WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Thursday, 11 March 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

RENEWABLE ENERGY USE

Petition

Hon Giz Watson presented the following petition bearing the signatures of 14 persons -

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

We, the undersigned residents of Western Australia respectfully request that the Legislative Council of the Parliament of Western Australia

(1) investigate the current level of usage of renewable energy in Western Australia

(2) make recommendations to further the use of renewable energy in this State, by such means as the following . . . and by any other means.

Solar hot water $500 subsidy (as in NSW/Qld) for householders and the opportunity to pay off these systems over time, through power bills.

Home PV systems Due to the prohibitive up-front cost of approximately $20 000, only two Perth households currently have PV power. To improve the understanding and management of these systems in local conditions, the State Government should provide a minimum $5 000 subsidy and a time payment scheme (interest-free but indexed for inflation) for grid-connected photovoltaic power systems for 100 Perth households. To qualify for this subsidy, householders would undertake to participate in an effective monitoring program that would help pave the way for future developments.

Research and Development Five fold increase in funding to the Alternative Energy Development Board of WA.

Remote renewables Tenfold increase in funding to the Remote Area Power Scheme, to seriously boost accessibility to renewable energy in remote areas.

Green Power Early adoption of a green power scheme for all West Australians.

And your petitions as in duty bound, will every pray.

[See paper No 866.]

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Inquiry Into Management of Western Rock Lobster Fishery - Motion

Resumed from 10 March on the following motion -

That the Standing Committee on Ecologically Sustainable Development inquire into the management and sustainability of the western rock lobster fishery having regard to-

(1) The accountability of the Department of Fisheries and its rapid rate of expansion.

(2) The potential conflict of interest of the department in being a regulator and having involvement in projects and marketing.

(3) A proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers.

(4) The ability of Western Australian fishers to store, feed and sell their product anywhere within Australia.

(5) The establishment of a seafood exchange in Fremantle.

And that the ESD Committee report its findings and recommendations to the House on or before 2 June 1999.

HON J.A. SCOTT (South Metropolitan) [11.06 am]: To recap yesterday's comments, dissatisfaction is evident in the fishing industry, particularly among rock lobster fishers in this State, to the extent that a breakaway group has been formed. These fishermen have no confidence in the process, particularly the way in which the fishermen's concerns are not being addressed either through the Western Australian Fishing Industry Council or the Rock Lobster Industry Advisory Committee process. They feel that they have little chance to put their views as a result of the way meetings are conducted. In fact, they

are so concerned that a fishermen's federation was formed, comprising about one-third of the total fishing fleet. A large percentage of fishermen have joined the organisation from the southern portion of the State.

Their concerns relate to the belief that the fishery is not being managed in the long-term sustainable interests of the fishery or the fishermen. There is almost universal acceptance that the sustainability of the main fishery resource is not being managed properly. Considerable concerns have been expressed about marketing, the Acts which control fishing, whether people can put fish in tanks, extended seasons and so on. The laws rile fishermen, who see no sense or fairness in them.

Marketing is controlled by an effective cartel in this State. We do not have a deregulated market at all. The Australian Competition and Consumer Commission could not give the industry a big tick as concerns would flow from any investigation by that body.

Fishermen have been upset by the constant changes to the rules. Changes have been made to the number of pots as the department wants to control fish stock through pot numbers. Other rules relate to different gauge sizes during the season and towards the end of the season which causes confusion and damaged stock to be brought to the surface. The final straw which broke the camel's back for the fishermen was the push to have the season extended. The fishermen are against this move, and for good reason. The principal battle was between the investor owner and the boat owner who was fishing for crayfish. There has been some changing of the guard, largely because of the way in which the prices of the main assets of these fishermen - the pot licences and the boats - have been pushed through the roof, to such an extent that in the Geraldton region the margin for fishermen is extremely low because of the high cost of getting into the industry. Concern has been expressed that the low prices that they have received since the collapse of the Asian market are not sufficient for them to get a return on their investment. In fact, meetings were held in Geraldton to give people financial advice because they were finding it difficult to meet their payments. There is a general feeling that all crayfishermen are fabulously wealthy; however, that is not the case throughout the industry. Some people have been in it long enough to have paid off all their prime assets, but others have not had such good fortune and are finding it difficult, particularly with the low prices that currently prevail.

At the beginning of this debate I referred to the marketing exercise blunder by the department, which advertised worldwide that there would be a boom season.

Hon M.J. Criddle: Do you realise that business criteria sometimes have to be met, and sometimes people overcapitalise in a market which they think will continue but it falls? The responsibility for that cannot be put back onto the marketing expertise of the department.

Hon J.A. SCOTT: I agree that that happens in every market that people enter. However, the people who are buying and exporting the crayfish are not operating in an unregulated market. Fishermen are not free to collect crayfish, put them in tanks, wait for the best prices and then sell them to the markets in this State. There are great restrictions on those people. The issue of most concern is that we have a system in which there has been a constant reduction of pots, which has pushed up their price. There has been a temporary withdrawal of pots which have never been returned. These reductions have happened on more than one occasion. The pots have become incredibly expensive. Fishermen are arguing that the reduction of pots is not the way to preserve the stocks. They had to fight hard for the department to bring in a rule which would protect tar-spotters. That is now accepted by Fisheries WA. For members who may not be familiar with the term, a dark stain appears on the crayfish when they are carrying the first signs of eggs. At one stage the tar-spotters were not protected, and the breeders were being put on people's table to be eaten.

Concern also exists that some of the science relating to the movement of puerulus across the current which runs along the coastline of this State, particularly in the north, is wrong. Fishermen believe that the department's claims about the puerulus crossing that current are incorrect, that the crayfish are not able to cross it, and that they are carried by that current and come in at a different time. These details are more technical. However, the fishermen feel that the department is not listening to their concerns. In the southern region there are many ethnic fishermen. The older ones believe, to put it bluntly, that the department thinks they are a mob of silly old wogs, and that because they cannot speak very good English, they are not listened to and are treated with disrespect by it. These fishermen fear the department because they believe that there are vindictive people within it. On one occasion a newspaper photographer wanted to take a photograph of a group of fishermen who supported the federation. A number of fishermen were afraid to have their photo taken, even though they fully supported the federation, because they were concerned that they would be victimised by the department.

Hon M.J. Criddle: Do you realise that the Rock Lobster Industry Advisory Council travels up and down the coast each year and consults with people? That is an industry body.

Hon J.A. Scott: Yes, I realise that. I will read some letters that have passed between the minister, that body and other people which deal with that matter. I ask members to bear with me. I have a number of papers, some of which are long. However, it is important to hear what these people say. I have a report entitled "Fremantle Professional Fishermen's Association and Two Rocks Professional Fishermen's Association meeting with Fisheries Department Executives - Fremantle Sea Rescue, Fremantle Boat Harbour, 12 November 1997". It states -

The purpose of this report is to provide the Minister with a summary of the issues raised by fishermen at the meeting, and responses of the two Fisheries Department representatives present, the Executive Director of Fisheries Mr Peter Rogers, and the Fisheries Department Chief Scientist Dr Jim Penn. As concerned co-managers, it is our aim in writing this report to avoid the blockage of information flow through the bureaucracy, -

They consider there is a blockage. It continues -

- and to ensure that the Minister is fully informed of the alternative options available for the management of the industry.

SUMMARY OF THE MAIN ISSUES RAISED

1. OPPOSITION TO SEASON EXTENSION

From the beginning of the meeting fishermen voiced their opposition to any extension of the season including a trial extension. At the end of the meeting a vote was taken to ascertain what support there was for extending the season; the outcome was 100% against. We remind the Minister that the concept of extending the season was rejected by fishermen at both the June mini-tour and the September coastal tour. In addition, at the last WAFIC sub-committee meeting in Fremantle the associations were unanimous in their rejection of an extension of the season. Despite the persistent and absolute opposition to an extension of the season by fishermen, the acting executive RLIAC officer, Tim Bray, stated in the Geraldton Guardian on 10-10-1997 that fishermen now supported an extension to the season. It is obvious to us that this is a deliberate attempt by the Fisheries Department to cause disunity among fisherfolk and to mis-inform the public.

2. LACK OF FAITH IN THE CONSULTATIVE PROCESS

The major concern raised by the fishermen at this meeting, as it was at the recent WAFIC meeting, was with the consultative process. Fishermen expressed the belief that the system is dishonest and corrupt and, until such time as the system is made accountable to them and their opinions are taken seriously, they place no confidence in the system. Mr Rogers was forced to defend the Fisheries management system, of which he is the highest representative, and after 45 minutes conceded that "it is the system in which we work, and I cannot change it". We do not accept this answer. We believe that Mr Rogers chose not to bring about the changes required by fishermen that would make the system accountable, because it is in his own better interests, and that of his Department, not to be held accountable in this way. It seems that the Minister is either poorly advised of this state of affairs, or is of a similar disposition to that of his Executive Director.

We remind the Minister that under the principle of cost recovery ostensibly supported by the present government, as financial contributors we have a right to demand the accountability of our governing body. The RLIAC and WAFIC structure in its present execution does not represent fisherfolk as it claims to do. These committees supposedly represent, and act on behalf of, the broader fishing community. They therefore should make recommendations that are supported by the community, even when this flies in the face of their personal aspirations. Their dogmatic adherence to the proposition to extend the season in the face of widespread aversion clearly demonstrates their conflict of interest. Consequently, we have no alternative but to advise the Minister that we Fremantle and Two Rocks fishermen hereby withdraw our support for RLIAC and WAFIC. The Fisheries Department, with the aid of WAFIC, is manipulating the consultative process and we strongly urge the Minister to take the necessary steps to bring the system into accountability.

3. FISHERMEN'S PROPOSED OPTIONS REITERATED

Fishermen stated that the Department had not included all of the available options in its presentation, and that the outcome of the whole debate on market and catch stabilisation was predetermined. For example, for the last 18 months C-zone fishermen have proposed that the full pot allocation be returned during the 1997/98 reds to pre-fish the expected abundant 1998/99 whites catch. This option is supported all along the coast. At a WAFIC sub-committee meting on 13-8-97, all A- and B-zone associations agreed to C-zone associations being allowed to develop a plan to suit their needs. Five out of six C-zone associations were represented at a WAFIC-organised meeting on 22-8-97 and agreed that the preferred option would be to pre-fish with the returned pots. When reminded of this well documented and largely popular proposal, Mr Rogers and Dr Penn stated that the basis for its rejection had been "opposition". When asked from where the opposition had come, they were unable to answer. Mr Rogers then attempted to defend its rejection by stating that fishermen were too late with their submissions and that is why none were considered. He was challenged on this point and informed of ample documentary evidence to the contrary including the FPFA June report to the Minister. When presented with the minutes of the C-zone WAFIC meeting he denied having received them. If this is correct then WAFIC prevented the flow of information through the system. If false, then Mr Rogers has lied and has acted contrary to the advice derived by consultation with industry.

