system (power poles, cables and street lights etc.)?

(2) Who determines the number of street lights over a given distance?

(3) Who pays for the electricity used?

(4) If local authorities pay for the electricity, do they determine policy on the number of street lights and on hours during which streets are illuminated?

(5) Can the Minister provide any other information about the role of local government in the provision of suburban street lighting?

Mr BARNETT replied:

(1) Western Power.

(2) Local authorities - councils.

(3) Local authorities.

(4) Yes.

(5) Councils can elect to install their own lighting.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - POLICY ON TINGLE TREES

743. Dr EDWARDS to the Minister for the Environment:

(1) What is the Department of Conservation and Land Management's (CALM) policy regarding tingle trees?

(2) Has the royalty for tingle been raised in the last three years?

(3) If so, when and to what levels?

Mrs EDWARDES replied:

(1) There are 3 species of tingle; Red tingle, Eucalyptus jacksonii; Rates tingle, Eucalyptus brevistylis and Yellow tingle, Eucalyptus guilfoylei. Red tingle and Rates tingle occur within the existing or proposed conservation reserve system where timber harvesting is not permitted. Extensive areas of Yellow tingle are also within the reserve system. In areas of State forest where timber harvesting is permitted and where Yellow tingle occurs in association with karri or jarrah, or for road constructions purposes, some tingle trees will be removed and subsequent regeneration of the area will occur in a manner so as to ensure the proportion of Yellow tingle is maintained.

(2) Yes.

(3)

First grade sawlogs 300mm	$/cubic metre
1 January 1994	$37.03
1 January 1995	$38.10
1 July 1995	$39.85
1 July 1996	$39.81*

* Negative movement in Timber Price Index for Western Australian Produced Hardwoods (- 0.1%)

FORESTS AND FORESTRY - GIBLETT BLOCK

Logging

747. Dr EDWARDS to the Minister for the Environment:

(1) Which coupes within Giblett block are due to be logged in 1997?

(2) What is the size of each coupe?

(3) When will each be logged?

(4) Are the coupes contiguous?

(5) Will the Minister table a map of Giblett block and the coupes it contains?

(6) Which national estate values are recognised in Giblett block?

(7) How will these values be protected by logging?

(8) How will localised adverse impacts be prevented?

Mrs EDWARDES replied:

(1)-(2)

Coupe	Area (ha)	Number of cells
Giblett 6 (jarrah)	102	numerous cells up to 10 ha
Giblett 6 (karri)	87	5 separate cells anticipated
Giblett 7 (karri)	92	5 separate cells anticipated
Giblett 8 (karri)	131	4 separate cells anticipated (includes part 6 & part 7)
Giblett 8 (jarrah)	49	numerous cells up to 10 ha
Total	461	

(3) Harvesting has commenced and will take place throughout 1997 depending on -

(a) The condition of road access.
(b) The ability of forest soils to support harvesting equipment in wet weather.
(c) Customer requirements.

(4) No.

(5) Yes.

(6) The values for the North East Carey Brook sub area within the Giblett/Hawke National Estate place as contained in Volume 3 of the 1992 report "National Estate Values in the Southern Forest Region, South West Western Australia". Giblett coupes are within this National Estate sub area. Not all National Estate values occur within the entire sub area. The relevant section of the report is tabled. [See paper No 434.]

(7) Representative areas with these values are contained within the State's reserve system that will not be harvested. In particular, it includes Beedelup National Park, Warren National Park and Strickland Nature Reserve within the Giblett/Hawke place. Notwithstanding this, a further and extensive review is underway through the Regional Forest Assessment (RFA) process. About 60% of the Giblett forest block has been deferred from harvest pending the finalisation of the RFA process. The Principles and Guidelines for protection of National Estate Values are documented in Volume 4 of the 1992 report.

(8) See (7) above. Impacts on all values except "B1 undisturbed vegetation" will be transient given that the forest is fully regenerated after harvest and that all natural ecological processes continue to take place. These processes ensure that habitat re-establishes, wildlife re-colonises and other biotic systems are restored.

RABBITS - ROCKINGHAM GOLF COURSE

Use of Pindone

748. Dr EDWARDS to the Minister for the Environment:

(1) Has the bait Pindone been used recently for rabbit control on the Rockingham Golf Course, a C class reserve?

(2) If so, has this practice ceased?

(3) If yes, on what date?

(4) What hazard does the use of Pindone pose to native animals?

Mrs EDWARDES replied:

(1) Yes.

(2) No.

(3) Not applicable.

(4) Pindone is poisonous to native mammals, however the baiting taking place at the Rockingham Golf Course is part of a trial by Agriculture Western Australia to test the effectiveness of bait stations which are specifically designed to reduce the risk to wildlife.

POLLUTION - MINIM COVE

Cleanup

758. Dr EDWARDS to the Minister for the Environment:

(1) Regarding the containment cell and current cleanup of the old CSBP site at Minim Cove, Mosman Park what effect will sulphur reducing bacteria have on the mobilisation of contaminants within the cell?

(2) What effect will iron reducing bacteria have on the mobilisation of contaminants within the cell?

(3) What potential is there for movement between layers under the sloping cell cap?

(4) What will be the effect of 30 to 40 metres of hygroscopic pressure on the performance of the cell?

(5) Will the binding of iron and other salts into the matrix of the limestone base and sides of the cell reduce or obstruct water flow?

(6) If so, what effect will this have on the performance of the cell?

(7) What monitoring devices will be used at the eastern end of the cell and where will these be placed?

(8) What devices will be used to monitor moisture levels within the cell and its cap?

(9) What is the cost of the monitoring devices for the cell, and who is responsible for their cost, installation, and continuing maintenance and management costs?

(10) Will water pressure manometers be installed within the base of the cell to measure the effect of potential water pressure within the cell?

(11) What parties will be responsible for reviewing the ongoing monitoring of the cell and to whom will they be responsible?

(12) What contingent liability in the form of bank drafts, holding accounts, or other specified considerations has been placed by the proponents, LandCorp and Octennial Holdings, for management of the cleanup should cell failure occur?

(13) If the cell fails from the surface or sides what protection is there from flow down the contours on site into the local Buckland Hill Primary School?

(14) If the cell fails from the surface or sides what protection is there from flow down the contours on site into the local residences on Minim Cove?

(15) Has the management plan for possible cell failure been compiled?

(16) If yes, will the Minister table a copy of this document?

(17) If no, when will it be completed?

(18) How close will any homes be allowed to be built to the cell?

(19) What physical and chemical barriers will be provided for homes adjacent to the cell?

(20) What potential is there for the escape of cyanide gas from the cell and what arrangements are in place warning residents and managing such a situation?

(21) Will the containment cell carry warning signs to ensure the public is aware of its existence?

(22) What recreational activities will be allowed on the surface of the cell?

(23) What coverings of vegetation will be allowed on top of the cell?

(24) What are the results of current bore monitoring on the performance of the cell?

(25) Will another cell be constructed to hold the extra found waste on the site?

(26) Will the top of the existing cell be expanded to hold additional wastes from the site?

(27) Will some wastes be removed from the site?

(28) If so, where will those wastes be taken;

(29) Will the cell be fenced off from public access?

Mrs EDWARDES replied:

The information sought by the member would involve considerable time and expense by the department to compile. I am not prepared to commit valuable resources in this instance.

POLLUTION - WUNDOWIE FOUNDRY

Offensive Odours

769. Dr EDWARDS to the Minister for the Environment:

(1) For how long has the Wundowie Foundry breached the provisions of the Environmental Protection Act in relation to the emission of offensive odour?

(2) What action will be taken by the Department of Environmental Protection (DEP) over this non compliance?

(3) What alternative methods of odour control are now under investigation?

(4) What is the current status of alternative odour reduction strategies?

(5) How long will residents have to tolerate further offensive odour, contrary to the provisions of the Environmental Protection Act?

