



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Thursday, 6 March 1997

# WESTERN AUSTRALIA

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## PARLIAMENTARY DEBATES

(HANSARD)

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### First Session of the Thirty-fifth Parliament

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*The Legislative Council was prorogued as from 14 November 1996.*

*The Legislative Assembly was prorogued and dissolved as from 14 November 1996.*

*The Thirty-fifth Parliament was convened for the despatch of business on 6 March 1997, and the first session was opened by His Excellency the Governor (Major General Philip Michael Jeffery, AC, MC).*

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### OPENING OF PARLIAMENT

#### Legislative Council

Thursday, 6 March 1997

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### MEETING OF THE COUNCIL

The Legislative Council met at 2.30 pm.

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair, and read prayers.

#### OPENING OF PARLIAMENT - VISITORS WELCOMED

**THE PRESIDENT** (Hon Clive Griffiths): On behalf of members of the Legislative Council I welcome everybody to this first session of the Thirty-fifth Parliament of Western Australia. I am always delighted to see lots of people come to Parliament House to see how their seat of democracy operates. Today is a sad day for me. This is my thirty-third opening of Parliament and my twenty-first opening of Parliament as President of this Chamber; therefore, I have a lump in my throat. The good news, of course, is that I was supposed to be away from here in January - and I got a reprieve. Perhaps that is good news for some members who thought I would not be here for this occasion, but for others it may not be good!

I hope all our guests and visitors enjoy watching the ceremonial opening of this Parliament. I welcome particularly the three new members, who today take their seats in this place for the first time. I hope they will derive great satisfaction from the work they are able to do during the time they are here. I hope everyone has an enjoyable time this afternoon and joins us later for afternoon tea.

#### PROCLAMATION

The Clerk of the Parliaments (Mr L.B. Marquet) read the Proclamation of His Excellency the Governor (Major General Philip Michael Jeffery, AC, MC) summoning the first session of the Thirty-fifth Parliament.

#### GOVERNOR'S SPEECH

His Excellency the Governor entered the Council Chamber at 2.40 pm and took the Chair; and, the members of the Legislative Assembly having also attended in the Chamber obediently to summons, His Excellency was pleased to deliver the following speech -

*Mr President and honourable members of the Legislative Council.*

*Mr Speaker and honourable members of the Legislative Assembly.*

Before outlining the re-elected Government's legislative program, it is fitting that we begin the Thirty-fifth Parliament by paying tribute to the Honourable Gerald Percy Wild, who died in October last year, and the Honourable Richard John Lloyd Williams, who passed away only last week.

Gerry Wild was a member of the Legislative Assembly from 1947 to 1965 and served as a Minister in the portfolios of Housing, Mines, Forests, Works and Water Supplies and Labour.

John Williams was a member for Metropolitan Province in the Legislative Council from 1971 to 1989 and served on many committees and two Royal Commissions.

We also note with regret the recent passing of a former Western Australian member of the House of Representatives, Mr Vic Halbert, and Senator John Panizza. We offer our condolences to their families.

We are about to enter a new era of Western Australian politics. It is an era which will take us into the third millennium, a significant event in the history of the civilised world.

We are on the threshold of the worldwide technology revolution with its enormous potential to educate and inform and, at the State level, we are in the midst of the most significant resources development in Australia's history.

Western Australia has every reason, therefore, to look to the year 2000 with great optimism.

In the early part of next century, our population is expected to reach two million.

What the Parliament decides in the next four years will have a profound bearing on not only the citizens of today, but also those who will take us through the twenty-first century.

The Government will seek wide public comment and input on a range of issues, including unemployment, crime, drug abuse, education, Aboriginal services and constitutional reform.

Communication and consultation will guide the Government in its direction.

The coalition established the Commission on Government and staunchly supports open and accountable government. This was typified by the implementation of the Freedom of Information Act and the setting-up of the Anti-Corruption Commission.

During this term, the Government will begin the process for a people's convention to review both the state and Australian Constitutions.

It will also consider the issue of electoral reform, introduce a government records Bill and place a further onus of accountability on its Ministers under an Oaths Bill.

These Bills illustrate the coalition's commitment to an ongoing interaction with the people.

Enterprising and innovative programs to be introduced in this term will be underpinned by the same solid financial management which has been so effective in the past four years.

In the year to September 1996, economic growth was up 6.4 per cent. That is two percentage points higher than the national figure.

Business investment during the same period increased by 11.7 per cent and authoritative commentators predict WA will continue to perform better than other States in almost all areas of the economy.

The State recently regained its AAA status from the Moody's credit ratings agency.

During the election campaign, the Government published full four-year forward estimates. It was the first time this had ever been done. This is a financial discipline which provides checks and balances on parties and exposes those which make extravagant, unfunded commitments.

The State's budget position is tight because our revenue is not increasing at the same rate as our economic growth.

The Federal Government raises 73 per cent of all revenue but the States, which are allowed to collect only 23 per cent of revenue, have to provide more than 40 per cent of all services.

Despite its strong economic performance in the past three years, Western Australia has actually lost \$208m in commonwealth grants.

The Government will continue its campaign, as a matter of urgency, to persuade the Commonwealth to review this financial discrepancy.

The resource area alone is one reason the State can move forward with confidence.

We are entering into a new phase of downstream processing and value-added industries.