Other options aimed at meeting the objectives of the state that were not discussed include: home porting, summer closures, building storage facilities, staggered zone fishing seasons and increasing habitat. Some of these options have been briefly outlined in the FPFA June report to the Minister, and all have been repeatedly brought up at coastal tour meetings, but would greatly benefit from further discussion. It is a cause of continuing frustration to fishermen that these options are ignored and excluded from debate by the Fisheries Department.

4. LACK OF FAITH IN FISHERIES DEPARTMENT OPTIONS

The options put forward by the Department are no more than a narrow arrangement of poorly thought out ideas. Not only are the options potentially damaging to the industry, but they show the Department to be hypocritical. To suggest that cackers and breeding stock must be captured to make the extension of the season viable shows the frivolity of the notion. These options go against Fisheries management practice for the last 34 years. Further to this, the Department reinforces fisherfolk's lack of faith in the justice of the system when its preferred option requires fishermen to throw back an illegal animal only so that a select group of fishermen can capture it 15 days later.

5. STABILITY OF THE INDUSTRY WILL BE ACHIEVED THROUGH LIVE STORAGE FACILITIES

The primary concern of fisherfolk is the stability of their industry. Over the years they have suffered economic and social hardships to ensure the industry's sustainability. If Fisheries management had heeded fisherfolk and protected tar-spotters earlier, then none of these problems would have occurred. We believe that the saving grace of our industry was the closure of the season in 1978 as crayfish were left alone to breed without interference. To fish when it is known that animals are spawning is counter productive and short sighted.

It is apparent that the only viable long term option for the expansion of the Western Australian crayfishing industry, that meets the interests of both the State and fisherfolk, is to build storage facilities to hold enough crayfish to market them year-round. This option is economically, socially and ecologically appealing as it has the long term capacity to restore stability to the industry. As repeatedly stated, fishermen are willing to finance this project with the aim of value-adding the product and providing employment for other Western Australians. It remains for the government to allow fishermen to do this, or to take advantage of this opportunity as a joint venture with fishermen.

When Mr Rogers and Dr Penn were asked at the beginning of the meeting why this option had been excluded they stated that, based upon limited data available, it would result in high mortality. It was discussed that there is a 20% mortality rate with each moult in the wild. However, further questions revealed that the mortality in holding tanks was less than 5%. Certainly it must be in the better interests of the State to build large enough tanks to supply the market year round when the potential exists for a 15% reduction in mortality compared to the present system. It was only when confronted with this obvious logical step that Mr Rogers conceded that the storage tank option may well be the only valid one to pursue. We implore the Department, if it is determined to spend our money on self-perpetuation, to please channel its activity into building tanks and/or sea cages and conduct research to ensure the success of the venture. We recognise that the Fisheries Department will always exist in some form. At the very least, it should protect the industry from complete destruction. We have already come too close to that scenario becoming a reality. If it is instrumental in establishing a live holding facility, the Fisheries Department has the ability to take the credit for the most innovative development in the industry since the creation of the frozen tail market.

The attention of opponents of the live storage option is directed to the Canadian, United States, Cuban and New Zealand fisheries. All of these countries store their live product, which has resulted in a value-added product and larger markets. We also ask the Minister to consider that Fremantle fishermen supplied the domestic market in Western Australia for over 60 years with live crayfish because that was the only market in existence. The market has now come the full circle, with increased technology decreasing the tyranny of distance. We urge the Fisheries Department to invest, with fisherfolk, in a storage facility that will ensure Western Australia maintains and develops markets. The $410,000 required to extend the season can easily be redirected into developing live holding facilities.

6. CONCERN FOR THE DEPARTMENT'S CLAIM TO NEED MORE DATA

Dr Penn claimed that a trial must be conducted between July and September to obtain valuable data for the fishery. The data required by him included the setose ratio, catchability, fishing effort and markets. It seems that the Minister is being misled by his Department and/or the Department is trying to mislead fisherfolk. Firstly the biological data and past fishing effort data is already available from qualitative and quantitative historical records. Current fishing effort can be mathematically extrapolated from these records because the same effort is expended in June as in July and August. Biological data is available from on-board monitoring during this period, as it is from the testimony of our members and other fishermen. Recent data has been obtained from the IBBS stock

> survey which has been conducted during the off season since 1991. All of the data he claims to require must already be available for Dr Penn to be able to make his assumptions about stock during this period of the year.
>
> It is obvious to us that the market response is the primary research objective of the Fisheries Department, and that all other data is merely a smoke screen to establish some kind of credibility. However, as with biological and ecological data, market data already exists for this portion of the year. Historical data is available for the United States' tail market from processors and Department archives. Additionally current market data is available via the internet.
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> The Department has commissioned a new "independent" committee to ascertain the market response and the repercussions of supplying the market.
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> As already expressed to the Minister and the Department, fishermen will not endorse the findings of this committee. The formation of the committee is a waste of $50,000 of fishermen's money. As discussed previously, this committee is not independent as it is a sub-committee of RLIAC and is comprised largely of WRLDA members.
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> The only set of data that seems to be missing is that predicting the effect of an extension of the season on the breeding stock: how many will become victims of predators, what would be the effect of additional pot lifts on the environment and what effect the loss of crayfish limbs would have on reproductive capabilities.

The paper concludes by stating -

> The Fisheries Department has no credibility with fisherfolk who see the Department representatives as having repeatedly lied, contradicted themselves and manipulated fisherfolk. Fisherfolk were told that pot reductions were designed to decrease fishing effort. Contradicting this, however, Jim Penn stated that pot reductions were designed to increase efficiency. Peter Rogers and Jim Penn stated that there was opposition to the return of pots during the 1997/98 season, yet fisherfolk know that all associations agreed to it. Fishermen rejected an extension to the season, yet RLIAC has advised the public to the contrary. WAFIC is supposed to act in the better interests of fisherfolk, yet does not allow information to flow through the system. We are informed that storage of crayfish is not a viable option, yet Canada, the USA, Cuba and New Zealand all store their product. Kailis and France stored 4.5 tonnes last off-season with minimal mortality and sold the product at a profit in November. Storage mortality is only 5%, yet fishermen are told that the wild, where the mortality rate is 20%, is the best place to store crayfish. We are told to go out in the middle of winter, in dangerous fishing conditions, to catch the breeding stock and cackers.
>
> Does the Minister really believe that this is best run fishery in world? Your thoughts and comments on the opinions expressed and questions raised in this summary would be greatly appreciated. Once again we urge you to meet with us to discuss these and many other relevant issues. Let us help you make this the best run fishery in the world; the present execution of the system is preventing us from doing so.

That is a clear explanation of the concerns of the fishermen about the current system. A whole series of such reports are available; I will not go into all of them because we want to get out of here at some stage. However, we know that there has been considerable support for an inquiry into Fisheries WA as a whole. I have newspapers clippings saying that Hon Bruce Donaldson has backed such claims in the past and Hon Phil Lockyer supported such a move when he was in this place. I also know that other government members would like to see some sort of inquiry into this department. After all, this is the only government department which has experienced a vast increase in its bureaucracy in recent years. Members know that considerable concern has been expressed about the department's budget and budgetary problems particularly in the last budget when large amounts of money disappeared.

Hon M.J. Criddle: Is that where we go back to user-pays? Is that what you are talking about?

Hon J.A. SCOTT: The fishermen feel that the system is not a proper user-pays system. They also feel that the department is straying into areas where it should not be, that it is bringing itself into conflict-of-interest situations. It is getting into marketing and the fishermen believe it should not. The department has also looked at tuna farms, although I understand to its credit that it has now pulled out of that. I was told that last night.

Hon M.J. Criddle: Aren't they fishery managers?

Hon J.A. SCOTT: As we would like to see with Conservation and Land Management, Fisheries WA should be there to look after the fish stocks and ensure efficient running of the industry without depleting stocks of target or other species.

Hon M.J. Criddle: Is there a better run fishery in the world?

Hon J.A. SCOTT: Most fishermen agree that it is well run in many ways but they are unhappy about the marketing problems and other things the department should not be involved in. The fishermen do not argue that it compares very well with other

fisheries. However, they are concerned that the fishery is not running as well as it could. There is no departmental belief in the fishermen's solutions to some of the ecological problems being faced. The fishermen think the department is not hearing some of their solutions and should be listening a lot better. A number of scientific reports have been written. A scientist named Wake wrote about fisheries industries as a whole and not just the lobster industry. He felt that the problem was the amount of research needed to make the fisheries truly and ecologically sustainable rather than simply sustainable for a target species - it is important to differentiate between those things. Far greater amounts of data are required to be collected than are currently collected. He concluded that the only way to achieve that would be in conjunction with the fishermen themselves, to involve them as willing participants in the collection and passing on of data and the information. Co-management is needed right through to the ecological and financial processes. There is no other way we can afford to do that sort of research. Currently the fishermen feel strongly that they are not being listened to. That combined with the mistrust means few people are willing to be involved with the department on a research basis. I have read allegations that data in the Geraldton region or the islands have been interfered with and marked fish have been put through the process without the department being notified. Members would know that there was a royal commission into fisheries a while ago. Many fishermen believe many of the issues raised at the time were not adequately dealt with. Some matters were dealt with but many loose ends were left. The fishermen feel there had been considerable corruption in the industry and a heck of a lot of what one could only call criminal activity. They want to see the industry cleaned up and co-managed.

Hon M.J. Criddle: Talking about criminal activity is pretty strong stuff, isn't it?

Hon J.A. SCOTT: Yes. I have not personally received any proof but a lot of fishermen have told me tales which are folklore in the fishing industry. I do not know how true these stories are but some fishermen claim the information was apparent in the royal commission. These things need to be cleaned up.

Hon M.J. Criddle: Provided they can be justified.

Hon J.A. SCOTT: Yes; and if they cannot be justified, they can be stomped on once and for all.

Hon M.J. Criddle: The only way you can get people to justify their accusations is to have them come forward to clear up the matter.

Hon J.A. SCOTT: Yes. That is why I am seeking an inquiry, because some of these people want to come forward and put their stories. However, the sad situation is that some people have told me that they are frightened to speak out, and I am very concerned about that.

Hon B.K. Donaldson: Why are they frightened to speak out?