(6) Why has Clough Resources failed to install a stormwater management system as promised prior to the onset of winter?

(7) Why is this stormwater management system considered important?

(8) What action will the DEP take against Clough Resources if the stormwater management system is not installed prior to the onset of winter?

(9) What action has the DEP taken in relation to the acknowledgment that contaminated water is migrating off-site?

(10) For how long has the DEP been aware that the linings of the tar ponds are largely ineffective?

(11) When were concerns over the linings in the tar ponds first expressed to Clough Resources?

(12) What action has been requested by the DEP in relation to the ineffective tar pond linings?

(13) If no action has been taken, why is this the preferred response?

(14) What monitoring is being undertaken on a continuing basis to determine the impact that the ineffective tar pond linings will have on on-site and off-site water quality?

Mrs EDWARDES replied:

(1) The first complaint of unacceptable odour from the tar pits was substantiated in January 1994.

(2) The Department of Environmental Protection (DEP) has been negotiating with Clough Resources (owners of the site) since this complaint was substantiated. The method of odour control which was adopted shortly after this time involved the placement of a water blanket on the surface of the tar ponds to contain odours. It is now apparent that the water becomes easily saturated with tar and is no longer effective in controlling odours. A meeting has been scheduled for the week commencing 12 May 1997 to discuss alternative odour control options.

(3) Bioremediation trials are currently being conducted as a means of permanently removing the source of the odours. In a report dated November 1996, Clough Environment Engineering suggested that neutralising the odours using a chemical neutralising agent may be a viable short term solution. These and other potential options will be discussed during the above proposed meeting.

(4) The status of this investigation will be determined during the above proposed meeting.

(5) Until an effective method of odour control is implemented.

(6) The time limit for this work to be completed has not yet expired. Clough Resources reconfirmed its intention to complete this work prior to the onset of winter in a letter dated 9 April 1997.

(7) Last winter, stormwater contaminated with phenols (a constituent of wood tar) was found entering a stormwater culvert adjacent to the foundry premises. The introduction of a stormwater management system would prevent a similar event recurring.

(8) The purpose of the stormwater management system is to prevent off site pollution. If this is prevented in other ways, then no action will be taken against Clough Resources.

(9) In a letter dated 16 August 1996 to Clough Resources, the DEP requested that measures be implemented to resolve the issue of stormwater contaminated with phenols leaving this site. Clough Resources responded by committing to install a stormwater management system.

(10) The synthetic liner of the main tar pond was noted to be badly decomposed in some areas in August 1996. The synthetic liners of the other ponds were noted to be decomposed shortly after this time.

(11) Concern over the state of the synthetic liner was expressed in a letter to Clough Resources dated 16 August 1996.

(12) In response to the DEP letter of 16 August 1996, Clough Environment Engineering conducted an investigation into the issue of possible leaching from the ponds. The conclusion from this report was that the clays (both naturally occurring and those placed as liners) are providing an adequate containment barrier for the tars.

(13) The DEP is currently reviewing groundwater monitoring results provided by Clough Resources as a means of confirming these conclusions referred to in question 12.

(14) Clough Resources will continue to conduct six monthly groundwater monitoring from existing groundwater monitoring bores on site, and at two off site locations.

FUEL AND ENERGY - GAS

Kalgoorlie-Boulder - Tenders

773. Mr GRILL to the Minister for Energy:

(1) In respect to the tender for the right to reticulate natural gas to Kalgoorlie-Boulder businesses and residences could the Minister advise which companies tendered?

(2) Was there a common specification that all tenderers had to meet?

(3) Which company was the lowest tenderer in terms of price?

(4) On what basis were tenders decided?

(5) Who recommended the acceptance of the successful tenderer?

(6) Who awarded the contract?

(7) On what basis was AlintaGas preferred over the other tenderers?

(8) When will the contract be finalised?

(9) Was AlintaGas the first preferred tenderer recommended to the Minister?

(10) If not, which company was first recommended to him?

Mr BARNETT replied:

(1) The four companies that submitted proposals were:

- AlintaGas
- Boral Energy
- The Australian Gas and Light Company (AGL)
- Wesfarmers Kleenheat Gas

(2) Yes.

(3) AlintaGas.

(4) The tenders were decided based on four criteria:

- systems design and the rate that reticulation is to be extended to cover potential gas customers;

- financial analysis of the proposals and the scale of tariffs offered;
- term of the licence(s) requested; and
- other general benefits.

(5) The Kalgoorlie-Boulder Gas Reticulation Selection Panel. This panel was chaired by the Office of Energy and comprised representatives of the City of Kalgoorlie-Boulder, Treasury, an independent consultant and the Office of Energy.

(6) At this stage no "contract" has been awarded. AlintaGas has been granted "preferred proponent" status, pending finalisation of the terms and conditions of licences proposed to be granted under the amended legislation referred to in the response to question 8.

(7) On the basis of the selection panel's evaluation of the four proposals against the criteria referred to in the response to question 4. AlintaGas was outstanding on the roll-out rate, tariffs and pricing, and expenditure commitment in Western Australia.

(8) The granting of licences to reticulate gas in Kalgoorlie-Boulder is subject to amendments to the Energy Coordination Act 1994, which should be introduced to Parliament shortly. Issue of the licences is expected to follow soon after such amendments are gazetted.

(9) Yes.

(10) Not applicable.

GOVERNMENT INSTRUMENTALITIES - ADVERTISING

Expenditure

840. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) How much did each department and agency under the Deputy Premier's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

between 1 July 1996 and 30 March 1997?

(2) How much does each department and agency under the Deputy Premier's control plan to spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

between 1 April 1997 and 30 June 1997?

Mr COWAN replied:

Department of Commerce and Trade

(1) The Department of Commerce and Trade's accounting records show expenditure of $237,310 on advertising between 1 July 1996 and 31 March 1997. The accounting system does not classify separately television, radio and newspaper advertising.

(2) (a) Nil.
(b) $5,000
(c) $51,000

Small Business Development Corporation

(1) (a) $20,000
(b) $14,180
(c) $93,456

(2) (a) Nil.
(b) $15,500
(c) $37,864

International Centre for Application of Solar Energy (CASE)

(1) (a)-(c) Nil.

(2) (a)-(c) Nil.

Technology Industry Advisory Council (TIAC)

(1) (a)-(c) Nil.

(2) (a)-(c) Nil.

Gascoyne Development Commission

(1) (a)-(b) Nil.
(c) $8,568

(2) (a)-(b) Nil.
(c) $500

Goldfields-Esperance Development Commission

(1) (a)-(b) Nil.
(c) $12,872

(2) (a)-(b) Nil.
(c) $7,000

Great Southern Development Commission

(1) (a)-(b) Nil.
(c) $326.40

(2) (a)-(c) Nil.

Budget allocations made by the Board have not included definitive amounts for TV, radio and newspaper advertising, however it would be similar to 1995/96, being approximately $300.

Kimberley Development Commission

(1) (a)-(b) Nil.
(c) $7,917

(2) (a)-(b) Nil.
(c) $4,000

Mid West Development Commission

(1) (a)-(b) Nil.
(c) $6,352.80

(2) (a)-(b) Nil.
(c) The Commission allocates funding on an output basis not according to line items.

Peel Development Commission

(1) (a)-(b) Nil.
(c) $10,020

(2) (a)-(b) Nil.
(c) $3,000

Pilbara Development Commission

(1) (a)-(b) Nil.
(c) $4,133.83

(2) (a)-(b) Nil.
(c) $1,000.00

South West Development Commission

(1) (a)-(b) Nil.
(c) $4,272.

(2) (a)-(b) Nil.
(c) $2,000

Wheatbelt Development Commission

(1) (a)-(b) Nil.
(c) $1,800

(2) (a)-(b) Nil.
(c) $800

GOVERNMENT INSTRUMENTALITIES - ADVERTISING

Expenditure

861. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) How much did each department and agency under the Deputy Premier's control spend on advertising in the 1995-96 financial year?