Metal ores and minerals will be refined into steel and other products. BHP's hot briquette iron project at Port Hedland, worth \$1.5b, is typical of the new industries.

Agreements under negotiation which will need parliamentary ratification include -

The mid west integrated steel project near Geraldton with a possible new port at Oakajee at a projected overall cost of \$2.4b.

Australian United Steel's \$1.5b direct reduced iron plant near Wickham in the Pilbara.

Mineralogy's \$1.8b iron ore enrichment plant in the Fortescue area and the \$750m Mt Gibson iron ore project.

The term "value-added" has a wider meaning in the community context. There will be added value in the form of almost 9 000 new jobs during the construction phase of these projects and almost 2 000 permanent jobs when production begins. There will be further benefits to the State's subsidiary and niche industries and services which provide infrastructure.

A uranium mining and processing project at Kintyre in the Pilbara is also the subject of negotiation and another key objective will be the setting up of a petrochemical project in the same region.

New industries, both in the north and in the south west, will be powered by massive new discoveries of gas and other reserves, previously thought to be uneconomical.

Gas tariffs to major customers in the Pilbara have already been reduced by up to half.

Competitively-priced gas is also being transferred from the Pilbara to the south west via the Alinta pipeline. This pipeline will be fully or partly sold to conform to the Government's agenda of selling utilities for the public's benefit.

This "sale for public benefit" policy has been an important strategy in enabling the Government to slash almost \$2b from the debt it previously inherited.

### **PRIMARY INDUSTRIES**

While Western Australia will build on its reputation as the major resource State, it will continue to benefit substantially from its diversified primary industries base.

Agriculture already contributes almost \$5b to the State's economy and Agriculture Western Australia will expand its strategies to bolster production, diversify, boost research and development and assist the farming community.

Legislation this year will include a commitment to the partnership principle to support cooperative efforts between industry, rural communities and Agriculture Western Australia.

### **FISHING**

The State's \$500m commercial fishing and pearling industries are some of the most valuable and best managed in the world. They will continue to be successfully controlled under the Fish Resources Management Act and proposed changes to it.

Aquaculture is also one of Australia's fastest-growing industries and WA is helping to lead the way with aquaculture parks at Albany and Broome and planned parks in the south west and Kimberley.

About 500 000 Western Australians enjoy fishing every year in the ocean and rivers and from the shoreline. The recreational resources are also well managed and will be maintained and improved under the Fish Resources Management Act. In particular, there will be the development of recreational fishery management plans for the Shark Bay world heritage area.

### **COMMERCE AND TRADE**

The Government will pursue and nurture traditional and recently acquired markets in South East Asia and the Indian Ocean rim. However, there will be a shift towards new priorities, including the promotion of science and technology and research and development in industry.

The State will have the opportunity of advancing to world importance in petroleum and minerals research with the relocation to Perth of the CSIRO National Centre for Petroleum and Mineral Resources Research.

Economic development will be actively encouraged and growth and the placement of strategic infrastructure in regional Western Australia.

To do these things, the Government will introduce an Industry and Technology Development Bill in this session and amend the Regional Development Commission Act.

The board of the Small Business Development Corporation will be expanded to include regional representation and increase the number of women members. The corporation's database will provide more information about by-laws, permits and approvals, an initiative which will be of great assistance.

### **LAW AND ORDER**

The State can justifiably claim to enjoy one of the world's highest standards of living, but like the rest of the world serious crime, drugs and anti-social behaviour are of major concern.

The modernisation and strengthening of the WA Police Service through the Delta program has laid the foundations for a significant reduction in crime through more effective prevention and response. Delta streamlines administration and procedures and gives police more decision making powers within the individual communities in which they are working.

The new \$35m Police Academy is in the planning stage and new police facilities will be opened in Belmont, Cannington, Geraldton, Gosnells, Halls Creek, Hillarys, Kununurra, Mirrabooka, Morley, Murdoch and Roebourne.

At a local level, the highly successful crime stoppers program will be extended into the country areas and 10 fully equipped, mobile police groups will be on constant standby for full-scale reassurance programs anywhere in the State.

The Police Act will be revamped to remove obsolete sections and other legislation will give the service greater use of technology such as listening, optical and tracking devices.

The Government's \$18m vehicle immobiliser incentive scheme will reward motorists who have an approved anti-theft device fitted in a private family car. They will receive a \$30 rebate paid by the Government.

To back up the police, several legislative changes will authorise the courts to deal appropriately with offenders. These include -

The Control of Weapons Bill which will outlaw the ownership of dangerous weapons, other than guns which are already dealt with under firearms legislation.

The Forfeiture Bill 1997 which will increase the powers of police for the tracing of assets and provide for mandatory forfeiture of profits from crimes, specially organised crime.

The Restraining Orders Bill which will increase the penalties, including jail, for a breach of such orders. To obtain restraining orders urgently, complainants will be able to apply by telephone. The procedures to obtain an order will be far more effective in providing interim protection for applicants. The police will have the power to stop convicted paedophiles, or suspicious persons, loitering near places used by children.

The Evidence Amendment Bill which will permit courts to hear evidence and conduct other business by video link.

The Family Court Act which will be amended to bring it into line with recent changes to the Commonwealth Family Court Act.

Additionally, renewed efforts will be made to rehabilitate criminal offenders. Too many people are re-offending and being returned to jail, and there will be flexibility to prevent certain criminals receiving early release from jail. Parole will no longer be an automatic privilege.