Hon J.A. SCOTT: I think we had better ask them why.

Hon B.K. Donaldson: I thought you might know.

Hon J.A. SCOTT: I know that a few people are not frightened to come forward.

Many other things are causing concern. For instance, it has been put at a meeting that it is absurd that people are treated like criminals if part of their catch contains one crayfish that is a tiny bit undersize. They say that if they had a hidden tank on their boat with a lot of undersize crays, it would be another story, but it is very easy to take one undersize cray by mistake during rough conditions when it is difficult to hold the gauge on the boat steady, and they do not deserve to be treated like criminals. They say they would not deliberately take one undersize cray. Some people claim that the system of inspection for undersize crays is not tight and that people who have had an undersize cray found not on their boat but offshore in the processing plant have no way of proving that it did not come from their boat, and feel victimised. A tighter system should be put in place to determine on whose boat undersize crays have been caught.

Hon M.J. Criddle: Any inspection service that could be put in place to do that would be very expensive.

Hon J.A. SCOTT: Yes. However, the reality is that not many licensed crayfishermen are taking undersize crayfish.

Hon M.J. Criddle: I agree.

Hon J.A. SCOTT: This matter must be tackled in a mature way and not in a cops and robbers way, where a person who has one undersize cray on his boat is treated like a criminal when it may be due to human error, often when that person's boat is in rough conditions. I have been told of many ridiculous situations that have arisen in that regard.

The joint paper to the minister from the Two Rocks Professional Fishermen's Association and the Fremantle Professional Fishermen's Association refers to their desire to store crayfish. Some people have taken that step, but it is extremely expensive, because they are regarded as being involved in the aquaculture or mariculture industry and need to get further expensive licences, and they then still have problems with marketing. They believe that with the Sydney Olympics on the horizon, and crayfishermen getting virtually nothing for lobster in this State, the market in Western Australia should be regulated less to allow those crayfishermen to sell their crays on the east coast, where they can obtain a higher price. They showed me data which convinced me that that was the case, and they would like to show that data to a committee.

Another issue that needs to be examined is the proposal to establish an international seafood exchange in Fremantle. The marketing of almost all products via the Internet is becoming increasingly large and will be huge in the future. In Western Australia a range of fish are not being marketed properly - for example, yabbies - and such an exchange would enable those fish to be sold all over the world by the use of information technology. It would also allow the markets for those fish to be supplied very quickly from live tanks at this seafood exchange. Some of those fishermen believe a seafood exchange has huge potential to improve the price of their product, and to open up new markets for Western Australian seafood. They suggest that that seafood exchange be combined with a convention centre and restaurants which cater to both local people and tourists, and that the marketing of that seafood be linked to the marketing of other Western Australian products such as wine. That may not be a feasible option at this stage, but that concept is exciting and well worth looking at, and I hope that idea will be explored by the Ecologically Sustainable Development Committee.

I have already dealt with the ability of Western Australian fishermen to store, feed and sell their product anywhere within Australia. I believe the Western Australian market is extremely restrictive, and that a challenge may be made to Professor Allan Fels at the Australian Competition and Consumer Commission in the not too distant future if that market is not deregulated to some degree. I do not believe it is a reasonable situation, and it is not in the best interests of either fishermen or the State for it to continue in that way. I have been supplied with data, including the figures relating to the expansion of the department, which I am happy to give to the committee to examine. Not only the fishermen, but also the Western Australian Fisheries Industry Council, have expressed concern at the extent of the growth in the bureaucracy in Fisheries WA without any obvious or equivalent return to the industry and the services provided. The biggest percentage increase in the expansion in Fisheries WA has been in corporate services, rather than in areas which are looking after the fishing industry's interests.

I now turn to the third paragraph of this motion. The federation believes it can better represent the interests of the fishing industry. The other sectors - for instance, the processing sector - already have their own bodies. I point out that WAFIC includes not only fishermen, but members from other parts of industry; for example, the processors. Because the other sectors have representative bodies which are getting better interests development funding, the Western Australian Rock Lobster Fishers Federation believes it should also receive a pro rata amount to enable it to represent the interests of its members, in the same way as do those organisations representing the processing and pearling industries. The argument put forward that this is already done by WAFIC does not stand up because other bodies which are also part of WAFIC get that funding. If this committee gets up, it should look at that issue as well. Although it cannot make that decision, it can recommend it to this House and, ultimately, the minister. At least, it can present the cases for and against that decision to this House for consideration.

I ask members to support this very important inquiry into the management and sustainability of the western rock lobster fishery, and to consider it very seriously. There are a great many problems in this industry. We are coming to a time when fisheries as a whole are under huge pressures; for example, the introduction of disease to the pilchard stocks. We have heard the news that the hole in the ozone layer has caused radiation levels to rise to such an extent that it is starting to kill those stocks in the Southern Ocean That will go through the whole food chain. I understand it is highly likely that we may also soon start to lose seals, whales and many other species as a result in the rise in those radiation levels. Sustainability and good management of our fisheries is essential, not only for that industry, but also for our very survival. I hope the motion will be supported.

HON B.K. DONALDSON (Agricultural) [11.55 am]: I listened with great interest to the comments of Hon Jim Scott. He has not convinced me about this matter because much of the information he provided went back into the Dark Ages. He talked about what occurred in 1975 and 1980. It is like using information to do with the horse and cart, rather than the motor car, when discussing the road safety rules and regulations. Nevertheless, as I say, I listened with great interest because he raised matters about which I feel strongly, and they are no secret. I will go into those next week when the debate resumes.

It is all very well to talk about significant concerns in an industry. Having been in a primary industry most of my life, I know that a representative group of primary producers is a little like a representative group of lawyers. Members can imagine such a group comprising, for example, 600 lawyers - that is about the same number as the rock lobster fishermen - working to coordinate one industry. Those members will have 600 different opinions. We have two lawyers in this House who put forward different opinions constantly.

Hon N.D. Griffiths: We are both right.

Hon B.K. DONALDSON: There are always problems when people put forward conflicting opinions. People tend to get involved in their industry and most put their points of view; some do not. Sometimes a vocal minority espouses its views and possibly carries the day for some changes to take place. That is true even today in the agriculture industry in which there are two different industry organisation, whose views are usually poles apart. Sometimes one wonders why they have not collectively held back some of the changes in agriculture that have been necessary over the years. It is disappointing, but understandable. In a free, democratic process people think those representing their industry have the right process, and other people are wrong. Rock lobster fisherfolk - that is how they are termed these days; I like to call them rock lobster

fishermen - are no different from any other primary producers. They always have problems. I have spoken to many rock lobster fishermen on a regular basis who have told me that they are pretty content, although they have grievances from time to time. They recognise they work and invest in a sustainable and well-managed industry. The management of our western rock lobster fishery is regarded as one of the best in the world. People from all over the world recognise that.

The concerns Hon Jim Scott raised are interesting. He said that people are concerned about the number of changes that occur. As a conservationist, surely he should be encouraging changes and seeking to have them adopted to ensure there is sustainability in the industry. From time to time further scientific evidence comes to the forefront which requires those changes. Although the changes may not be always correct at the time, I assure members that over a period of time most lobster fishermen are generally happy with their harvest; and that is all they have to do, harvest the wild. They are not like primary producers on the land who invest a great deal of money in fertilisers and seeds to plant crops and then harvest them. No-one would dispute that they should pay a licence fee. I guess from that point of view most fishermen are happy with the way the managerial application is applied to ensure a sustainable catch.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Select Committee on Native Title Rights in Western Australia - Report

Hon TOM STEPHENS: I move -

That the report be noted.

Members will appreciate that there will be an opportunity for debate on this general issue next week. I do not propose to speak at length on it now.

Hon HELEN HODGSON: I do not intend to prolong the debate on the report. However, at this stage it is appropriate to make a few comments about the committee, as opposed to the legislation that we will be debating further next week.

I was fortunate to be allowed to participate in the committee to a great extent and for that I thank the chairman and other committee members who ensured that any procedural difficulties were overcome with as little trauma as possible. What I learnt from that committee, which was a lengthy exercise, immersed me in the area of native title in a way in which I would not have experienced otherwise. It is one thing to read a report; it is another thing to be there and actually hear the evidence being given and see people and conditions in the Kimberley region on both sides of the debate. We visited not only an Aboriginal community but also a pastoral station in the Kimberley. That was a valuable experience because it showed me the amount of emotion in the issue. Whether that emotion was justified or whether people were working on a factual analysis of what was occurring - and often they were not - I found that people had extreme feelings on the whole subject of native title. In a sense that prepared me for what happened in this Chamber with the Bills last December.

I do not want to trespass into the matters that the Bills themselves cover because they will be debated more fully next week. However, it was an opportunity to see not only how native title was regarded by people affected by it in this State but also to find out how things were handled in Canada and to draw comparisons and differences with the Western Australian and the Canadian contexts. There are fundamental differences but there are also fundamental similarities. In both countries the people claiming native title through the process of colonisation have become marginalised and have faced real issues relating to health, medical services and education. However, in Canada there is a constitutional recognition of the rights of indigenous people that does not exist in Australia. To proceed down the path of statutory extinguishment in Canada would, therefore, be totally unacceptable because it would be considered unconstitutional. I found that to be one of the basic differences between the two set-ups in the two countries.

Obviously as a participating member, I was not able to be a part of the deliberations and the recommendations of the committee. However, I respect and acknowledge the amount of work that the members of the committee put into those aspects. It is an area where there are deep ideological divisions, yet the committee came out with some good recommendations that basically have unanimous support. I do not have a copy of the report in front of me therefore I cannot read the recommendations verbatim; however, one of the recommendations is the acknowledgment of the role of regional agreements. That is something that everybody on the committee believed is one way to progress the issue. The committee made recommendations on regional agreements that are important and useful in mapping out where to go with native title. No matter what the outcome will be of the native title legislation in this place, the committee has published an important reference tool in developing policy in the future. No matter what the legislation says, there is work in that committee report which deals with some of the underlying and fundamental issues which are compatible whether or not we have legislation because they are based on policy directions and fundamental underlying issues surrounding native title.

I commend the committee members for the work they put into the report. I thank them for allowing me to participate to the extent that it was possible. I just wish I could have been part of the deliberations also.

Hon GIZ WATSON: I wish to comment briefly on the report as a member of the committee. The committee did an excellent job. I learnt an enormous amount about the complexities of and possibilities for resolving the native title question. I was greatly encouraged at the level of study and engagement on the issue of all members on the committee. I concur with the previous speaker that the visit to Canada was particularly useful in seeing and speaking first hand to numerous people involved in a similar issue of indigenous rights.