(2) How much did each department and agency under the Deputy Premier's control spend on -

(a) television advertising;
(b) radio advertising; and
(c) newspaper advertising,

in the 1995-96 financial year?

Mr COWAN replied:

Department of Commerce and Trade

(1) $497,892.30

(2) The Department of Commerce and Trade's accounting system does not classify separately television, radio and newspaper advertising.

Small Business Development Corporation

(1) $203,867

(2) (a) $20,000
(b) $31,875
(c) $151,992

International Centre for Application of Solar Energy (CASE)

(1) Nil

(2) (a)-(c) Nil

Technology Industry Advisory Council (TIAC)

(1) $1,621.70

(2) (a)-(b) Nil
(c) $1,621.70

Gascoyne Development Commission

(1) $5,547

(2) (a)-(b) Nil
(c) $5,547

Goldfields-Esperance Development Commission

(1) $12,350

(2) (a)-(b) Nil
(c) $12,350

Great Southern Development Commission

(1) $1,502.59

(2) (a)-(b) Nil
(c) $1,502.59

Kimberley Development Commission

(1) $6,405.90

(2) (a)-(b) Nil
(c) $6,405.90

Mid West Development Commission

(1) $16,286.66

(2) (a) Nil
(b) $540.00
(c) $11,139.16

The balance was expended on advertising outside of these areas such as signage and display posters.

Peel Development Commission

(1) $11,058

(2) (a)-(b) Nil
(c) $11,058

Pilbara Development Commission

(1) $10,302.32

(2) (a)-(b) Nil
(c) $10,302.32

South West Development Commission

(1) $19,459

(2) (a)-(b) Nil
(c) $19,459

Wheatbelt Development Commission

(1) $12,200

(2) (a)-(b) Nil
(c) $11,000

GOVERNMENT INSTRUMENTALITIES - POLLING AND MARKET RESEARCH

Statistics

914. Mr BROWN to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) How much has been allocated by each department and agency under the Minister's control for -

(a) public opinion polling;
(b) market research;
(c) customer research; and
(d) stakeholder research,

in the 1997-98 financial year?

(2) What is the precise nature of the polling and/or research that will be undertaken by each department and agency?

Mr BOARD replied:

STATE SUPPLY COMMISSION

(1) (a) Nil.

(b) $10,000.00 Estimate.

(c) $8,000.00 Estimate.

(d) Nil.

(2) This research is mainly to evaluate the Commission's customer service levels and performance for annual reporting.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

(1) (a) Nil.
(b) Nil.
(c) $12,000.00
(d) $22,000.00

(2) The following surveys are planned to occur during 1997/98.

(a) An annual survey of the client agencies of the Department of Contract and Management Services (CAMS). The survey will be used to support ongoing refinement and improvement of CAMS services.

(b) A survey of the major suppliers of the various goods and services that are arranged by CAMS to assist in improving buying arrangements for government and its suppliers.

(c) An annual survey of CAMS employees to facilitate improvements to services and employer/employee working arrangements.

OFFICE OF YOUTH AFFAIRS

(1) Nil.

(2) Not applicable.

OFFICE OF MULTICULTURAL INTERESTS

(1) Nil.

(2) Not applicable.

GOVERNMENT INSTRUMENTALITIES - POLLING AND MARKET RESEARCH

Statistics

917. Mr BROWN to the Minister representing the Minister for the Arts:

(1) How much has been allocated by each department and agency under the Minister's control for -

(a) public opinion polling;
(b) market research;
(c) customer research; and
(d) stakeholder research,

in the 1997-98 financial year?

(2) What is the precise nature of the polling and/or research that will be undertaken by each department and agency?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

ArtsWA

(1) Not yet been determined given the complexities of integrating the Library and Information Service, the Western Australian Museum, the Art Gallery of Western Australia, the Perth Theatre Trust and Screen West into the Ministry for Culture and the Arts.

(2) Not applicable.

The Art Gallery of Western Australia

(1) The Art Gallery of Western Australia has not allocated any funds for -

(a) public opinion polling
(b) market research
(c) customer research and
(d) stakeholder research in the 1997-1998 financial year.

(2) The Art Gallery of Western Australia will undertake internal customer service research.

Perth Theatre Trust

(1) (a)-(b) Nil
(c) minimal in-house customer service surveys
(d) Nil

(2) Questionnaires distributed and interpreted by Trust staff to customers for feedback. Customers include attendees of events and activities at Trust venues, venue hirers and schools and organisations participating in the Trust's Schools Arts Visits.

Western Australian Museum

(1) (a) Nil
(b) $5000
(c) $5000
(d) Nil

(2) Surveying and Focus Groups

Screen West

(1) (a) Nil
(b) $75 000
(c) Nil
(d) Nil

(2) Research programmes: Resource and facilities survey to assess the level of human and technology resources available in the State to inform infrastructure development and to attract production and investment into Western Australia. Identification of financial investment opportunities through targeted research with an aim of increasing the level of private investment available to the film and television industry.

Library and Information Service of WA

(1) The allocation of the 1997/98 budget to expenditure items has not been finalised. It is unlikely that budgets would be provided for any of these items.

(2) Not applicable.

GOVERNMENT INSTRUMENTALITIES - POLLING AND MARKET RESEARCH

Statistics

919. Mr BROWN to the Minister representing the Attorney General:

(1) How much has been allocated by each department and agency under the Attorney General's control for -

(a) public opinion polling;
(b) market research;
(c) customer research; and
(d) stakeholder research,

in the 1997-98 financial year?

(2) What is the precise nature of the polling and/or research that will be undertaken by each department and agency?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) (a)-(c) Nil.
(d) $50 000.

(2) An external consultant is being engaged to undertake an independent review of the operation and function of the Aboriginal Visitors Scheme. A customer survey in the form of questionnaires is to be undertaken by the Office of the Public Advocate in 1997-98.

GOVERNMENT INSTRUMENTALITIES - POLLING AND MARKET RESEARCH

Statistics

921. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) How much has been allocated by each department and agency under the Minister's control for -

(a) public opinion polling;
(b) market research;
(c) customer research; and
(d) stakeholder research,

in the 1997-98 financial year?

(2) What is the precise nature of the polling and/or research that will be undertaken by each department and agency?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

(1) (a)-(c) Nil.
(d) $50 000.

(2) An external consultant is being engaged to undertake an independent review of the operation and function of the Aboriginal Visitors Scheme. A customer survey in the form of questionnaires is to be undertaken by the Office of the Public Advocate in 1997-98.

GOVERNMENT INSTRUMENTALITIES - CONTRACTS

Number and Details

925. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) With the exception of employment contracts, how many contracts for services, involving a total payment of $40 000 or more, has each department and agency under the Minister's control entered into between 1 September 1996 and 31 March 1997?

(2) What is -

(a) the name of each contractor;
(b) the amount of the contract;
(c) the purpose of the contract;
(d) the date on which the contract was entered into; and
(e) the date on which the contract is scheduled for completion?

Mr BARNETT replied:

(1-2) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

GOVERNMENT INSTRUMENTALITIES - CRITICAL COMMENT

Auditor General

953. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) Since 1 July 1995 has any department or agency under the Minister's control received a critical comment, letter or direction from the Auditor General?

(2) If so -

(a) what department or agency;

(b) when did the Auditor General make the critical comment;

(c) what were the precise circumstances that gave rise to the critical comment;

(d) how did the circumstances come about; and

(e) who was responsible?

(3) When did the matter first come to the Minister's attention?

(4) Did the Minister make the Parliament aware of the matter when it came to his attention?

(5) If not, why not?