## **ABORIGINAL AFFAIRS**

A coordinated strategy to improve the quality of life and wellbeing of Aboriginal people will be trialed, firstly at Geraldton, and later at Midland. It is anticipated these measures will contribute towards breaking the cycle of Aboriginal juvenile crime.

Other pilot schemes at Oombulgarri and Jigalong incorporate programs and initiatives introduced during the coalition's first term and a 10-year plan will coordinate state and commonwealth programs.

A new Aboriginal Affairs Act and other legislation will pave the way for this comprehensive approach and provide communities with greater self-regulatory powers.

During 1997, the Aboriginal Education and Training Council will assist more Aborigines to become teachers and will introduce best practices for teaching and learning. There will be cross-cultural induction programs for school staff.

The Department of Commerce and Trade will unveil new training strategies to assist Aboriginal people achieve economic independence.

This Government will take further action on the recommendations of the Royal Commission into Aboriginal Deaths in Custody by appointing a fulltime chairperson to the Aboriginal Justice Advisory Council.

On the vexed question of native title, the State will continue to press the Federal Government for fair and workable legislation.

## **FAMILY AND CHILDREN'S SERVICES AND WOMEN'S INTERESTS**

Happy and stable families are the fundamental cornerstone of a good society, but family dysfunction has become an unwelcome and spiralling disorder within modern society.

The Government is conscious of the importance of the family unit as an essential component of society which must be encouraged and protected.

It is stepping up its efforts by centralising the care of children and support for families under a new Family and Children's Services Act.

Only last week, the State received national recognition for its protection of children and strengthening of the family. The Department of Family and Children's Services deserves our commendation for winning the inaugural Prime Minister's Award for services such as the parenting program. This is a four-year campaign and in this term will -

- investigate whether the needs of children affected by marriage breakdown are being met;
- increase services, including counselling, to couples experiencing difficulties; and
- provide for more qualified financial, marriage and family counsellors.

## **EDUCATION**

New legislation will create a Curriculum Council which will set a mandatory curriculum framework for all students from kindergarten right through to year 12.

In recognition of the importance of ethical standards and good conduct, a new values statement will be integrated into the curriculum. This will help students to develop a sense of pride in themselves, their school and their country.

For the very young, the reform and expansion of early childhood education will provide access to quality learning in the critical early years.

The Education Act has been under review and the Government is developing a School Education Bill which will be circulated for discussion and feedback prior to presentation to the Parliament.

## **HEALTH**

The Government has a commitment to place health services where they can be best accessed by people. Legislation will be introduced to avoid duplication and to eliminate deficiencies and inconsistencies in the system.

## **THE ENVIRONMENT**

The Government recently announced its marine conservation policy, New Horizons in Marine Management. Consistent with this policy, the Acts Amendment (Marine Reserves) Bill will be introduced to enhance the establishment of a marine conservation reserve system, representative of this State's many types of marine ecosystems.

At the same time, this amending legislation will provide a clear indication to commercial interests operating in the marine environment as to the extent to which their interests may be pursued.

This will address perceived uncertainties associated with existing and future investment in commercial ventures in marine reserves.

The Government's objectives will be achieved through an improved management zoning scheme in marine parks and marine management areas.

A Marine Parks and Reserves Authority will be established as the controlling body.

The Government's \$1b salinity and \$800m infill sewerage programs are also crucial to both reverse land degradation and ground water pollution.

To tackle other environmental issues new legislation, the Environmental Protection Amendment Bill, will be introduced to approve policies to manage -

- contaminated sites;
- air quality management dealing with the smog and haze in Perth;
- waste reduction and recycling; and
- water management and planning aimed at both an environmental spin-off and sensible conservation.

Water resources law is generally considered to be archaic and will take several years to update. Legislation will be presented during this term of government to address this situation, but, in the meantime, the Water and Rivers Commission has adopted programs to deal with urgent or specific needs.

The Water Legislation Amendment Bill will be re-introduced to curb water theft which is estimated to cost the State \$2m a year.

## **TRANSPORT**

The Road Transport (Dangerous Goods) Bill will give Western Australia uniformity with other States in controlling the transportation of dangerous materials. Other legislation enabling the commercialisation of the Fremantle Port Authority and regional ports will create better performance and efficiency.

## **OTHER INITIATIVES**

The Government's legislative program will include the following -

The Professional Standards Bill which will better protect qualified people employed in the professions with the provision that they are adequately insured to protect consumers. The Bill has the support of the business and professional sectors.

The Trustees Amendment Bill will bring this State into line with others, allowing trustee investment in entities such as Telstra and the Commonwealth Bank.

Amendments to the Public Sector Management Act will reflect the recommendations of the Fielding report. Some government agencies will be amalgamated to obtain greater efficiency and cost effectiveness.

Labour Relations: The Government will continue its reforms to provide more flexibility and choice in employment. Individual employees, including the 75 per cent who do not belong to unions, will be given direct access to the WA Industrial Relations Commission. The Labour Relations Amendment Bill will also include pre-strike secret ballots and mandatory use of dispute settling procedures.

A new Petroleum Industry (Occupational Health and Safety) Bill will enhance safety in the workplace.

Planning: There will be major amendments to update the metropolitan region scheme, covering such issues as transport, housing needs, conservation and resource protection.