I also commend the report as an excellent document in summarising the history of the current situation and the possible future outcomes for the resolution of native title in this State, which is what the report was intended to do. The area I would most like to emphasise is the strong recommendation in the report for an alternative model to the resolution of native title, particularly in the areas of regional agreements and negotiated outcomes. That, to me, was the most significant part of the committee's work. I must say that I am disappointed that the debate on the Bills presented to this House has not engaged the possibility of pursuing an alternative direction, other than legislation or litigation; it has certainly been raised by members on this side of the Chamber. I guess I had an expectation that some members on the other side would have a stronger understanding of negotiated outcomes and an alternative path to the resolution of indigenous rights in this State than we have seen.

I will continue to promote the report to as many people as possible. I put much of my time and energy into it over 12 months and I believe it is a good report. If people study it carefully they will see a possible outcome for Western Australia which will be a win, win situation for Western Australian people and the non-indigenous community. It will be an outcome that is not based on confrontation, diminishing rights and continuing battles in the courts. Therefore, I will continue to encourage people to carefully examine the report. We should ultimately go down the road of negotiation and reconciliation. This report is a significant contribution to that approach and to the debate. I would hate to think that the considerable energy of the members of that committee over the past 12 months was ignored. Again, I urge all members to carefully consider the recommendations in this report which remain relevant. The debate about native title has not been resolved in the short space of time some people hoped it would be; that is, before Christmas last year. It is ongoing and in a state of deadlock. This report suggests some very viable, workable solutions. They should be promoted not only in this House but also in the broader community. I urge all members who have an understanding of the report to promote its recommendations as widely as possible.

Hon BARRY HOUSE: I also commend the report to members. In doing so I commend the work put in by all the people who participated on the committee especially the chairman, Hon Tom Stephens, and our assistants from the committee office, Jason Agar, the committee clerk and Marcus Priest, the advisory research officer. I hope nothing can be read into the fact that both have left the employ of the Legislative Council since the report was written. I hope it was not that bad an experience. I am sure they have both gone to other employment with a great deal more knowledge of not only Parliament but also native title.

The committee was an interesting experience. It was very valuable for me personally. Whether it was useful for the Parliament and the community time will tell. Unfortunately towards the end of last year it was obvious in this Chamber that divisions still existed over many of the native title principles and among people's perceptions. The difficulty lies with understanding people's perceptions, if that makes any sense. I do not think the parties are that far apart. Once again, it is a matter of emotion bound up in an argument that prevents commonsense prevailing.

The overriding sentiment among the people involved in the committee was that native title would move forward by way of agreements rather than litigation. However, we differed a little on the role of legislation in that process. I still believe we should have solid, underlying legislation which must be workable. That is the area in which members differ to some extent.

In her contribution Hon Giz Watson said that she was disappointed that some people were not able to agree on the value of regional agreements. That is a matter of perception. The legislation which we debated here towards the end of last year formally recognised regional agreements. I saw that as a way forward in promoting the concept of regional agreements rather than negating them.

The committee's visit to Canada was a unique opportunity to visit a country in which there is a history of more than 100 years of negotiations between indigenous peoples and others. Parallels could be drawn between our system in Australia and that in British Colombia and some other small parts of Canada. Having said that, there are some differences. Hon Helen Hodgson referred to a very obvious difference in constitutional recognition. We had to be careful about bringing back information from Canada and promoting it as a panacea for all our ills. We were careful about that and brought back some useful experiences but will refrain from saying to the Western Australian Parliament and the community that a blueprint should be adopted.

While we were there, agreements were very much to the fore of discussion in Canada. The Nisga'a Agreement was finally signed and progressed. That was significant because it was hailed as the first modern-day treaty in Canada. Its progress had

obviously been exhaustive. I think they had been negotiating for well over 20 years to reach that point. It was interesting that it was agreed outside the formal process adopted by the legislation and the Parliament. Nevertheless, obviously to many people it represented a significant milestone in relationships.

We must also note a word of caution that within a few days of that treaty being signed other groups were claiming a different interpretation of jurisdiction over pieces of land. A political debate was also held about how the agreement should be ratified; that is, whether by a vote in the Parliament or by referendum. As I said, I think it provided some useful pointers. However, we must be careful about its providing a panacea for our situation.

The impression I gained from people in the Kimberley to whom we spoke face to face was that indigenous groups and other interested parties such as pastoralists, shire councils and tourist operators could negotiate an agreement if given the chance. A good example of that was the Rubibi group in Broome coming together to provide very valuable input into the planning processes and the social and economic development of Broome. I got the overwhelming impression that many of the pastoralists could also negotiate with the indigenous groups who were closest in proximity and who were making native title claims.

Often some of the bodies that had been formed supposedly to facilitate the process did more to get in the way than to facilitate the process. The Kimberley Land Council must be mentioned. My impression was added to during the proceedings of the later committee which examined native title, when we saw the role that lawyers played in the process. In many respects they were not constructive and they hindered rather than assisted agreements being drawn up between the different groups, and at enormous cost not to only the taxpayers of Australia but also the various parties involved - and not only monetary cost, either; emotional costs and many other costs. In the goldfields we saw the real situation highlighted, when it was emphasised that when we talk about native title and the resolution of native title we talk about land management issues, not race issues. That came home starkly to me in the goldfields.

I commend the report. It provides a valuable background to the issues involved in native title and the different viewpoints of the various parties involved and it will be valuable in the years ahead. I hope that we can move on from some of those entrenched positions towards a path that provides a sensible, productive future for the nation, which includes the indigenous people and the other parties involved in the negotiations.

Question put and passed.

Joint Standing Committee on Delegated Legislation - Proposal to Travel

On motion by Hon N.D. Griffiths, resolved -

That the report be noted.

Joint Standing Committee on Delegated Legislation - Town of Claremont Tree Preservation Local Law

On motion by Hon N.D. Griffiths, resolved -

That the report be noted.

Standing Committee on Ecologically Sustainable Development - National Conferences of Public Works and Environment Committees: Sydney 27, 28, 29 July 1998

Hon NORM KELLY: I move -

That the report be noted.

I was the only member of the committee who was able to travel to the conference. As much as I tried to encourage my fellow members of the committee to take my place on the trip, unfortunately they were unavailable. We had to have some representation so I was able to represent the committee. I thank our research officer, Michael Coleman, who also attended and helped the conference. The conference, which lasted three days, was based at Parliament House in Sydney and it covered Environmental and Public Works committees. It was beneficial to listen and talk to members of similar committees around Australia and consider issues that they have been investigating and how their structures are made up. That process has given our committee some information on how better to perform.

As part of the public works aspect of the conference, there was an inspection of the Olympic site, which was enlightening, even if one parliamentary member was Wilson Tuckey, who tried to inform us of the beneficial use of timber in certain parts of the Olympic site.

There is good information in the report, particularly in respect of public works. There is some way to go for Western Australia to have better scrutiny through parliamentary committee work in public works matters, especially with increasing outsourcing and contracting of what have traditionally been government works.

Question put and passed.

Standing Committee on Constitutional Affairs - Overview of Petitions March 1997-August 1998

On motion by Hon Ray Halligan, resolved -

That the report be noted.

Standing Committee on Public Administration - The Distribution Adjustment Assistance Scheme and the Committee's Third and Sixth Reports

Hon TOM STEPHENS: The Committee is making rather rapid progress. We have come to an item about which one of my colleagues will want to speak briefly for a few moments. As members will appreciate, in part the report dealt with the issues that were raised by dairy industry personnel -

Hon Derrick Tomlinson: The former milk vendors.

Hon TOM STEPHENS: Yes, the milk vendors. Indeed, many of us have been bombarded with material that was the subject of some of the committee's inquiry.

Hon N.D. Griffiths: It was the subject of Hon Kim Chance's four-hour speech not so long ago.

Hon TOM STEPHENS: In which case, perhaps I do not need to -

Hon N.D. Griffiths: No, we should go through it again; it was important.

Hon TOM STEPHENS: Members will want to hear from Hon Kim Chance, and in order to avail him of that opportunity I will resume my seat.

The CHAIRMAN: We thank the Leader of the Opposition for speaking without the benefit of a motion. We now hope that Hon Kim Chance, whom we recognise, will provide us with the benefit of a motion.

Hon KIM CHANCE: I move -

That the report be noted.

In keeping with what seems to have been the events of this sitting of the Committee, in that there has been extraordinary brevity and despatch -

Hon N.D. Griffiths interjected.

The CHAIRMAN: I advise Hon Kim Chance that he need not be diverted.

Hon KIM CHANCE: I note the extraordinary brevity and despatch in dealing with matters before the Committee. Motion No 2 on the Notice Paper refers to the third and sixth reports of the Standing Committee on Public Administration, which will be dealt with by way of substantive motion. My view - other members might have the same or a different view - is that we will deal with the matter more comprehensively by way of a substantive motion which is already listed on the Notice Paper than we can in this format.

Hon BARRY HOUSE: I was expecting a contribution from Hon Derrick Tomlinson because this is the report that came about as a result of his comment on the previous report from this committee that -

The CHAIRMAN: Members should not incite other members.

Hon BARRY HOUSE: - our previous report was like an apple with no substance, or taste; it was all pith.

Hon Derrick Tomlinson: A gas-ripened tomato!

Hon BARRY HOUSE: That is what it was. The substance is contained in this report. It provides a real way forward to resolve this difficult issue, but as the Chairman said, it will be subject to a substantive debate later and perhaps some of the issues can be debated in full at that stage.

Question put and passed.

Joint Standing Committee on Delegated Legislation - Spent Convictions (Act Amendment) Regulations (No 3)

On motion by Hon N.D. Griffiths, resolved -

That the report be noted.

Standing Committee on Estimates and Financial Operations - Comswest

On motion by Hon Bob Thomas, resolved -

That the report be noted.

Standing Committee on Constitutional Affairs - A Petition Regarding Debt Imposition on Local Government Authorities for Meat Inspection Fees

On motion by Hon Ray Halligan, resolved -

That the report be noted.

Joint Standing Committee on the Anti-Corruption Commission - Amending the Anti-Corruption Commission Act

Hon DERRICK TOMLINSON: It is necessary that I explain the context of this report.

The CHAIRMAN: Is the member moving a motion?