Mr BARNETT replied:

Government departments and agencies periodically receive reports, comments and opinions from the Auditor General. All chief executive officers should be aware of matters raised by the Auditor General in relation to their agencies and take appropriate action in accordance with their statutory obligations under the Public Sector Management Act and the Financial Administration and Audit Act. The Auditor General regularly submits reports to Parliament and the opinion of the Auditor General is required to be included in the annual reports of all government agencies when they are tabled. Should the member care to raise any specific matters in relation to the Auditor General and the agencies under my portfolio, I would be happy to have them investigated.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - CAPE RANGE NATIONAL PARK

Licence for Accommodation Base - Statistics

1009. Dr EDWARDS to the Minister for the Environment:

(1) Is it correct that the Department of Conservation and Land Management (CALM) has issued a licence to allow a person or company to establish an accommodation base at South Mandu beach adjacent to the Ningaloo reef within the Cape Range National Park?

(2) If not, is any such licence or arrangement under consideration by CALM?

(3) If yes -

(a) who made the decision to grant the licence;

(b) what type of accommodation base is planned;

(c) who has assessed the plan;

(d) does the granting of the licence comply with the Cape Range National Park management plan;

(e) has the proposal or the licence been referred to the Environmental Protection Authority, the Department of Environmental Protection, or the National Parks and Nature Conservation Authority;

(f) if not, why not;

(g) if yes, by what process has it been referred and assessed;

(h) what person or company has been granted the licence;

(i) how did they make their application;

(j) what will they be charged for the licence?

Mrs EDWARDES replied:

(1) CALM has issued a licence that allows camping, sightseeing and other nature based activities in Cape Range National Park. The licence permits camping within the park.

(2) Not applicable.

(3) (a) CALM issued the licence.
(b) Camping.
(c) The licence application has been assessed by CALM's Licensing Section and Exmouth District staff.
(d) Yes.
(e) The licence has been referred to the National Parks and Nature Conservation Authority as required under the CALM Act for its approval.
(f) Not applicable.
(g) See (c).
(h) Paul Wittwer, 'Reef Retreat'.
(i) Formal application for a commercial activity licence under Section 101 of the CALM Act.

(j) $250 plus $50 application fee. Park entry and camping fees also apply.

PARKS AND RESERVES - NATIONAL

Cape Range - Extension

1033. Dr CONSTABLE to the Minister for the Environment:

The Cape Range National Park Management Plan 1987-1997 recommends on page 34 that proposals to extend the park should proceed. What progress, if any, has been made in this regard in the last 10 years?

Mrs EDWARDES replied:

Until recent times, little progress has been achieved in implementing the extension to the Cape Range National Park recommended in the 1987 management plan. The presence of a large temporary limestone reserve created over much of the area in the 1960s was the major impediment to progressing the proposed addition. Recently a compromise position has been reached and agreed to by the Ministers for the Environment and Mines with a substantial eastward extension to the Park to be progressed. A conservation reserve under section 5(g) of the CALM Act 1984 is also to be implemented which will include a significant limestone resource. The Shire of Exmouth has given its concurrence to the proposed eastward extension for the park and the section 5(g) reserve. Discussions have commenced with the lessees of the Exmouth Gulf pastoral lease which will be affected by the proposal.

PARKS AND RESERVES - NATIONAL

Cape Range - Water Extraction

1034. Dr CONSTABLE to the Minister for the Environment:

(1) Is water extraction in the Cape Range National Park being monitored by the Water Corporation's Exmouth borefields?

(2) If yes to (1) above -

(a) when did this commence;
(b) what is the cost to date;
(c) what are the preliminary results; and
(d) are the preliminary results publicly available?

Mrs EDWARDES replied:

(1) The Water Corporation borefield is located entirely outside of the Cape Range National Park and the corporation is not involved in any water extraction within the Cape Range National Park near Exmouth. Therefore, the corporation does not monitor any such extraction.

(2) (a)-(d) Not applicable.

GRACETOWN TRAGEDY - ACCIDENT SITE

Ownership

1042. Mr McGOWAN to the Minister for the Environment:

(1) Who has ownership of the land where the Gracetown cliff tragedy occurred?

(2) Who has control of the land where the Gracetown cliff tragedy occurred?

(3) Are any surveys of cliffs being undertaken in Western Australia to ensure a similar tragedy does not occur again?

(4) Which cliffs have been assessed as dangerous?

Mrs EDWARDES replied:

(1)-(2) Shire of Augusta-Margaret River.

(3) Yes. A preliminary geotechnical survey of areas of high visitor usage in the Leeuwin-Naturaliste National Park has been undertaken by Gordon Geological Consultants.

(4) As a result of the Gordon survey a number of sites of potential visitor risk were identified between Cape Naturaliste and Augusta. Varying types of remedial measures that were recommended in the Gordon Report are currently being acted on by CALM.

RESOURCES DEVELOPMENT - COMPACT STEEL PTY LTD

Rockingham Land

1056. Mr McGOWAN to the Minister for Resources Development:

(1) What is the current status of the proposed Compact Steel development designated for the IP14 land in Rockingham?

(2) Has Compact Steel been granted another option over IP14 land this year?

(3) Have any other industries expressed interest in the land set aside for Compact Steel?

(4) What is the price set per square metre for the land designated for Compact Steel?

(5) Is the proposed price for land the same as was set for the Finerwool development which was also proposed for IP14?

(6) Is it the Government's intention to approve the Compact Steel development?

(7) When will the Government withdraw Compact Steel's option over the IP14 land?

Mr BARNETT replied:

(1) It is understood that Compact Steel is seeking an equity partner.

(2) No.

(3) No other industries have expressed an interest in the heavy industry core of IP14. The Water Corporation is proposing a wastewater treatment plant in the heavy industry core adjacent to and compatible with the Compact Steel proposal.

(4) The price of land in the heavy industry core of IP14 would take into account the service requirements of the proponent and prevailing market values at the time of sale.

(5) Not applicable.

(6) Yes, subject to all necessary statutory approvals, including environmental approvals, having been obtained, and subject to the proposal being in the State’s best interest.

(7) Not applicable.

WESTERN POWER - POWER POLE MAINTENANCE

1057. Mr McGOWAN to the Minister for Energy:

(1) What is Western Power's budget for power pole maintenance in Western Australia in the 1996-97 financial year and the 1997-98 financial year?

(2) Has Western Power's budget been reduced since the 1995-96 financial year?

(3) Were any representations made to any power pole maintenance contractors that there would be more maintenance work undertaken than is in fact the case?

(4) Are Western Australia's power poles being properly maintained at present?

Mr BARNETT replied:

(1) Western Power’s budget for power pole maintenance in Western Australia in the 1996-97 financial year and the 1997-98 financial year:

	96/97	97/98 (Budget estimate)
Total	$11.1m	$10.9m

(2) Yes.

(3) Within the South West Interconnected System, Western Power has not guaranteed a specific level of work to any maintenance contractor. Contract obligations are fulfilled under the terms of the contract. Pilbara Power Division conducts its own internal maintenance, without contractors. This is also the case with Regional Power Division.

(4) I am informed that Western Power's poles are always properly maintained in accordance with maintenance procedures. Western Power can only answer for the poles under its control and not those owned by other Supply Authorities in the state.

FUEL AND ENERGY - ELECTRICITY

Underground Power - Suburbs Selected

1069. Mr McGOWAN to the Minister for Energy:

(1) Which suburbs have been selected for placing overhead powerlines underground?

(2) Why have these particular suburbs been selected?

(3) What is the cost for this program in each particular suburb?

(4) What is the financial contribution by other levels of government in these suburbs?

(5) Were any other suburbs considered for underground power and, if so, which ones were?

(6) Why was the suburb of Rockingham not selected for underground power?

Mr BARNETT replied:

(1) Parts of City of Melville (Applecross); Town of Albany (Middleton Beach and Mira Mar); Town of Cambridge (Wembley); Cottesloe/Claremont.