The Government will continue to encourage home ownership and the Housing Act will be modernised, particularly in respect of Homeswest's methods of operation, joint ventures and financial matters.

The Heritage of Western Australia Act will be redrafted to make it easier to understand and administer. An additional \$4m has been allocated to assist local government and the community to conserve our heritage.

The primary objective of the Liquor Licensing Amendment Bill will be to regulate the sale, supply and consumption of liquor to minimise its misuse and subsequent harmful effects. The Bill will recognise the need for the training of licensees and introduce tougher sanctions against licensees who breach the Act. Licensed restaurants will be able to obtain extended trading permits to serve liquor without a meal.

A Land Administration Bill will include reforms to pastoral land tenure and create a single register for both Crown and freehold land. A separate Bill will give owners or future owners of some single tier strata schemes the option to convert to conventional titles.

A new Bill will remedy shortcomings, exploitation and unfairness in the Commercial Tenancy (Retail Shops) Agreements Act.

The Government will seek changes to building legislation based on the recent statutory review of the Home Building Contracts Act. Consumers will be adequately protected from exploitation by failed and fraudulent builders and will have access to an effective complaints resolution process in the event of disputes with builders.

## **SPORT, RECREATION AND YOUTH**

A new plan to determine the direction of sport and recreation for the next three years will soon be open to public comment.

The cadets in high school program, successfully organised in 11 schools last year, will be expanded to more than 40 schools. To help young people develop their leadership skills, the Government will investigate the setting up of a leadership centre.

Youth strategy groups will be the sounding board for young people to convey their views and opinions to the Government. While reinforcing the positive aspects of youth, the Government will also examine areas of major concern such as youth unemployment, youth suicide and youth fatalities on the roads.

## **CONCLUSION**

Western Australia has a strong and growing economy and the challenge over the next four years will be to continue this trend and to ensure social benefits flow on to all citizens.

With the assistance of good government and a wise Parliament and with God's help there is no limit to a prosperous and contented future.

I now have pleasure in declaring the first session of the Thirty-fifth Parliament open.

His Excellency the Governor and members of the Legislative Assembly withdrew from the Chamber.

The President resumed the Chair.

**PETITION - ALLISON, MR JAMES**

*Prayer for Relief*

Hon Derrick Tomlinson presented a petition from Mr James Allison praying for relief from the denial of his registration as a painter.

[See paper No 21.]

**[Questions without notice taken.]**

**WESTERN AUSTRALIAN SPORTS CENTRE TRUST AMENDMENT BILL**

*Leave to Introduce*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [3.27 pm]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move, without notice -

For leave to introduce a Bill for an Act to amend the Western Australian Sports Centre Trust Act 1986.

Question put and passed; leave granted.

*Introduction and First Reading*

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

**THE PRESIDENT** (Hon Clive Griffiths): Honourable members, for the sake of accuracy I have obtained copies of His Excellency's speech, which will now be distributed.

**ADDRESS-IN-REPLY**

*Motion*

**HON B.M. SCOTT** (South Metropolitan) [3.30 pm]: I move -

That the following address be presented to His Excellency, Major General Michael Jeffery, AC, MC, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia -

May it please Your Excellency -

We, the members of the Legislative Council of the Parliament of Western Australia, in the Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and thank Your Excellency for the speech you have been pleased to deliver to the Parliament.

Members, in my maiden speech to this Chamber I said that I entered Parliament to make a difference. In a recent meeting with the Premier of Western Australia I reminded him that I intended to continue to make a difference to this State and to this House. Honourable members may recall that during the past four years I chaired an inquiry into early childhood education which saw the establishment of the Good Start program, and also an inquiry into traffic calming which saw the establishment of the Office of Road Safety. This afternoon I take the opportunity to thank Hon Norman Moore and Hon Eric Charlton for inviting me to lead those inquiries. However, more is to be done and to make a difference we must always see that there is more to be done.

The recommendations and findings of the Scott report into voluntary full time preprimary education in Western Australia have resulted in the coalition Government making a huge investment in young Western Australians. The comprehensive early childhood education programs which have flowed from these recommendations place Western Australia ahead of most Australian States, indeed, ahead of most nations around the world. I would like to acknowledge my colleague Hon Norman Moore, who was the then Minister for Education, for having faith in my work and the courage to take to Cabinet the proposals which have given Western Australia the leading edge in this field.

The Government's strategy on early education can best be summed up in the words used by Jean Rice, who was the acting director of early education during its implementation phase in 1994 to 1996. Jean Rice successfully managed the expansion of the programs through some very difficult periods. I pay tribute to her today for her outstanding



leadership. Jean's words were that the Government of Western Australia has made a commitment to quality early childhood education for all Western Australian children.

The early childhood programs - already referred to by the Governor - worth \$122m by the year 2000 will also provide 450 jobs for new teachers and 450 additional teachers aides. The change to the entry age will come into effect in the year 2001 with a June cut off. I am pleased to say that the decision to raise the entry age into kindergarten, preprimary and year 1 has been validated by the Institute of Child Health of Western Australia in its most recent report "WA Child Health Survey Education, Health and Competence" which found that students with birth dates in the last quarter of the calendar year had lower ratings of overall academic competence. The Scott report into early education provided a vision to guide government policy for young children well into the next century. However, it is important that that vision become a reality and that quality is not compromised by quantity.