Hon DERRICK TOMLINSON: Yes, I will be moving that the report be noted, but I want to explain the circumstances of the report. The Anti-Corruption Commission is an independent agency, but it is accountable to the Parliament through the Joint Standing Committee on the ACC. It is also an agency under the authority of the Premier. It may report directly to the Premier or to the Parliament or it may report through the joint standing committee. The commission was of the opinion - I assume it still is - that aspects of its Act must be amended. It brought those proposed amendments to the attention of the Premier in a letter addressed to him. The ACC also sent a copy of that letter to the joint standing committee. The joint standing committee is a creature of the Parliament, not a creature of the Executive. Therefore, we had a question to resolve as to whom we should respond. It was a letter from the ACC to the Premier, a copy of which was sent to us. As a creature of the Parliament, we did not see it as proper that we respond to the Premier - indeed, the letter was not addressed to us - even if it were appropriate for us to respond to the Premier. It was not a letter addressed to us from the ACC. A copy was sent to us and, therefore, it was not appropriate for us to respond to the chairman of the commission. However, we felt it necessary to respond. Therefore, it was the decision of the committee that we should respond to those recommendations from the chairman of the ACC to the minister through the two Chambers of the Parliament. We also asked, as is appropriate in the standing orders of the other place under which the Joint Standing Committee on the Anti-Corruption Commission operates, that the Premier respond to our report within the specified time.

I give that as an explanation, Mr Chairman. I do not think it is appropriate at this stage that the Committee of the Whole House consider or deliberate upon the recommendations for amendment to the ACC Act. The appropriate stage will be when the Premier responds - his response is overdue - or when the Government sees fit to introduce amendments to the Anti-Corruption Commission Act. I move -

That the report be noted.

Question put and passed.

Report

Resolutions reported and the report adopted.

JURIES AMENDMENT BILL

Report

Report of Committee adopted.

TRANSFER OF LAND AMENDMENT BILL

Second Reading

Resumed from 10 March.

HON MARK NEVILL (Mining and Pastoral) [12.41 pm]: The Opposition supports the Bill. I first became aware of this issue prior to the last state election when the former member for Balcatta, Hon Nick Catania, was involved in trying to solve the problem in the Menora-Coolbinia area with restrictive covenants. Hon Nick Catania conducted a survey of the whole area and found overwhelming support for this change. I am not sure that the mechanism of the change is the best way to go. It has been dealt with in this Bill by looking at people who live within a 250 metre radius of where people want the restrictive covenant removed and getting 51 per cent of the people supporting that removal. It would probably be preferable if the suburbs of Menora and Coolbinia were dealt with as suburbs rather than individual actions taking place. Obviously if someone has success, it creates a precedent for the whole suburb. I have that doubt about the method and, as I said, feel that Menora and Coolbinia should be dealt with as suburbs.

The Bill overcomes the need to be involved in very expensive action in the Supreme Court to stop these restrictive covenants from being lifted. This Bill will protect the lifestyle and the character of these two suburbs. I only wish there had been a similar situation in some of the other beautiful suburbs around Perth, such as parts of Bicton which have been subdivided and have all sorts of horrible mixtures of architecture. Some lovely suburbs have been ruined by councils that have allowed

almost indiscriminate subdivision. It is a pity some of those beautiful suburbs that are 50 to 100 years old cannot be preserved as they were, but this Bill only applies to the Menora and Coolbinia areas. With those comments, the Opposition supports the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [12.45 pm]: I thank the parties for their strong support of this legislation. Other politicians involved have seen the problem. I particularly thank Hon Norm Kelly for his very succinct summing up of what the City of Melville is doing. His comments on that were very well taken and are in the *Hansard*. Some people who read the speech in the first place might wonder what it is all about.

Hon Mark Nevill: That is what your second reading speech is supposed to do. Are you saying it was not very good?

Hon MAX EVANS: I am innocent! These matters crop up, as I have said before. I remember that where I used to live in Mt Claremont the council wanted to seal all of the back lanes which had become rubbish heaps and dumps. It found that it could not because they were still in the name of the developers of 30 or 40 years before. An Act of Parliament had to be passed to vest the land in the Nedlands City Council so that it could seal and clean up the lanes because it could not do something on somebody else's land with its money.

Hon Norm Kelly: It is a bit tricky when looking at land rights.

Hon MAX EVANS: It is. Recently a child was running around with a gun, and it was thought that if people did something wrong, he might shoot them. That is why the minister is moving. He read about that boy.

I take on board the comments about Gosnells. A number of amendments have occurred to enable back lanes and rights of way to be closed off. In Bayswater those areas have been the hideaways and runaway places for burglars. A compromise situation has been reached in which some lanes have been closed off. Some people have been using them to get to the backs of their houses. It is interesting to note the problem and I understand it. I grew up in the suburb of West Perth which had many laneways. The night-cart men came once a week and took away all the bins. Other suburbs had these lanes and I am sure all of them will want to close off the rights of way and laneways. I thank the parties for their support. I take on board the comment of Hon Norm Kelly and suggest that we go straight through to the third reading. I commend the Bill to the House.

Question put and passed.

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

PORT AUTHORITIES BILL

PORT AUTHORITIES (CONSEQUENTIAL PROVISIONS) BILL

MARITIME FEES AND CHARGES (TAXING) BILL

Cognate Debate

On motion by Hon Murray Criddle (Minister for Transport), resolved -

That leave be granted for the Bills to be discussed concurrently at the second reading stage.

Second Reading

Resumed from 27 October 1998.

HON KIM CHANCE (Agricultural) [12.48 pm]: I have been given charge of the carriage of Order of the Day No 5, the Port Authorities Bill, and by implication Orders of the Day Nos 6 and 7. At this stage I can feel confident only when speaking to Order of the Day No 5. I am assured by the Leader of the Opposition who normally carries Transport matters for the Australian Labor Party that as well as my express support for Order of the Day No 5, the ALP will be supporting the Port Authorities (Consequential Provisions) Bill, which is Order of the Day No 6, and the Maritime Fees and Charges (Taxing) Bill, which is Order of the Day No 7.

We will not be opposing the Port Authorities Bill, which is the only legislation on which I propose to speak at this juncture. I have some doubts in a purely mechanical sense that we will be able today to proceed so far, if at all, into the committee stage. At 1.00 pm today I have a briefing which I hope will culminate in the final version of three amendments that will be submitted by the ALP. I know that the minister is aware of the process that we are going through. It would seem that to proceed to the committee stage before Tuesday of next week would create difficulties for us. As I say, my instructions are not to oppose the Bill. Being the disciplined member that I am, I will not oppose the Bill.

However, I express some reluctance about the position we have adopted. To some extent the cause of that reluctance is expressed in the three amendments which I expect we will move to this Bill and which have already been discussed with the minister. My reluctance arises in part from my own first-hand observation about the intent of the Bill. The only reason that

I am prepared to support the Bill going on to the committee stage is that it will provide the opportunity for the amendments by the Opposition to be discussed. The observations I have referred to come from a close personal interest I have taken in the absurd process that has taken place at the port of Geraldton, and I will go into detail at length later.

The Opposition supports the process involved in this Bill insofar as it is a proposal to commercialise rather than corporatise the port authority structure. The Opposition's preference for the Government's choice to commercialise lies in the fact that commercialisation retains the minister's power to play an important role in the direction that the port authorities will take. Having acknowledged and endorsed to some extent the direction to commercialise rather than corporatise, we need to understand that the commercialisation of a former public authority and one which, in spite of its commercialisation, retains an ongoing publicly accountable function, creates a host of difficulties. We have seen this happen before in other service providers, and it comes into sharp relief in respect of the port authorities. Those matters form the core of my concerns.

The Opposition is concerned that the Bill has the effect of removing the port authorities from any real parliamentary scrutiny. The Opposition will propose amendments in respect of commercial confidentiality in an effort to address that aspect. However, the issue of the Parliament's capacity to oversee the financial functioning of the port authorities and the diminution of the Parliament's capacity is a matter of concern to the Labor Party and, I hope, is be a concern to every member in this place. Westrail is an illustration of that. Even though Westrail is the recipient of a substantial amount of government funding, the way in which its accounts are kept and the manner in which the Parliament has the opportunity to scrutinise its financial functions as it now stands - I am not talking about future plans - is pale by comparison with our capacity to oversee the financial functions of other agencies which receive public money. Westrail is a commercial agency and there are reasons it is more difficult to look into its accounts than it is those of, say, the Education Department or the Health Department. However, it bothers me that we will not be able to view the financial accountability of the port authorities in the detail that we do now. The financial transparency of port authorities will be more akin to that of Westrail than to the current structure.

We have less opportunity to look at the commercial functioning of the port authorities under the proposed regime. This is an arguable point, but the State still seems to have a contingent liability in the event of litigation against a port authority. I am relying to some extent on debate in the other place and on briefings which have been given to us. However, that proposition has been challenged by the Government, and in the context of this debate I will ask the minister to clarify that issue. The Bill also has far-reaching industrial relations consequences, and this is an issue in which the Labor Party will propose some amendments.

I will expand on the accountability of port authorities under the proposed legislation. One of the key accountability measures in the proposal revolves around the requirement for boards to publish statements of corporate intent against which their performance can be measured. Advice which has been provided by the member for Cockburn indicates that in the four years that Western Power and AlintaGas have had a requirement to present their statements of corporate intent to Parliament, on every occasion they have failed to meet their statutory obligations.

Hon M.J. Criddle: You are talking about corporatised bodies.

Hon KIM CHANCE: I am talking about the statutory obligation that those two authorities have to present a statement of corporate intent. On every occasion in the four years that the two authorities have had a requirement to provide Parliament with a statement of corporate intent they have both consistently failed to report to the Parliament.

Hon M.J. Criddle: Clauses 23 and 24 would deal with that.

Hon KIM CHANCE: I note the minister's interjection, and that matter is addressed. If my recollection of debate in the other place is correct, an opposition amendment which was later changed by agreement with the Government has seen that matter improved somewhat. That will strengthen the obligation to make the statement of corporate intent. I make the point for one reason: The assurances about the capacity of a statement of corporate intent to act as an instrument of accountability were given in this place at the time of the corporatisation of Western Power and AlintaGas. History reveals that those corporations were not able to honour that statutory obligation. We are now considering the issue of statements of corporate intent with the benefit of that hindsight. The Opposition is asking the Government not to make the same mistake again, and if it intends to rely on those instruments as measures of accountability, let us ensure that our legislative provisions are correct, so that we can compel those instruments to be tabled in the Parliament.

Sitting suspended from 1.00 to 2.00 pm

Hon KIM CHANCE: Prior to the lunch break I referred to the apparent failure of Western Power and AlintaGas to meet their statutory obligations in respect of reporting to the Parliament on their statement of corporate intent. What comfort does that give us that the port authorities will be any better performers in that regard? I acknowledge the minister's earlier interjection that the Bill contains provisions that address that point, and properly we will come to that in the committee stage.