(2) The local authorities responded to a call for submissions in 1995 for underground power pilot project proposals and these projects were recommended by a steering committee (comprising representatives of Office of Energy, Western Power and Western Australian Municipal Association) as being those which best met the specified selection criteria within the overall budget for pilot projects of up to $30m.

(3) Estimated total costs are - Applecross $6.9m, Albany $3.6m, Wembley $4m, Cottesloe/Claremont $11m.

(4) Total costs are split equally three ways between State Government, Western Power and the relevant local authorities.

(5) There were about 30 submissions, all of which were considered by the committee. Details are in the August 1995 report of the steering committee to the Minister for Energy, which was tabled as paper No 477 of 1995. I will provide a copy to the member.

(6) No submission was received from Rockingham.

HOSPITALS - COMPUTERS

HCARe Financials

1190. Mr GRAHAM to the Minister for Health:

(1) Has the Health Department introduced a computer system called the Health Care Financial Computer System?

(2) If so -

(a) which hospitals use the system;

(b) which hospitals are proposed to go onto the system;

(c) for what purpose was the system introduced;

(d) when was the system introduced into each hospital;

(e) what trials were put in place before the system was introduced;

(f) why is the system not utilised in the metropolitan area;

(g) who approved the introduction of the system;

(h) what training was provided for people operating the system;

(i) does the system require upgrading;

(j) what performance criteria were prepared for the system prior to its introduction;

(k) has the system met the performance criteria set for it?

Mr PRINCE replied:

(1) The Health Department of WA has introduced a computer system called HCARe Financials.

(2) (a) The following hospitals use the system:

Hospitals	Health Service
Northam Regional Hospital York Hospital	Avon Health Service
Murray District Hospital Mandurah District Hospital Dwellingup Nursing Post	Peel Health Services
Narrogin Regional Hospital Wickepin Nursing Post	Upper Great Southern Health Service
Bunbury Regional Hospital	Bunbury Health Service
Geraldton Regional Hospital	Geraldton Health Service
Carnarvon Regional Hospital Exmouth District Hospital Onslow District Hospital	Gascoyne Health Service
Port Hedland Regional Hospital Newman District Hospital	East Pilbara Health Service
Busselton District Hospital Margaret River District Hospital Augusta District Hospital	Vasse-Leeuwin District Health Service
Albany Regional Hospital Denmark District Hospital	Lower Great Southern Health Service
Katanning District Hospital	Central Great Southern Health Service
Dalwallinu Health Services Goomalling District Hospital Moora District Hospital Wongan Hills District Hospital	Western Health Service
Esperance District Hospital	South East Coastal Health Service
Kununurra District Hospital	East Kimberley Health Service
Derby Regional Hospital Broome District Hospital Fitzroy Valley District Hospital	West Kimberley Health Service
Kalgoorlie Regional Hospital Laverton District Hospital Leonora District Hospital Menzies Nursing Post Kambalda West Nursing Post Coolgardie Health Centre	Northern Goldfields Health Service
Nickol Bay Hospital Paraburdoo District Hospital Roebourne District Hospital Tom Price District Hospital Wickham District Hospital	West Pilbara Health Service
Merredin District Hospital	Eastern Wheatbelt Health Service
Meekatharra District Hospital Cue Health Centre Mt Magnet Health Centre Sandstone Health Centre	Murchison Health Service

Collie District Hospital Donnybrook District Hospital	Wellington District Health Service
Warren District Hospital Bridgetown District Hospital	Warren Blackwood Health Service

(b) Further implementation is proposed for the following sites:

Sites	Health Service
Boddington District Hospital Dumbleyung District Hospital Kondinin District Hospital Pingelly District Hospital Kukerin Nursing Post Williams Nursing Post Brookton Nursing Home	Upper Great Southern Health Service
Harvey District Hospital Yarloop District Hospital	Harvey Yarloop Health Service
Yalgoo Health Centre	Midwest Health Service
Beverley District Hospital Bruce Rock Memorial Hospital Corrigin District Hospital Cunderdin District Hospital Quairading District Hospital	Central Wheatbelt Health Service
Norseman District Hospital Ravensthorpe District Hospital	South East Coastal Health Service
Morawa & Districts Health Service Mullewa Health Service Northampton Kalbarri Health Service North Midlands District Hospital	Midwest Health Service
Kellerberrin Memorial Hospital Kununoppin & Districts Hospital Mukinbudin Nursing Post Narembeen District Memorial Hospital Southern Cross District Hospital Wyalkatchem-Koorda & Districts Hospital	Eastern Wheatbelt Health Service
Boyup Brook District Hospital Nannup District Hospital Northcliffe Nursing Post Pemberton District Hospital	Warren Blackwood Health Service
Gnowangerup District Hospital Kojonup District Hospital Tambellup Nursing Post	Central Great Southern Health Service
Plantagenet District Hospital Jerramungup Nursing Post	Lower Great Southern Health Service

(c) The system was introduced in order to:

- provide more timely, accurate and integrated financial and management information;
- assist with devolution of management to health services; and
- provide accrual based financial information.

(d) Implementation dates are as follows:

Health Service	Implementation
Avon Health Service	March 1995
Peel Health Services	April 1995
Upper Great Southern Health Service	July 1995
Bunbury Health Service	August 1995
Geraldton Health Service	October 1995
Gascoyne Health Service	December 1995
East Pilbara Health Service	January 1996

Vasse-Leeuwin District Health Service	March 1996/May 1997
Lower Great Southern Health Service	May 1996
Central Great Southern Health Service	June 1996
Western Health Service	August 1996
South East Coastal Health Service	September 1996
East Kimberley Health Service	September 1996
West Kimberley Health Service	October 1996
Northern Goldfields Health Service	October 1996
West Pilbara Health Service	November 1996
Eastern Wheatbelt Health Service	November 1996
Murchison Health Service	December 1996
Wellington District Health Service	December 1996
Warren Blackwood Health Service	April 1997

(e) After extensive user testing, the system was piloted at Northam Regional Hospital in July 1994 and continued to be trialled until implementation in March 1995.

(f) Patient and administrative systems for the metropolitan sector, including both teaching and non-teaching hospitals, are being implemented as part of the hospital information systems project. This includes financial systems.

(g) The system was approved by the Principal Accounting Officer (Treasurer's Instruction 601) and the Rural Information Systems Steering Committee (RISSCo). RISSCo includes representation from rural Health Service General Managers, and provides advice on the strategic Information Technology direction for the rural health sector.

(h) A three week, intensive hands-on training course is provided, with training packages customised to fit the specific requirements of users. User support continues to be provided after implementation.

(i) All systems require upgrading from time to time, both for technical reasons and in response to changes in user requirements. For both reasons, it is planned to move to a graphical interface version of this system during 1997-98.

(j) The Request for Tender for this system specified the following response times -

- data entry: less than 3 seconds
- simple query: less than 5 seconds
- complex query: less than 10 seconds.

(k) A detailed assessment of performance will be undertaken as part of a post implementation review to be undertaken after completing the full implementation of HCARe Financials into the rural health sector.

HEALTH - ASBESTOS

Relocation of Houses

1195. Mr McGINTY to the Minister for Health:

(1) In reference to the possible dangers to health from asbestos fibres, does the Government ban or impose restrictions on the moving of asbestos-clad houses to a new location?

(2) What are those restrictions and do they include advice and warnings to neighbours?

(3) Should there be a complete ban on relocating asbestos-clad houses?

(4) If not, why not?

Mr PRINCE replied:

(1) Yes.

(2) When an asbestos-clad house is moved, it is divided into two halves. When the house is divided into two, the asbestos panels are not cut but are separated. The risk of creating a health hazard in terms of airborne asbestos fibres is therefore minimised. Regulation 7A in the Health (Asbestos) Regulations 1992 imposes some restrictions on the way in which asbestos-clad houses are handled when being moved, as follows -

(1) A person who moves a dwelling-house built wholly or partly with asbestos cement sheet commits an offence unless, in the course of moving it, that part of it built wholly or partly with asbestos cement sheet is not substantially dismantled.