I wish to address three early education issues today that I believe are important in providing what is best for young children. The first is a voice for young parents in the education system. President Roosevelt, when planning early education programs, once said, "What a good and wise parent wants for his child so should a nation want for its children." Only by giving parents a voice in their children's education will we ever attain that. The voice of parents in the early years of schooling is being reduced as our programs expand. This is a concern to many in the field. The structure of the Western Australian Council of State School Organisations, which is the statewide parent body for Western Australian state schools, does not provide an effective vehicle for parent concern about quality programs in the early years. The very nature of school parents and citizens' associations precludes parents of kindergarten and preprimary classes from having separate parent bodies. This was historically the case when kindergartens were off site and separate to the schools. For this reason I will be calling on the Minister for Education to review the legal framework guiding P & C associations and on WACSSO to consider allowing provision for separate parent bodies in the early years. This matter could be addressed in the proposed new school education Bill, to which the Governor referred.

The second issue that I raise is the use of appropriate buildings in the early childhood and appropriate programs. One of the recommendations of the Scott task force was that programs be conducted in appropriate buildings and that where appropriate an existing stock of buildings be used - especially for the kindergarten programs - and that a memorandum of understanding be drawn up between the State Government and local government. This has not happened and there is concern that some buildings, particularly kindergartens, designed and built by local communities especially for young children are now being underutilised, abandoned or used for other purposes. Today I will call upon the Minister for Education to revisit this concern and to progress the memorandum of understanding between the Government and local government, so that these buildings, purpose built for young children, are not lost to communities.

The third issue in early education that I will address is the establishment of an Office for Children. I believe that Governments can be measured by the way they value their children. Therefore, I believe it is imperative that every Government does care and value its children. Like many others, I would like to see a dedicated Office for Children established. Recently we saw high profile stories on the plight of some of our children: The estimated 20 per cent of young Western Australian children who have mental health problems; the debilitating prevalence of hookworm infestation in Aboriginal children; and Australia's appallingly low immunisation rate of 53 per cent. In 1996, 4 000 Australian children contracted whooping cough; 2 500, rubella; and 500, measles. Not only do these diseases cause devastation through death in families, also many simple early childhood diseases often cause hearing, sight or speech problems which are known to impede early learning. Each of these stories I have quoted is an early childhood story.

The Early Childhood Council and the Family and Children's Services Council - led by Ann Zubrick and Ruth Reid respectively - are good and useful initiatives. Each is concerned to see more done by way of early intervention and better coordination. However, in the end, each is made up of people who also have full time commitments elsewhere. In the final analysis I am calling for a holistic approach to young children. The current way government agencies are set up tends to fragment the whole child and professionals into parts - health, care, education, welfare, and so on. However, no agency or body has the overall picture. This is what I would like to see. For as long as we fail to act in the best interests of our young children we will continue to read about cases which could have been prevented or avoided if only we had acted more wisely when the children were young.

Another small matter of education that I wanted to address this afternoon - this may sound surprising from one of the minority women in this Chamber - is boys' education. A number of media reports followed last year's tertiary entrance examination results and alluded to the need for a closer look at why boys in Western Australia were underperforming. The investigations conducted by the Scott task force into the appropriate entry age into schools showed that late birthday boys were often featured in the statistics of school repeaters, TEE failures and those who were more likely to drop out at TEE level than girls. In 1994 when I visited New South Wales I found that the Government there had conducted a preliminary investigation into boys' education. However, because this is such a complex area I believe a more substantive investigation should be undertaken. Anecdotal evidence and experience in this area indicates concern among many educators. This must be validated by thorough research. I will raise this issue with the Minister for Education and suggest that a task force be established to inquire into the matter.

I refer now to the task force on traffic calming, with particular reference to the Office of Road Safety. I have already acknowledged my colleague Hon Eric Charlton for his leadership in drawing together five Ministers to coordinate this important matter of road safety. This is an historic arrangement involving those five Ministers. The Office of Road Safety is an important vehicle for coordinating road safety initiatives. The office's role of coordination is essentially low profile and has suffered some bad press. It was originally established to significantly lift the profile of road safety and to save lives. I believe the profile of road safety could have been strengthened with the appointment of a Parliamentary Secretary to chair the Board of Management of the Office of Road Safety, as was recommended by our traffic calming task force. Such an appointment would have ensured direct parliamentary input and scrutiny. It would have required the office to respond to demands for improvement.

A number of other recommendations from the traffic calming task force are yet to be implemented by the Office of Road Safety. I hope that is done soon. Two recommendations concern speed cameras and speed humps. In its report, the task force spent a chapter explaining that the most effective way to save lives with speed cameras, as opposed to merely handing out infringement notices, was to concentrate their use at locations which have a proven history of speed and speed related crashes. Rather, we find speed cameras on safe, straight sections of highway, often at the bottom of a hill. Although that strategy may assist in altering speed culture it does not identify major speed crash spots or alert speedsters to where they are most likely to have an accident. I have addressed this issue many times in the Press and have spoken to relevant Ministers outlining a more appropriate policy. However, given the continually escalating rate of road deaths in Western Australia more drastic action is required. In this session of Parliament I intend to move a motion which will give policy directives to the Commissioner for Police on the operation of these cameras.