Commercialisation of an authority of this nature brings with it a number of challenges when it is applied as a concept to a service for which government has an ultimate and ongoing responsibility. An example of that occurs early in this Bill. An outcome of the Bill is that port authorities will no longer be agents of the Crown. That would seem to be a natural enough

consequence of commercialisation. However, the question arises in my mind: If the public still owns the assets of the port and if the ultimate decision-making power still rests with the minister through his power to direct the board, how could we possibly expect that a litigator, having exhausted the assets of a bankrupt board, will not then pursue the public via the minister in order to satisfy the balance of a claim? If it is the case that the State can be pursued as the owner of the asset, and arguably the ultimate decision maker in the functions of the port, what purpose is served by legislating to remove the agency of the Crown from the board's status in the first place, whether or not we make the decision to commercialise the functions of the port?

The degree of ministerial control of the board's policy as empowered by this Bill must not be misunderstood. We have been told on a number of occasions, and at a local level it has arisen as a major issue in Geraldton, that the port authority board acts independently. Members should make no mistake about it: The power of the board to act independently under the terms of this Bill is very clearly limited in a number of ways.

Hon Derrick Tomlinson: Please explain "independently" to me. I thought I heard you say that they are functionally autonomous and not answerable to anyone.

Hon KIM CHANCE: If I said that, I said it in a particular context. At this stage I am talking about policy-making decisions and the manner in which the board carries on its day-to-day business. I will illustrate that.

Hon M.J. Criddle: They put out a statement of corporate intent.

Hon KIM CHANCE: I will get to that. One part of the Bill - it is probably not appropriate for me to refer to it now, but it is at about clause 62 - is divided into two subclauses. The first subclause deals with the requirement of the board to act in accordance with its statement of corporate intent. One can then weigh that requirement against the board's other requirement to act in a commercial manner. Which supersedes which if those two fundamental issues clash? If the board is required to make a decision whether to adopt course of action A, which is in accordance with the statement of corporate intent, or course of action B, which is what all the financial advice is telling it is the best and most appropriate way to maximise profits, it is bound by this Bill to take course of action A. It must ignore what most company directors are bound do to; that is, to follow the course of achieving maximum profit for the benefit of the shareholders as stated in the Corporations Code. It must ignore that requirement because its prime requirement is to follow the direction set by the statement of corporate intent.

That statement of corporate intent is not created by the board itself. The board can recommend the general layout and the fine detail of the statement to the minister. However, the minister might disagree and ultimately he or she can direct the board if it comes to a matter of conflict on what will be in that statement. The power of the minister and his or her capacity to direct the current and future financial direction of the port authority must not be underestimated. I am not saying for one moment that that is a bad thing; I support that.

Hon M.J. Criddle: That lines up with what you were saying previously.

Hon KIM CHANCE: Yes, I support that. However, when one stands in the place of a litigator who is making a claim in a court of law against a possibly bankrupt board in charge of a port authority, and the litigator is greeted with the argument from the State in defence that the board is not an agent of the Crown therefore litigation cannot be pursued against it, the litigator would be bound to say that the board was carrying out the stated direction of the minister.

Therefore, it would hold the minister liable. Perhaps I should not argue points of law, but these questions should be answered. I said earlier that I am advised that the Government's advice is that the State cannot be liable in those circumstances. We should be shown in clearer terms why that should be the case. I find the litigator's case to be easier to argue than that of the State, and that has nothing to do with the side of the House on which I sit - I am simply concerned that the State may in future find itself liable for the actions of port authority boards.

As I said earlier, I have concerns about the general trend of the Bill and what it will facilitate. It could be argued that the Bill does little more than facilitate, and in some respects validate, what was attempted in Geraldton - namely, an absurd process. It is also an unfair and short-sighted process in some respects. We will deal with this aspect in the amendments. The process causes me to wonder why the interests of serving a dogmatic belief - that is, deunionising the WA waterfront - have been put ahead of a proven system which has demonstrated it can achieve, and could continue to achieve, higher productivity.

The Bill sets out to provide port authorities with the capacity to make a number of fundamental commercial decisions either on their own initiative or, in some cases where it might draw it into conflict with a statement of corporate intent, with the consent of the minister; in some cases, in large commercial transactions, this will be a decision after consultation with the Treasurer. I will address that aspect later because it is a separate facet of the Bill from that which governs the functions of the authority. However, it raises a number of issues relating to the future transparency, accountability and clarity of decisions made in the management of what, after all, is a public facility and has influence on the State's exporters.

The Bill provides port management with a range of choices, which I condense to three points: First, to continue to provide

all services itself; second, to contract out some of the services; or third, to fully contract out all services. I hope the minister will address in his response the first question which arises; namely, why is this aspect of the Bill required at all? All three options I have listed are available within the current Acts; that is, the Ports (Functions) Act and the individual port enabling Acts. Strangely, we are overhauling the principal legislation only six years after the passage of the Ports (Functions) Act.

Although in theory nothing in this part of the Bill prevents any port from initiating the operation of an integrated port labour force - it could be a decision under the first-mentioned option - I am concerned about our experience with port authority boards in exercising the present range of choices. Nothing I have seen indicates that port authorities have any other interest than to exercise their option to act as an instrument of government policy and deunionise ports for what amounts to purely political purposes. That experience leads me to be wary of the real purpose of the Bill. I could be wrong in this, and I sincerely hope I am. Given what I saw happen in Geraldton, and given its timing, why would anyone introduce such a change in the system if the only purpose was to make the ports more efficient? The only conclusion I could draw was that the only purpose of the change was in the first instance to deunionise the port of Geraldton, and later all other WA ports.

Hon M.J. Criddle: Each port is different, is it not? One charges one way, and another charges another.

Hon KIM CHANCE: Absolutely. I became acutely concerned about this aspect when the person driving the new process in the port of Geraldton, the general manager, Mr John Duran, said on radio that these proposed changes had nothing to do with productivity: It was not reported to me as I heard him say that. If it has nothing to do with productivity, what is it all about? The only conclusion I could draw was that the purpose of this exercise was to attack the Maritime Union of Australia.

The attempted action of the Geraldton Port Authority was, in theory if not in practice, something for which the members of the authority board should take full responsibility. To their credit, they claim full responsibility. I believe that the board was driven by something more than a nod and a wink from the previous Minister for Transport, who was at the very least actively encouraging the board in its efforts to deunionise the port of Geraldton, and later the port of Bunbury. My belief that the Government has been specifically involved in the decisions regional port authorities have made in this regard arises from reported statements from regional port authorities' board members, and at least one documented source; that is, the draft of the port of Geraldton strategic development plan.

Point of Order

Hon M.J. CRIDDLE: A court case relates to the operation of the port of Geraldton. Both the former minister and I are involved. I would not like to think that we would draw some conclusions on that matter from the remarks made.

The PRESIDENT: I thank the Minister for Transport for raising that matter and drawing it to the attention of the House. The question of the sub judice rule has been raised before. I am confident in my mind that Hon Kim Chance is aware of the limits that it imposes on the House. The bottom line is that I must decide whether what is said would substantially prejudice a case before the courts. To date, having listened closely to Hon Kim Chance's comments, I do not think it has occurred. However, Hon Kim Chance has also heard what the Minister for Transport has said. I will leave it to Hon Kim Chance to confine his remarks within the sub judice rule.

Debate Resumed

Hon KIM CHANCE: I thank you, Mr President, and the Minister for Transport for raising the point. It is not in my interest or that of the Opposition to in any way prejudice a matter before the courts. After the Minister for Transport raised this issue late last year, I was sufficiently concerned to write to the President. I carefully considered his response. In the main I have constructed this speech following his advice. That is not to say that I have understood or applied it completely. I hope I have. The references that I have made to either the current minister or the former Minister for Transport are probably the only references in the speech.

Hon M.J. Criddle: It is just a caution.

Hon KIM CHANCE: I understand that and I am grateful for the minister's advice. The documented source which I referred to is a draft of the Geraldton Port Authority strategic development plan. Under the heading of port services, it states clearly that with regard to the work practice review, the Government has specified certain actions and desired outcomes. That suggests to me that something more than a simple decision is being made by the Geraldton Port Authority. However, in the light of the President's advice, perhaps there is no need for me to take it any further.

I turn now to a document which again I do not have with me because this debate was called on rather earlier than I thought it would be. It is dated 6 July 1998 and I think it is headed "Information Memorandum for Applicants for Licences to Supply Stevedoring Services at the Port of Geraldton". The authors were Freehill Hollingdale and Page. That document sets out for prospective tenderers to supply stevedoring services at Geraldton the evaluation criteria that need to be met for potential applicants to be deemed to be conforming tenderers and possibly the recipient of a licence to provide the service. From memory, page 3 of that document makes it crystal clear that the prime function of the tendering process is to bring about

a change from the present Maritime Union of Australia work force under the integrated port labour force arrangement to that of a contracted work force working outside the award and under workplace agreements.

Hon Derrick Tomlinson: Is that not to be desired?

Hon KIM CHANCE: I do not believe so. However, I can understand that some people may think that it is a desirable outcome. I have no argument with them on that matter. I discussed this matter with the minister's officers at lunchtime today and, oddly, we may be able to reach agreement on it. However, my difficulty is that a number of legal employment arrangements could be conducted under the terms of the stevedoring arrangement: The enterprise bargaining agreement process, the award, state workplace agreements, Australian workplace agreements and a contracting-type facility. I am happy for those arrangements to be treated on their merits. They are all legal arrangements, and it is not for me to say that one legal arrangement should be excluded. However, that is my problem, because this document excluded legal arrangements. It said clearly to intending tenderers to provide stevedoring services that if they came along with evidence of an employment arrangement with their employees based on the enterprise bargaining arrangement, they could forget about being conforming tenderers. The only way that they would be treated as conforming tenderers was if they could prove that they had one-to-one employment arrangements. That is achievable by only three mechanisms: Western Australian workplace agreements, Australian workplace agreements or a direct subcontracting arrangement. It cannot be done any other way. It specifically excludes the other two legal forms of employment contract - the award and the EBA.

What we have put to the minister's people today - I hope the minister will consider it when eventually we come back to the House with an amendment - is that there should be a requirement in such documents that the forms of employment of tenderers be non-exclusive and non-pejorative; that is all. We are not saying that they have to be MUA members; we are saying that they can come along with any form of employment, as long as they can prove that they have an effective means of communicating with their employees.