(2) A person shall not cut or deliberately break asbestos cement sheet for the purpose, or in the course of moving, a dwelling-house built wholly or partly with asbestos cement sheet.

Advice and warnings to neighbours are not required in the Regulations.

(3) No.

(4) There is no need for a complete ban because the risk to public health is minimal.

INDUSTRIAL RELATIONS - LABOUR MARKET

Regulation

1256. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of an article that appeared in *The West Australian* on Saturday, 17 May 1997 which reported Federal Treasurer Peter Costello saying that Australia had to move closer to the labour market flexibility of the United States, Britain and New Zealand?

(2) Has the State Government received any communication from the Federal Government and/or the Federal Treasurer about further deregulating the labour market in Australia or further changing the labour market laws to reflect the flexibility "of the United States, Britain or New Zealand" labour markets?

Mr KIERATH replied:

(1) Yes.

(2) Not to my knowledge.

QUESTIONS WITHOUT NOTICE

UNIVERSITIES - EDITH COWAN

Bunbury Campus - Transfer to Murdoch University

368. Dr GALLOP to the Minister for Education:

(1) Will the Minister show leadership and step in to end the harassment being experienced by members of staff at Edith Cowan University at Bunbury as a consequence of their support for a move to link with Murdoch University?

(2) Is it not the case that the Minister's indecision on this matter is contributing to the problems at Bunbury?

Mr BARNETT replied:

(1)-(2) I reject the imputation that Edith Cowan University is in any way harassing staff at the campus in Bunbury.

Dr Gallop: Have you spoken to them about it?

Mr BARNETT: I will make it clear. In broad terms I support the transfer of that campus to Murdoch University; however, as the Vice-Chancellor of Edith Cowan University has made clear in discussions with me and the Vice-Chancellor of Murdoch University, there are a number of substantial issues to look at. One is financial and relates to the ownership of assets. The other, and perhaps more pressing, is the continuity of study programs for individual students, so that they do not find themselves effectively marooned halfway through their course or lose credits. I have asked the vice-chancellors to come back to me, and I expect them to do so in the coming weeks. I hope they have an agreed position.

I also make it clear that, although I am supportive in broad terms of the transfer of that campus to Murdoch University, I do not have the power to instruct that. All I can do is try to influence the decision making and ensure it is done in a proper way, and that is what I am trying to do.

UNIVERSITIES - EDITH COWAN

Bunbury Campus - Transfer to Murdoch University

369. Dr GALLOP to the Minister for Education:

In respect of the claims of harassment, has the Minister spoken to the staff and community people in Bunbury about that matter?

Mr BARNETT replied:

I have had several visits to that campus and I have been aware of some of the aspirations for more autonomy, and Murdoch University seems to offer that. I have not spoken to staff about this in recent weeks.

Dr Gallop: Why did you discount my question then?

Mr BARNETT: I just do not believe that would be taking place. If the Leader of the Opposition can bring to me any substantial evidence of harassment, I will look into it. It is inappropriate and I am not convinced that would be happening.

TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA ACT 1996 - PROCLAMATION

370. Mrs HODSON-THOMAS to the Minister for Police:

(1) Is the Minister aware of the Opposition's claims in the media this morning that the Telecommunications (Interception) Western Australia Act 1996 had not yet been proclaimed?

(2) Can the Minister inform the House what steps are being taken in relation to this legislation?

Mr DAY replied:

I am aware of claims made by the opposition spokesman on matters to do with the Attorney General that the Telecommunications (Interception) Western Australia Act 1996 has not been proclaimed. Those claims are nonsense.

Mrs Roberts: Unfortunately he was given incorrect evidence by staff at Parliament House.

Mr DAY: I will accept that interjection, but I will inform the House of the facts of the matter. This Act was assented to on 16 October 1996. It was proclaimed through a decision of the Governor on 17 December 1996 and published in the *Government Gazette* on 24 December 1996 to take effect on the following day, namely 25 December 1996.

Since that time the Western Australian Police Service has been involved in acquiring and establishing the complex and expensive equipment required to enable the police to intercept telephone communications. A restrictive tender process is involved, which is normal for that sort of equipment, but it takes time and it is a complex process. I have been informed by the Commissioner of Police that the new unit is on track to become operational from mid-July this year.

SCHOOLS - RATIONALISATION

371. Mr RIPPER to the Minister for Education:

(1) Will the Minister advise the House of the names of those schools targeted for potential closure, amalgamation or rationalisation under the local area planning of education?

(2) If not, why not?

Mr BARNETT replied:

I thank the member for some notice of this question.

(1)-(2) The move towards local area planning and reducing the number of district offices and making them more effective will be very positive for education. There is no list of schools so targeted as suggested, but local area planning will mean there will be some mergers of schools. Some schools may close, and some may open. The fact is that under this Government there are now more schools in the state school system in Western Australia than there were before we came to government. The system is growing. The number of teachers is growing. I will give an example in my electorate. I am very keen -

Ms MacTiernan: I am sure there are many examples in your electorate.

Mr BARNETT: There are. I am very keen to see Swanbourne Senior High School and City Beach Senior High School merge. By definition, one effectively disappears. Similarly, in your electorate, Mr Speaker - I notice that you

have caught your breath - we cannot escape the reality that Scarborough Senior High School has had declining enrolments and we must look at the relationship between Scarborough Senior High School, Carine Senior High School and Churchlands Senior High School.

There are other issues. Last year the member for Belmont supported the closure of a primary school in his electorate; I think it was Whiteside Primary School. The Port Hedland Primary School and the Cooke Point Primary Schools are merging to form one school. Those things will happen when the local community is involved. As there is no list, I cannot answer that part of the question.

SCHOOLS - RATIONALISATION

372. Mr RIPPER to the Minister for Education:

Is the Minister saying that every school in the State is at risk of closure or amalgamation, or is he saying that some are and some are not, but he will not tell us which?

Mr BARNETT replied:

There are 770 government and 400 non-government schools in this State and our education system is growing strongly. Queensland and Western Australia are the only States that have growing school populations and school systems. There is no list of schools for closure. However, we will get some mergers. We will get middle schools and senior colleges and there will be change and local involvement in education. If the approach of the Opposition is to try to destabilise school communities and scare them, it will fail dismally. Parents and citizens, principals and wider communities are keen to see better quality education in their regions, and that is what this Government will deliver.

FIREARMS - APPLICATIONS

Uniformity of Process

373. Mr AINSWORTH to the Minister for Police:

There have been many reports of problems associated with retention of self-loading firearms by primary producers.

(1) Can the Minister outline the steps being taken to ensure uniformity of process when firearms applications are made?

(2) What general information will be made available to the community to enable better understanding of the new firearms regulations?

Mr DAY replied:

I thank the member for some notice of this question.

(1)-(2) A firearms application procedures manual is available to all police personnel on the Police Service mainframe computer. This manual has been produced with the precise intention of establishing uniformity in firearms applications. I also advise that an electronic version of this manual was recently sent to all members of Parliament to assist them in answering questions from constituents concerning the implementation of the firearms legislation. Members of the community can obtain an explanation of the application process by inquiring at their local police stations or at the firearms branch in Perth. Existing applicants are being advised by means of a generic letter from the firearms branch of the issues they need to address in their applications to ensure uniformity. All category C exemptions are approved at the one office in Western Australia, namely, the superintendent for specialist support services. Uniformity should be ensured.

PORTS AND HARBOURS - KEMERTON

Opposition

374. Mr GRILL to the Minister for Resources Development:

I refer to the Kemerton port issue. How can the Minister deny, as he did last Tuesday, that his comments in last week's Estimates Committee hearing were not in support of a port at Kemerton when he said that there was a lot of local opposition to doing something. He said that he would like to see something done about a port and the long term future was in that direction.