The other recommendation in the task force report concerned the abolition of speed humps. This was universally supported by the public. At least eight very sound reasons exist why speed humps are not suitable on our road network. It is inappropriate that bureaucracy is able to ignore the views of Parliament; therefore I will provide this Chamber with the opportunity to support these policies in a manner which is more difficult to ignore.

I refer briefly now to water resources in this State - a matter that I believe must be dealt with urgently. In order to ensure Perth's future water supplies the Water Corporation has constructed an environmentally dubious plan. One of the more unfortunate aspects of this plan is the construction of a new and significantly larger Harvey Dam, for which preliminary land purchases have already commenced. At a cost of approximately \$300m this dam will supply water to Perth at approximately 50¢ a kilolitre. Yet the best hydrogeological advice indicates that sufficient fresh artesian water lies off City Beach to keep Perth's water supplies topped up for a couple of centuries or more. This water can be tapped, at no expense to the environment, for a mere 10¢ a kilolitre. The cost of a production bore is \$1m. This information was included in an extensive hydrogeological report which is considered to be the bible on Perth's underground water resources. It is important that this matter be addressed.

I turn briefly to two issues that are of considerable importance to my electors in the South Metropolitan Region. The first is the 40 kmh zones in residential streets. Hon Eric Charlton should be congratulated for the introduction of 40 kmh zones near schools.

Several members interjected.

Hon B.M. SCOTT: It was an important recommendation of the traffic calming task force. A requirement for 40 kmh zones in residential streets is equally important as 50 per cent of child pedestrian deaths occur in quiet local streets. This situation is particularly appalling when it is considered that our road system is so well designed that most motorists need to travel less than half a kilometre on local streets before reaching a major distributor road allowing a much higher speed limit. The Town of East Fremantle, a small, essentially residential municipality, is preparing a proposal to zone the town's streets at 40 kmh. I urge the Minister to give this proposal his full support, if only for five years.

The second issue relates to public transport in the southern corridor and the immediate need for the extension of the Fremantle passenger line to Rockingham. Much discussion has been held over the two possible alternatives for a train linked to Rockingham via either Kewdale or Fremantle. The Government has accepted the Kewdale option, to be built in the next decade or so. This discussion is not totally relevant as it is not an either/or situation. The Kewdale option will be required when it is proposed to be built and the Fremantle option is required now.

Perth, Fremantle and Rockingham are the principal centres in the metropolitan area and Kwinana is the principal industrial centre of this State. It is ridiculous that they are still not linked by a fast, efficient rail transit system. If the money cannot be found immediately perhaps the controversial Fremantle bypass could be deferred temporarily and \$1m immediately spent on calming Hampton Road.

Several members interjected.

The PRESIDENT: Order! Members should stop interrupting the member. They can see that she is trying to draw her comments to a conclusion.

Hon B.M. SCOTT: That will protect a beautiful heritage area from trucks and through traffic, which would then be forced onto Stock Road and Leach Highway. The rest of the money thus freed up could be used to make a good start on the Fremantle-Rockingham rapid transit rail link.

Finally, as a parent, a statistic causing me concern is the annual increase in the number of days on which Perth's atmospheric pollution levels exceed World Health Organisation limits. The principal cause of this problem is the private car. The report of the traffic calming task force included a full chapter on alternative transport options. Car pooling and cycling options were among the recommendations. The Governor referred to those in his speech. I am pleased that the Department of Transport is making moves towards establishing a car pooling system. However, little has been done by Main Roads towards protecting cyclists on highways through the provision of cycling lanes. Local government has taken a lead and the City of Nedlands and the Town of East Fremantle deserve special mention for their excellent efforts on Princess Road and Riverside Road respectively. No doubt many other municipalities have taken action with which I am not familiar.

Another option has appeared which does not require people to change their lifestyle and which I would like the Government to support. I refer to the use of natural gas in vehicles. Most people are aware of the enormous reduction in emissions achieved by using natural gas over petrol or diesel so I will not speak in detail on them. However, members may not be aware that shortly Ford Australia will release a specifically designed natural gas vehicle which is 20 per cent more efficient than vehicles with standard engines. I believe that AlintaGas has ordered three of these cars, and I recommend that the Government look to purchasing these cars exclusively when replacing its metropolitan fleet. I volunteer for the first such vehicle.

Hon Derrick Tomlinson: I volunteer for the second.

Hon B.M. SCOTT: Also, now the teething problems with natural gas buses are over, I urge Hon Eric Charlton to ensure that all new buses use natural gas.

Some people may interpret my comments as being critical of the Government, but that is not the case. I said initially that to be a member of this Parliament, and to make a difference, one must have some vision for the future and propose some changes. I said that more needs to be done - that is true - but it would be a nonsense to suggest that this Government has not been very successful. The Governor's speech made it very clear that this is the best managed State in Australia, if not the world, and I am very proud to be a member of the Government with that record. However, more things always need to be done. I now quote the Governor's speech as follows -

What the Parliament decides in the next four years will have a profound bearing not only on the citizens of today, but on those who will take us through the twenty-first century.

I am particularly honoured to be a member of this Chamber. I know that some of my party colleagues are looking at the new Legislative Council which will operate after 21 May with some fear and trepidation, but I do not share their outlook. It will be a Council which will be vigorous and lively, in which issues will be won or lost on their merit and through which the bureaucracy and Executive will be subject to intense scrutiny. It will become a House for the people, protecting their rights and privileges from government excesses, which I believe was the original intent of the Parliament. This historic change in the Legislative Council, with the Government not having a majority, may also herald another equally historic change; that is, a change in the gender of the President!