Hon M.J. Criddle: That happens in some ports now.

Hon KIM CHANCE: Yes. That is all we are seeking. In the absence of any evidence of inefficiencies in the port of Geraldton, I was disturbed when I read that provision because there has been no argument that this would make Geraldton a more efficient port. In fact, evidence to the contrary indicated that the integrated port labour force arrangement which operates in the port of Geraldton was highly efficient and productive; yet it was that very arrangement which I think exists at four or five other ports on the Australian coast which was to be the victim of this proposed legislation. They were going to break down the IPLF, which provides that, the chief executive officer aside, every employee of the port of Geraldton is a member of the MUA, works under the same industrial conditions and can do everyone else's job, so that the receptionist who might answer the telephone in the morning can be down in the hold of a ship operating a bobcat in the afternoon and vice versa. That was the arrangement that was in place. It minimised the number of casuals who were employed, which maximised the amount of productive work which could be done by the waterfront work force and minimised the wasteful down time and demarcation disputes which occurred when there was not one union, but three unions operating in the port of Geraldton. It eliminated that. That arrangement was to be set aside on the basis that the people who employed waterfront labour at the port of Geraldton would need to bring in their own work forces.

I spoke at great length to one waterfront employer. At times he will need perhaps 20 workers on Tuesday, none on Wednesday, Thursday and Friday, four on Saturday, none on Sunday and 10 on Monday. How will he employ a work force under those conditions? Under the IPLF, he was able to structure that into the standing labour component at the port of Geraldton and work effectively. He has serious doubts that he will be able to provide the services that he is currently providing. On that basis, I argue that the changes will probably be less productive than more productive.

I found the Geraldton Port Authority's position on that remarkable given its long experience with the Maritime Union of Australia and its knowledge of the MUA work force in Geraldton having already delivered on its agreement for productivity and continuity of service. Looking at the port of Geraldton's record, it is evident that there was not and never had been a problem with stoppages. There was certainly no problem with increased productivity and if there were no problems, as was acknowledged by the chief executive officer of the authority, one wonders why the authority embarked on such a radical course. Its actions become even more obscure when we consider that just three and a half months before the publication date of the document I referred to, on 18 March 1998, Co-operative Bulk Handling and the Maritime Union of Australia signed off on the Kwinana agreement, which provides for guarantees of continuous service 24 hours a day, 365 days a year, stoppage free with no penalty rates and no loading. That agreement led Co-operative Bulk Handling and the MUA to release a joint media statement which noted the value of collective bargaining to all parties to the agreement. Three and a half months later, the Geraldton Port Authority reinvented the wheel. All of the factors in the Kwinana agreement were on the table for the enterprise bargaining arrangement being negotiated between the port authority and the MUA at the precise time the port authority was planning with Freehill Hollingdale and Page to stab its employees in the back. For the Geraldton Port Authority to now insist that applicants for licences be able to demonstrate their having workplace agreements in place because that is the only way their objectives can be met is beyond belief to me. It is history now that the Geraldton Port Authority has substantially backed away from that position, at least for the time being. I do not know whether it did so

because it realised that what it was trying to do was unsustainable and counterproductive; I would like to think so. When we look at the culture of the Bill and the language it uses in an attempt to make it acceptable, the similarities between it and the Geraldton scenario are too great to ignore.

Even before the Geraldton Port Authority set out to destroy MUA representation in Geraldton, the former minister had begun the process of structuring boards in a more coalition-friendly form under the guise of providing a more commercial focus, which is precisely what the second reading speech describes as the Bill's objective. At the time, the former minister said that while employees and port users would continue to provide important advice to the boards through other mechanisms, the boards themselves would be structured from people with a commercial background. That sounded fair enough to me. In principle there is nothing wrong with it, but in practice the MUA representatives, farmers and other port users who were removed from the boards were replaced by people like Mr Russell Allen, now on the Fremantle Port Authority. He is a right-wing industrial relations law specialist whose commercial shipping experience is probably not all that extensive. Notwithstanding Mr Allen's apparent inexperience in commercial shipping, his field of particular exercise concerns me. What message was the former minister sending to the people of Western Australia when he replaced an experienced shipping person with a man who espouses a particular brand of labour market reform? Each of us may form a different view of that action but it is apparent to me that Mr Allen's appointment is more aligned towards implementing the coalition's anti-union position than it is towards improving productivity on the waterfront. Even though the maritime representatives were removed, the former minister did not maintain his commitment to replace farmer members with persons with commercial credentials; he appointed farmers to boards. They were farmers with undoubted integrity and ability but also farmers with long and substantial links to the National Party. The former minister's intentions were quite clear - to create port authority boards which would be politically compliant and prepared to implement the minister's agenda without question and without the messy requirement for formal direction, which must be noted in the authority's annual report.

Unfortunately, I believe this legislation serves little real purpose other than to facilitate and validate the coalition's grand plan to break down and debilitate workers' right to bargain collectively. The difference between this legislation, this Government's brutal industrial laws and the stupidity of Peter Reith's recent mad fantasy is only a matter of degree. In the end they all serve the same purpose. The Bill is presented as enabling the authorities to operate with greater commercial freedom and that might be so. However, notwithstanding the continued oversight by the Auditor General, it also separates the operation of our ports from the transparency guarantees which presently exist through the parliamentary processes and the accountability provisions provided by legislation, particularly the Public Sector Management Act and the Financial Administration and Audit Act. In short, the operation of our ports will be less visible and less accountable to the owners of the port - the Western Australian public - under this legislation than at present. That is acknowledged on page 4 of the second reading speech, and not only will private service providers operating under the effects of this Bill not be subject to the accountability provisions in the aforementioned Acts, but the port authorities themselves will be largely exempt. That would have too many consequences in practice for me to even begin to mention even if I knew them all. I will give the House one example.

Section 58C of the Financial Audit and Administration Act makes it an offence for a minister or an accountable officer to enter into an agreement or contract which could prevent or inhibit the minister from providing any relevant information to the Parliament. Section 58C is one of the many very good provisions which arose from the recommendations of the Burt Commission on Accountability. It means that when, for example, a port authority contracts for the provision of a service under the current Act, that contract cannot include a confidentiality clause which could prevent the Parliament or an officer of the Parliament, such as the Auditor General or a parliamentary committee, from requiring details relating to the contract because the contracting authority - the individual port authority board - is presently bound by all the requirements of the Financial Administration and Audit Act, including section 58C. Once this Bill becomes law, nothing could prevent a port authority from entering into such confidentiality agreements thus evading the present accountability requirement. The boards will be freed from the proper accountability requirements under the Financial Administration and Audit Act except those pertaining to access by the Auditor General. The boards will be bound instead by the provisions of Corporations Law which relate to accounting standards. However, the board would be maintaining a public and not a private entity. That is when we begin to face some of the specific areas of difficulty I referred to earlier because at that point the process starts to go haywire.

Accountability and accounting standards for both public and private enterprises are living things; they are constantly evolving to meet the changing environment in which the two systems exist. Because of their fundamentally different roles, the standards that prevail in the two systems have evolved quite differently. Both have standards which work well enough and are constantly adapted to evolve and improve them. Section 58C of the Financial Administration and Audit Act is one example of that adaptation. However, when we attempt to alter the nature of an agency, for example by commercialising a public sector operation, the public sector standards designed for the agency's operation actually become a hindrance or less relevant than they could be to its new, largely private sector, role. It is a temptation in such circumstances to revert in whole or part to the standards designed for the private sector. That seems to be the intelligent way to go, and it has been attempted in this Bill by dumping the provisions of the Financial Administration and Audit Act and the Public Sector Management Act in relation to the operation of the authority, in favour of the Corporations Law. That over-simplistic answer

comes unstuck in the fundamental truth that, while the nature of the operation may change as a result of commercialisation, its ownership remains public and not private, and all kinds of contradictions occur.

The standards designed for private enterprise do not work if the enterprise remains in the public's hands. It is not possible to transplant an agency from one system to another without developing an entirely new and applicable set of standards for an enterprise of that nature. All of the reasons that exist for the development of specific standards for the operation of a public sector agency remain in place, regardless of the operational style adopted by the agency. The public's demands, and what they quite properly expect from a public agency, cannot be met by the standards designed for the private sector. The exclusion of port authorities from the requirements of section 58C of the Financial Administration and Audit Act is one example of what can go wrong if an attempt is made to do this. The Government is trying to transplant an agency from one set of rules to another.

Earlier I said that the Opposition is happier that the Government has proposed commercialisation rather than corporatisation, and that remains true notwithstanding what I have said. However, when I said that, I said also that, unfortunately, commercialising a public sector agency involves a whole range of challenges and the bulk of those challenges lie in this area. It is rather like trying to keep a sheep in a pen designed for a horse, or a horse in a pen designed for a sheep. They work perfectly well for the purposes for which they were designed, but a sheep can walk straight underneath the rails of a horse pen, and a horse can step over the fence of a pen designed for sheep.

Hon M.J. Criddle: You do not need much business acumen to know that.

Hon KIM CHANCE: Every member should feel uncomfortable with legislation that sets out to nobble the accountability mechanisms that the public have so strongly indicated they want in place. The public, through the Parliament, will have a vastly reduced oversight of the ports' operation and finances if this Bill becomes law. I find it difficult to believe that defenders of the accountability processes, that extended from the Burt commission's report, including people of the stature of the Attorney General, have even allowed this to go through Cabinet.

Hon M.J. Criddle: There is the statement of intent and the annual report will come to both the minister and the Treasury.

Hon KIM CHANCE: I have dealt with that, and I will leave questions on the statement of intent until the committee stage. Fundamental to the Opposition's reservations about this Bill are the sweeping powers granted to the port authorities and the dispensing with public accountability requirements in relation to the exercise of those powers. Port authorities will have the power to contract, on either an exclusive or a competitive basis, all port services, including stevedoring. They will have the power to enter into joint venture and subsidiary company arrangements, and to enter into futures and hedging arrangements. In each function the authority will be free from the requirements of section 58C of the Financial Administration and Audit Act and most other provisions of that Act.

Hon M.J. Criddle: They will be audited by the Auditor General and the annual reports will come to the Parliament.

Hon KIM CHANCE: I acknowledge that they are still answerable to the Auditor General.

Hon M.J. Criddle: And to the Parliament.

Hon KIM CHANCE: To the extent that the Parliament gets to see what they are doing.

Hon M.J. Criddle: There will be an annual report.