Mr BARNETT replied:

A report was released last year through the Department of Resources Development which canvassed the option of a port development at Kemerton. As I said in the Estimates Committee, there is a great deal of opposition to that. As a result the Government is studying an improved access corridor to Bunbury Port. The local members and I hope that will be successful. The point I made in the Estimates Committee is that unless industry located in Kemerton has good sea access it will be difficult in the long term to attract further industry to that area.

Mr Grill: The Minister's answer in the Estimates Committee and his answer on Tuesday contradict each other. The Minister is becoming a sleazy little cheat.

Withdrawal of Remark

The SPEAKER: Order! I ask the member for Eyre to withdraw that comment.

Mr GRILL: I withdraw.

Questions without Notice Resumed

Mr BARNETT: The Government is doing what it can to make Kemerton an effective industrial area for employment and industry growth in the south west. I hope we can achieve that through an efficient transport corridor into Bunbury Port. If that fails, who knows what will happen. I think Kemerton will struggle to attract investment. That is what we are doing and I hope that will prove successful.

YOUTH - NEGATIVE IMAGE

Government's Initiatives

375. Mrs van de KLASHORST to the Minister for Youth:

We hear many negatives about dysfunctional youth. Can the Minister advise what formal mechanisms are in place to recognise the achievements of youth in our society?

Mr BOARD replied:

I thank the member for some notice of this question. Since I became Minister for Youth the Office of Youth has been conducting youth consultation processes throughout Western Australia. One of the most important issues that young people raise is the growing negativity in the community about young people and their activities. The reason is obvious. The negative activities of 5 per cent of youth tend to receive the majority of press. From that point of view, at every consultation process young people have asked what they can do about putting across a more positive image about what young people are doing in our community. The department is looking at a number of new initiatives.

Tonight the department is launching the young Australian citizen of the year awards, which are conducted by the Australia Day Council. These are prominent and important awards in seven categories. Several prominent young Western Australians have won awards including Louise Sauvage, a prominent paraplegic Olympian, and Kathryn Heaton, a young outstanding engineer, who is a member of the Youth Advisory Council. I ask all members to think about nominating young people, because the awards will start to change these images. I hope the Press will get behind it and start promoting these awards.

Mr Carpenter: They will get behind it when you start doing things. What is new about what you announced?

Mr BOARD: We have some strong initiatives. If the member for Willagee asks me a couple of questions about those initiatives, I will tell him. I do not want to occupy the time of the House with a ministerial statement about our initiatives. There will be much happening and as a result I hope there will be a more positive image of youth in Western Australia.

HEALTH - BREAST CANCER

Screening Service

376. Mr McGINTY to the Minister for Health:

(1) Is the Government currently considering privatising breast cancer screening and assessment services?

(2) Will the Minister guarantee that women will not be required to pay for breast cancer screening services which have always been free of charge?

(3) Will the Minister guarantee that there will be no cut in funding to breast cancer screening services in Western Australia?

Mr PRINCE replied:

(1)-(3) The breast cancer screening service in this State is a first class service. It is funded in part under specific purpose payments from the Commonwealth. It is one of a series of specific purpose planning initiatives that have been around for some time. We have had some discussion with the Commonwealth on broad banding. Even if that were to take place, I cannot envisage any change in the funding mix. Consequently, I cannot see why there would be a necessity for privatisation; it does not enter into the picture. Neither can I envisage that there would ever be a requirement or even a desire to approach people and ask them to pay.

The results of that form of screening, particularly from the point of view of early detection of potential breast cancer and the treatment that immediately follows, is of so much benefit it would be a retrogressive move to ask people to pay. As far as I am aware no cuts are envisaged. I have no knowledge of any suggestions along the lines that the member for Fremantle is implying. The way in which the proposal is run and funded would militate against any of those three things occurring.

HEALTH - BREAST CANCER

Screening Service

377. Mr McGINTY to the Minister for Health:

Is the Minister aware that the Commissioner for Health has directed the women's cancer screening service not to proceed any further now with the proposed breast assessment centre, and that the head of Breast Screen WA only last week advised staff of the privatisation options for both breast cancer screening and assessment currently being undertaken by the Western Australian Government?

Mr PRINCE replied:

Breast Screen WA was not recommended for accreditation with Breast Screen Australia due to problems with its structure in the assessment component. That underlies what the member is talking about. A series of meetings have been held over a considerable time on whether Breast Screen WA should establish its own breast assessment centre. That is because there are other centres already in operation. There were expressions of interest from various hospitals, and working parties and so on recommended Breast Screen WA establish a centre at King Edward Memorial Hospital for Women. Following several months of negotiation the department directed that option not be pursued any further and Breast Screen WA was directed to proceed with establishing independent breast assessment centres at Royal Perth and Sir Charles Gairdner Hospitals. The arrangement was for Breast Screen WA to lease facilities and equipment. In addition, it would employ some hospital staff to work in the centre. Subsequently the two hospitals requested the arrangement be changed to one centre. Breast Screen WA contracts the two hospitals to provide services. In a sense one could consider that as a form of privatisation; however, I assure the member that the process that started in 1995 is not privatisation.

Mr McGinty: The memo refers to contracting out the screening services and assessment. That is privatisation.

Mr PRINCE: A number of breast assessment centres are already in existence. I am aware of one at St John of God Hospital. I know there are others; I cannot recall where they are. Maybe the appropriate way to progress to offer the best service to the maximum number of women without going to one location is to have contracted services in particular places. That is not contracting out in the sense of contracting the whole service to a private provider. It is an endeavour to try to spread the service as far as possible to cover the maximum number of women. I will be happy to provide further detail for the member if required.

BUSSELTON JETTY - TIMBER ROYALTIES

378. Mr MASTERS to the Minister for the Environment:

What progress is being made in arranging the removal or refund of royalty payments made by the Busselton Jetty Management Committee to the Department of Conservation and Land Management on logs obtained from state forests for use as jetty piles as part of the jetty reconstruction program?

Mrs EDWARDES replied:

The Busselton Jetty attracts a significant number of tourists, and the member has taken a very active and keen interest in the management committee which is working towards the restoration of that jetty. Over the years the committee has endeavoured to obtain timber for the reconstruction, free of royalties. The Conservation and Land Management Act does not allow the Minister nor the executive director to supply any timber from state forests without an appropriate royalty payment. Although I am sympathetic to the efforts of the committee, perhaps it should look to other avenues for assistance. I am happy to talk to the member about some of those avenues.

GOVERNMENT CONTRACTS - COMSWEST

Review

379. Mr BROWN to the Minister for Works:

I refer to the Government's contract with Comswest.

(1) Is it true that proper accounting in some government departments and agencies is being thwarted because they cannot get detailed information from Comswest?

(2) Is it also true that the Health Department sought to cancel Comswest's services but was prevented from doing so by the Government?

Mr BOARD replied:

(1)-(2) The Comswest contract is a three year contract with provision for a three year extension. We are two and a half years into that possible six year term. The contract has provided a great many services and savings to the Government. It is well recognised that Comswest has had difficulty getting hold of specific billing information via Telstra as reported in the media; and it has not been able to implement an accurate billing system earlier. As a result a number of departments have been concerned about the accuracy of their billing. Prior to the Comswest contract we had no accuracy of billing. However, we have located some 1 300 accounts which possibly did not exist prior to the Comswest contract - or perhaps had been cancelled. We have also found some $20m of whole of government services which we have brought into the contract and which now attract a saving.

Mr Brown: Did the Health Department not want to cancel the contract?