**HON MURIEL PATTERSON** (South West) [3.53 pm]: I formally second the motion.

Debate adjourned, on motion by Hon Bob Thomas.

*House adjourned at 3.54 pm*

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**QUESTIONS WITHOUT NOTICE****SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE - LEGAL AID SYSTEM***Submission***1. Hon N.D. GRIFFITHS to the Attorney General:**

I refer to the Senate Legal and Constitutional References Committee inquiry into the Australian legal aid system which was instituted in September 1996.

- (1) Was the Attorney General invited to make a submission?
- (2) If so, when was he first invited?
- (3) Was the advertised closing date for submissions 29 November 1996?
- (4) Has the Attorney General failed to provide a submission?
- (5) Will the Attorney General provide a submission on or before 15 April 1997?

Hon PETER FOSS replied:

- (1)-(5) I am not aware of having received an invitation, but I have indicated to the committee that I would like the opportunity to make a submission. Unfortunately, the committee has indicated that it will not come to Western Australia. I regret that because I believe my appearance before the committee would be helpful to its deliberations, particularly now that the State Government has a small contretemps with the Federal Government about cutting its contribution to legal aid.

**TOWN PLANNING APPEAL COMMITTEE - RECOMMENDATIONS****2. Hon TOM STEPHENS to the Attorney General representing the Minister for Planning:**

Some notice of this question has been given.

- (1) How many appeals handled by the Minister during the caretaker period of this Government were in accordance with, or contrary to, the recommendations of the Town Planning Appeal Committee?
- (2) For those which were contrary, how did the Minister proceed to the view that the recommendation should not be accepted?
- (3) What evidence is on file to indicate that those recommendations were flawed?
- (4) On what basis did the Minister reject the recommendations?
- (5) If a recommendation is confidential, are members of the Town Planning Appeal Committee professionals in the town planning area?
- (6) Why should a recommendation be confidential when it is a qualified opinion on how the appeal should be dealt with?
- (7) Is this information available through the provisions of freedom of information?

**Hon PETER FOSS replied:**

- (1)-(7) I have some difficulty with the question because there is a misconception by the public of a caretaker period. There are only two legal caretaker periods of which I am aware and neither has occurred recently. A legal caretaker period occurs, firstly, when a government loses the confidence of the House and, secondly, immediately after an election if the Government loses the election. Under both these circumstances there is legally a caretaker government state. In addition there is a conventional caretaker mode which happens as soon as the writs for an election are issued. It is not legally a caretaker mode; it is a restraint on Government as to the advice it tenders to the Governor. During that time it is to the benefit of both the Government and Opposition that decisions of some moment are not made. If the Opposition gains Government it may wish to make the decisions and for a Government it is often convenient not to make decisions because of the impending election.

There has been some talk about Hon Richard Lewis making decisions in caretaker mode after the Government was returned at the last election. I make it clear that the Government was not in caretaker mode. After a resounding victory a Government is no longer in conventional caretaker mode and is certainly not in legal caretaker mode. I ask the Leader of the Opposition to define the period he is referring to because I do not accept that Hon Richard Lewis was, at any stage, operating in caretaker mode other than conventional caretaker mode from the issuing of the writs until the election result.

## CONSTITUTION ACTS AMENDMENT ACT - AMENDMENT

**3. Hon TOM STEPHENS to the Leader of the House representing the Premier:**

I refer to reports that the Government is considering amending the Constitution Acts Amendment Act to give a deliberative vote to the President of the Legislative Council.

- (1) Has the Government formally considered the proposal and, if so, what was the outcome of those considerations?
- (2) Can this House be assured that the Government will not introduce such legislation in the coming eight parliamentary sitting weeks?

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

I thank the member for some notice of this question.

- (1) The proposal as suggested by a former commissioner of the Commission on Government is receiving appropriate ongoing consideration.
- (2) Should the Government propose such legislation at some future time, due notice will be given.

## WORKPLACE AGREEMENTS ACT - AMENDMENT

**4. Hon TOM STEPHENS to the Minister representing the Minister for Labour Relations:**

- (1) When will further amendments to the Workplace Agreements Act be introduced?
- (2) In which House will such amendments be introduced?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) It is the Minister's intention that further amendments to the Workplace Agreements Act will be introduced in this autumn sitting.
- (2) Yet to be determined.

## CAREY PARK PRIMARY SCHOOL - CONSTRUCTION

**5. Hon DOUG WENN to the Leader of the House representing the Minister for Education:**

- (1) Has a date been set for the beginning of construction of the Carey Park Primary School in Bunbury?
- (2) If yes, on what date?
- (3) If no, when will a date be set?
- (4) Where will the new school be located?
- (5) What will happen to the vacant land after the transfer to the new school?

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

I regret that I do not have an answer from the Minister for Education, on this occasion. However, I will make every endeavour to seek the information and provide it to the member.

## AUSTRALIAN BROADCASTING CORPORATION - TROTting BROADCASTS

**6. Hon DOUG WENN to the Minister for Racing and Gaming:**

- (1) Is the Minister aware that ABC Regional Radio is about to cease trotting broadcasts to regional areas?
- (2) If so, will the Minister undertake to approach ABC management regarding the continuance of trotting broadcasts to regional areas on behalf of country people?
- (3) If not, why not?
- (4) Can the Minister give an undertaking that trotting broadcasts to regional areas will be covered by other means - for example, extensions to transmission by 6PR to country areas?
- (5) If not, why not?

**Hon MAX EVANS replied:**

- (1)-(5) The ABC has given notice that it will limit the broadcast of trotting meetings. However, it will continue the service until a new station is set up. The Totalisator Agency Board recently purchased from the Australian Broadcasting Authority a licence to set up an AM station in Mandurah. Tenders have been called to set up the station. When that occurs, an AM service will be provided to Mandurah regional areas and beyond. We are still negotiating for AM licences to cover the wider south west. FM licences cannot be used in those areas because GWN uses those FM frequencies. The ABC will continue to broadcast trotting meetings. We will provide further services. Racing Radio is a separate facility from 6PR. As I said earlier, when the appropriate facility is provided, the ABC will cease its broadcasts.

#### SHARK BAY - EXPLORATION LICENCE

##### 7. **Hon J.A. COWDELL to the Minister for Mines:**

I refer to the statement by the commonwealth Minister for the Environment in the Senate on Tuesday, 4 March in which he denied knowledge of the decision by the Western Australia Government to issue an exploration permit to various companies to explore Shark Bay for petroleum.

- (1) Is it true that neither the Minister nor his department informed the commonwealth Minister or his department of the issue of this permit?
- (2) Was the federal or state Minister for Tourism informed? If so, when?
- (3) Is it true that the area under the permit includes part of the World Heritage area and part of the area that the Australian Heritage Commission has decided to place on the register of the National Estate, and that several rare and endangered species are found in the area?
- (4) What is the purpose of an exploration permit if not to enable the permit holders to determine whether drilling for petroleum is feasible in the area of the permit?

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

- (1) Yes. The time to advise the commonwealth Minister is when a specific field activity is proposed.
- (2) No.
- (3) Yes. Part of the permit includes part of a World Heritage area. I am not aware that rare or endangered species are found there.
- (4) The purpose of a petroleum exploration permit is to provide the sole right for a titleholder to identify petroleum resources within that area. It does not give the company the right to commence petroleum field activities. That right is the subject of a separate approval process, and that is the time at which the environmental impact is assessed.

#### SHARK BAY - EXPLORATION LICENCE

##### 8. **Hon JOHN HALDEN to the Minister for Mines:**

- (1) How much money did Tap Oil NL and Moondance Energy Pty Ltd pay the WA Government for an oil exploration licence to explore in the World Heritage listed Shark Bay region?
- (2) Were the companies required to lodge any bond or security for any possible environmental or other damage which could be caused to the pristine Shark Bay environment as a result of exploration activity?
- (3) What, if any, legal obligations do the companies have to make good any damage caused by them?

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

- (1) The application fee is \$3 000 plus an annual fee of \$3 300.
- (2) The company is required to maintain insurance against expenses and liabilities including the expense of complying with directives with respect to cleaning up or making good any damage occasioned.
- (3) Apart from the legal requirement to maintain insurance, the legislation provides for the titleholder to make good any damage and to remove all equipment associated with the operation from the area.

#### DE FACTO RELATIONSHIPS - BREAKDOWN, LAW ENACTMENT

##### 9. **Hon CHERYL DAVENPORT to the Attorney General:**

Tasmania and Western Australia are the only Australian States which still must enact breakdown of de facto relationship laws.

- (1) Does the Attorney General intend to introduce this long-awaited legislation during the autumn session of Parliament?
- (2) If not, why not?
- (3) If so, when and on what date might it be proclaimed?
- (4) Will the jurisdiction for the legislation be the Western Australian Family Court, particularly as mediation and counselling facilities already exist?
- (5) If not, why not?
- (6) If not, what other jurisdiction will deal with such cases?

**Hon PETER FOSS replied:**

- (1)-(6) I am unable to say when the legislation will be introduced because that is a matter slightly out of my control. I hope that at least some time this year it will be introduced. I cannot provide a precise date. Perhaps the member should ask members opposite rather than government members in this House when the legislation will be passed. As I understand it, the proposal will be for the Family Court to have jurisdiction.

STILLBIRTH AND NEONATAL DEATH SUPPORT GROUP - MEETING

**10. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:**

- (1) Why has the Minister failed to respond to the request for a meeting by the Stillbirth and Neonatal Death Support Group?
- (2) Does the Minister intend to meet with this organisation which assists many Western Australian women and families with bereavement counselling?
- (3) If so, when?
- (4) If not, why not?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question. I am advised by the Minister for Family and Children's Services as follows -

- (1)-(4) Correspondence was received from Stillbirth and Neonatal Death Support (WA) Inc on 17 February. I have requested one of my staff to phone the group to obtain more information and to follow up this issue. An appointment will be arranged following this contact and receipt of further relevant information. I have also spoken with the Minister for Health regarding this issue. The Minister for Health and I are supportive of the group and the tremendous work it does in assisting families through their period of grief after the loss of an infant.

SPORTS COMMISSION - INTRODUCTION

**11. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:**

Does the Government intend to introduce a sports commission in Western Australia?

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

No.

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