Mr BOARD: I am not aware of any negotiation with the Health Department. Customer surveys have been undertaken by Contract and Management Services on the Comswest contract, and the majority of agencies are happy with their billing and are keen to see each area itemised - whether mobile or land line - to take note of any savings. It is a complex contract. We are reviewing it, and I hope to be able to provide greater detail for the member once we consider the alternatives.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - MIGRANT WORKERS

Effect of Industrial Action

380. Mr BAKER to the Minister for Labour Relations:

Yesterday on ABC Radio, Labor MLC Hon Ljiljanna Ravlich said that migrant workers who had little command of English would be hardest hit by the Government's new industrial relations legislation. Is the Minister aware of any migrant workers who are being particularly affected by industrial action?

Mr KIERATH replied:

I reject the accusations by the member in the other place. In the past 24 hours I have become aware of behaviour at building sites in Perth which most people would describe as extortion. I understand that both the BLF and the Construction, Forestry, Mining and Energy Union have been asking for contributions of $10 a head to fight the Government's industrial relations legislation. Many people being asked for that donation are migrants with little knowledge of the English language - the very people referred to by the member in the other place. These people are very vulnerable to the lies being told. Workers have been told that under this legislation their weekly wage would drop by $200. That is a disgusting and callous lie.

Is the Opposition proud of their union mates lying to frighten the workers? Do members opposite support that action? Do they support the so-called voluntary payment, when names are taken of those who do or do not pay, so that retaliation can occur at a later stage? Is this the unions' idea of a voluntary system? The unions threatened that unless all workers on the sites paid, the sites would be shut. This is the type of extortion and blackmail that has been perpetrated by some of these people. They are thugs of the worst kind. These are the people who scream about democracy and workers' rights; yet they do these disgraceful things to support their political philosophy.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: I understand the unions are so desperate for money they will go to any length to obtain it. The Leader of the Opposition should show his true colours. Let us see the Opposition condemn that type of action for

what it is. It is disgraceful and it is un-Western Australian. If the Leader of the Opposition is not prepared to condemn that action, by his silence he and other members opposite will stand for extortion and blackmail.

Several members interjected.

The SPEAKER: Order! The member for Bassendean knows that is disorderly. It is only because of his recent good behaviour that I will not formally call him to order! The interjections were beyond an acceptable level. I invite the Minister to direct his comments to the Chair, rather than soliciting interjections from the opposition benches.

Mr KIERATH: I was trying to draw the distinction between this side of the House and the other side. I was trying to give the Opposition the chance to condemn that sort of behaviour. It is the behaviour of thugs. I expect the Opposition to condemn it in the strongest terms. If members opposite are not prepared to do that, it will indicate they are prepared to support such behaviour. We strongly oppose it.

DRUGS - KALGOORLIE-BOULDER

Rehabilitation Centre

381. Ms ANWYL to the Minister for Family and Children's Services:

I refer to the recent claims by the Minister for Police that police will be given powers to apprehend young people suffering from substance abuse.

(1) Is the Minister aware that no detoxification or rehabilitation facility exists in Kalgoorlie-Boulder, which has the highest incidence of paint and petrol substance abuse among young people in this State?

(2) What steps will the Minister take to establish such a centre in Kalgoorlie-Boulder?

Mrs PARKER replied:

(1)-(2) I am having discussions with the Minister for Police regarding this and other matters, but mainly relating to the drug task force. I am aware that the problem exists. On 26 June, the international day of drug action, I will announce a series of initiatives which we will undertake. That announcement will give the member some idea of what we are doing to address the solvent abuse problem.

SECURITY AGENTS - TRAINING COURSES

382. Mr OSBORNE to the Minister for Police:

What arrangements are planned or are already in place for the training and accreditation of security agents in Western Australia?

Mr DAY replied:

Security agents are not required to undertake training courses unless they are licenced as both a security agent and a security officer. Security officers must complete a training course in watching, guarding and protecting property. If the licence holder is entitled to use a baton, that person must undertake a course in watching, guarding and protecting property that includes instruction in the use of a baton. At present the Finance Property and Business Services Industry Training Council is undertaking a consultancy to determine the training needs for security officers. Transitional provisions relate to training courses for security officers: Officers have 12 months from being licensed in which to complete the course.

HOUSING - BUILDING DISPUTES COMMITTEE

Fee for Complaints

383. Ms MacTIERNAN to the Minister for Fair Trading:

In 1995 the then Minister for Fair Trading admitted he would impose a fee of $200 on home buyers who took complaints to the Building Disputes Committee.

(1) Does the Minister intend to go ahead with these hefty charges on home buyers?

(2) Are these fees designed to fund the cash crisis faced by the Builders Registration Board?

Mr SHAVE replied:

(1)-(2) The member for Armadale asked me the same question in the Estimates Committee last week, or has she forgotten about that?

Ms MacTiernan: I haven't forgotten. I didn't get an answer. Just give us the answer.

Mr SHAVE: I remind the member that as I explained to her during the Estimates Committee, all of those issues are under consideration. When the Government makes a decision about the issue to which the member refers, the member will be the first to know.

CRIME - INCREASE

Contradiction

384. Mrs ROBERTS to the Minister for Police:

Given the claims of the Commissioner of Police in the Legislative Council Estimates Committee yesterday that reported crimes are increasing, and the Minister's recent statements to this House that the police are getting on top of crime and that rates are falling, who are we to believe?

Mr DAY replied:

Members can believe both of us.

Mrs Roberts: Up and down at the same time!

Mr DAY: Some are up and some are down. We know that and we discussed that in the House previously. Far from being a negative consequence of the Delta program and the transformation of the Police Service, the increase in the number of reported crimes is an expression of confidence by the public in obtaining a positive response from the Police Service. The number of reports for some offences has increased. However, as I said, people are now happier to come forward and report those crimes because they have confidence in the Police Service to thoroughly investigate them.

INDUSTRIAL RELATIONS - CONCRETE POURS

Disruption

385. Mrs HODSON-THOMAS to the Minister for Labour Relations:

Some notice of this question has been given.

(1) Is the Minister aware the Leader of the Opposition was asked on radio about unsavoury practices on building sites? I refer in this case to concrete pours being stopped halfway through and the concrete having to be jackhammered up.

(2) What was the reply of the Leader of the Opposition?

(3) What is the current situation with similar practices?

Mr KIERATH replied:

(1)-(3) I am aware of the comments of the Leader of the Opposition. He said publicly that something like that had not happened in Western Australia "for many, many, many years." I suppose he is technically correct. It has happened only a few times because often the mere threat is sufficient for companies and contractors to give in. In many cases trucks have been turned away for no legitimate reason and have had to dump hundreds of thousands of dollars worth of concrete. In October 1996 the Transport Workers Union of Australia refused entry to the Pagoda Ballroom site and one truckload of concrete was dumped, and in November 1996 two loads were dumped. Also in November 1996 a load for the Currambine shopping centre was dumped, thanks to a TWU official. This month four truckloads were dumped after trucks were turned away from the Northbridge tunnel site. Why? It was because the TWU officials there said they disagreed with the third wave of industrial relations legislation. Four truckloads of concrete have been dumped. That action was not about the working conditions of the workers or safety issues; it was simply industrial thuggery, which has been going on for years.

When the Australian Labor Party was in government it turned a blind eye to this type of behaviour, whereas the Government is tackling it. The Leader of the Opposition said everything was sweetness and light; that nothing was wrong and that type of behaviour no longer existed. However, this month we saw evidence that it does exist. The Government is sending a clear message to the ringleaders that they will be answerable to the law. We will hold them to account for their actions and we will not tolerate these bullyboy tactics. The union in the examples I gave has been involved in bashings, the extortion of money and all sorts of other things.

HOSPITALS - WAITING LISTS

Reduction

386. Mr McGINTY to the Minister for Health:

My question follows on from a question asked yesterday. How many Western Australian hospitals, apart from Rockingham-Kwinana Hospital, are cutting back on elective surgery due to budget constraints? I remind the Minister of his commitment in this place yesterday to provide an answer.

Mr PRINCE replied:

I did not need reminding. I have given the commitment. The member will get the information. I do not yet have it. As soon as I get it I will give it to the member.