Hon KIM CHANCE: We have all seen those! I would have more faith in the port authorities responsibly and effectively carrying out these duties if their past performance, particularly in recent times, had not been so obviously politically driven. The Geraldton Port Authority introduced changes that sought to sweep away the integrated port labour force which had delivered significant productivity increases. The port authority failed to consult adequately with its work force and that failure to consult extended beyond the work force to the users themselves, some of whom expressed extreme dissatisfaction, even outrage, about the new arrangement. In one fell swoop the Geraldton Port Authority managed to destroy all the goodwill it had built up between the board, the management, port users and employees for a purpose which was undefined, other than that it had nothing to do with productivity. Within days of making the announcement that it would scrap the integrated port labour force arrangements, it was reported in *The Australian Financial Review* of July 18-19 that the board of the Geraldton Port Authority had notified the union busting stevedoring company, CDF Australia, that it could attend discussions relating to the new arrangements within 10 days. CDF comprises the core work force of the failed PMC Stevedores, and contains the former military personnel who trained in Dubai last year. It was the most inflammatory thing the Geraldton Port Authority could have done. It deceived its employees, failed to ask its customers if the new arrangement suited them, and then called in the union busters. It then expected to be believed when it said it was not political and that it was interested only in a more commercial operation. I do not believe any of that and I wonder why I should have any confidence in that port at all.

Another aspect of this Bill worries me; that is, the extent to which actions may be taken by the Government, or even the port

authorities themselves, to lock the State into contractual agreements which would be legally binding on the next and future Governments. I have raised this matter before in different contexts, but it is no less relevant in the question of the management of our ports. There is no apparent limit on the number of years which could be written into the terms of a contract entered into under the provisions of part 4 of the Bill, and particularly under clause 35(2)(f), which can include a contract for the provision of any authority function, including stevedoring. It would be possible therefore for a port authority, with or without the consent of the minister, to enter into a disadvantageous contract for stevedoring or tug services, for example, on conditions that might be completely unsatisfactory to a future Government, for a period of time which includes all of the next Government's term. As I have said, I have raised this matter before in other circumstances. The issue of the term of contract is very much a matter between the minister, the Government and the Opposition, but it is an issue in which we will find, particularly from now on when we are less than two years away from an election, that we will be looking closely at any contracts for longer than two years.

Hon M.J. Criddle: The minister has the final say.

Hon KIM CHANCE: That is as it should be. The minister is there to answer our concerns if he starts entering into seven-year contracts, which would go through the entire term of the next Government.

Hon M.J. Criddle: A lot of contracts do that. An example is the bus contract.

Hon KIM CHANCE: Yes, I have mentioned it before in a number of other contexts. I do not want to see it happening without that warning being flagged. If a completely unsatisfactory contract had been entered into, the only option open to a new Government, apart from sacking the board for its incompetence, would be to cancel the contract, which might result in litigation by the contractor against the State. A Government has the right to govern and to do all of those things during its term of government that it sees to be within its mandate. However, I have a real question about whether a Government has the right to impose its will on a future Government or to deny a future Government its right to exercise its mandate. It is fair to say that all Governments in Australia are moving in a more corporate direction, although I hope they will not go too much further with it. It is virtually a global concern that the ability of a Government to exercise its mandate is being rapidly eroded by the extent of corporatisation and the extension of contracts for the supply of services. Increasingly the democratically elected Parliament is unable to exert its will because its will is confounded by decisions made maybe years before in respect of service contracts. Perhaps the matter of the possible privatisation of Westrail is a case in point.

Although there appears to be no limit to the tenure of an agreement struck under the provisions of part 4 of the Bill, there is some statutory limitation in clause 28, which is concerned with creating and dealing with interests in vested land. Under that clause a port authority may grant a lease or licence, possibly on exclusive terms, over vested lands, but only for periods up to 50 years. That effectively means that a port authority could enter into a contract to lease the port's land to an individual operator, which could have the effect of granting that operator the exclusive use of the port for the next 50 years. I do not know if that was the Government's intention but certainly it seems to be one possible outcome of the Bill. I will be grateful if the minister might address that, either in his response or at the committee stage, if that is more appropriate.

The more I read the Bill the more uncomfortable I became. There is good cause for members to be more conservative than usual when we deal with issues which relate to the way in which our ports are managed. During the past months we have learnt at huge cost the folly of adopting radical or macho, snake-oil solutions to the problems on the waterfront. The Bill did nothing to convince me that Governments have learnt a great deal from the bitter experience that we had last year.

Hon M.J. Criddle: Did all that happen under the present labour Acts?

Hon KIM CHANCE: Yes indeed.

Hon M.J. Criddle: Why do you relate that to this Bill?

Hon KIM CHANCE: I think I said earlier that I see this Bill as a means of facilitating and in some respects validating what was attempted to be done under the current waterfront law; in other words, the Government failed to do what it wanted to do under the current legislation so it will shift the ground, move the goalposts and have another go.

Hon M.J. Criddle: In reality, to some extent that change has happened and continues to happen.

Hon KIM CHANCE: The minister says "that change". I do not see that change happening.

Hon M.J. Criddle: It is happening.

Hon KIM CHANCE: When we say "that" we might be talking about different things. If the minister is talking about more productive ports, we have seen the movement to much more productive ports over the past 15 years.

Hon M.J. Criddle: That is my point.

Hon KIM CHANCE: That is happening. Why does the minister want us to go over to this other dimension of the way in which ports will be managed, particularly when one port authority chief executive officer, John Durant, said that it had

nothing to do with productivity? Forgive me for being suspicious, but if it has nothing to do with productivity, what the hell has it to do with other than getting rid of the Maritime Union of Australia?

Hon M.J. Criddle: It might be to do with coming into the real commercial world.

Hon KIM CHANCE: Is that not an outcome of productivity? Does not commercial reality and productivity translate to the same bag of beans? I was confused. I am not making the minister responsible for what the CEO of the Geraldton Port Authority said, but it really confused me. John Durant and the Geraldton Port Authority had said that they had done well, and they had - I would never question the quality of Geraldton Port Authority's management because it has done a great job. I am not entirely negative about what it has done.

Hon M.J. Criddle: I do not think that for one moment.

Hon KIM CHANCE: I say that for the record. I have been a great supporter of the port authorities. We have a philosophical difference, that is all. However, I would have been much happier if the Geraldton Port Authority had said, "Yes, we have done okay but we can do better."

Hon M.J. Criddle: I think it can.

Hon KIM CHANCE: That is not what it said. If it had said, "We want to be able to deliver better services to our customers", that would be another matter, but it has never said which customers are unhappy; on the contrary, it has been telling its work force how happy its customers are. It then stabbed its work force in the back. None of that gives me confidence. If the minister wants any single reason for my having a lack of faith in what we have before us, it lies in that request-for-tender document in which it was very clear that it would not take on any more employees unless they had workplace agreements. It is one thing for the Government to be bullying the work force, but when it starts bullying the employers about the kind of work force they will have, it has stepped from an acceptable point for us to have a Bill about to the unacceptable, because the Government is not allowed to bully both sides; it is not part of the rules.

If we have not learnt that the management of ports and of industrial relations in those ports is no place for amateurs who are trying to make a name for themselves, I fear we will be condemned to repeat our mistakes; and mistakes have certainly been made over the past 12 months or so. The issue of industrial relations, particularly on the waterfront, may be seductive for conservative members of Parliament, particularly ambitious ones like Minister Reith. In a sense it is the industrial holy grail and it would be a major coup for a conservative member of Parliament to hang on his belt the scalp of the Maritime Union at Webb dock, Port Botany, Fremantle or Geraldton. That is the seduction and what makes it a kind of industrial holy grail. Minister Reith wants to be the man who took a chunk out of the MUA's armour. The MUA might deserve to be held up as knights in shining armour, and in many respects I see them in that way. However, I see them as knights in shining armour as they have promoted and supported productivity on the Australian waterfront. They might have started from a low productivity base - I will not argue about that. However, by any objective standard, the MUA has delivered world best practice. We operate at world best practice in the area that Australia relies most on as an exporter; that is, the bulk freight export of our minerals and grain. That is a huge chunk of Australia's exports. The mighty ports of Amsterdam, Singapore and San Francisco cannot compete with Australian bulk loading rates and costs. The biggest ports in the world cannot touch us. In ports of comparative size our performance in that much maligned area of container rates per hour is close to or at world best practice. We will never be as good as Amsterdam or Singapore, the two biggest ports in the world, simply because we do not have the equipment or handle the same volume of containers. However, when we are compared with ports of similar yearly outputs, Australia has similar or better rates

Hon Bob Thomas: The industry knows it.

Hon KIM CHANCE: Yes, but importantly the Maritime Union of Australia says it can do better; it can always do better. While anybody is saying that, we should support them not condemn them. Certainly we should not be causing the concern among their ranks that legislation of this kind can cause. I guess conservative ministers will always be conservative ministers. If we have learnt anything from the past 12 months on the Australian waterfront and the Government's ham-fisted attempts to apply what it likes to call waterfront reform, we must have learnt at least that it is no place for an amateur industrial relations practitioner. The fools who were making the decisions which drove the Patrick dispute are now exposed for the amateurs they are. If they want to do that again, they should try to do it professionally next time, because the forces of conservatism were made to look ridiculous.

The Bill permits and, I am afraid, even encourages a continuation of a series of uncoordinated attempts by possibly well-meaning port authority board members to restructure the nature of employment on the Western Australian waterfront. It is hard for me to imagine a more volatile situation, particularly if the board members are not experienced in managing industrial relations and/or believe they are carrying out a stated or implied ministerial purpose. There is room for productivity improvement on the waterfront and there is a real will by all parties - political and industrial - to achieve that improvement. However, we will never get where we all want to be, unless goodwill and mutual trust are restored. Under the previous management, as was typified at the Geraldton port, we went a long way towards reaching that common

objective. The present management has gone a long way towards destroying everything those people worked for so many years to achieve.

The Bill contains a number of pitfalls for both the short and long term operation of our ports and some, but not all, of those pitfalls have been illustrated by the mistakes which have already been made in Geraldton and may well be repeated throughout regional WA and in Fremantle. I hope I am wrong. I acknowledge that if I feel so badly about the Bill, I should vote against it and I should say this is the Government's Bill and the Government has a right to govern. To that extent I will be doing as I am told and will not oppose the Bill. I was encouraged by the current minister's attitude to the Bill in my conversations with him and with his officers. It encourages me even more that it might be possible to reach an accommodation on the industrial relations matter that I mentioned. Perhaps the Government is genuine about wanting to make a more commercially responsive climate for the port authorities to operate in. I sincerely hope so.

HON NORM KELLY (East Metropolitan) [3.07 pm]: The Australian Democrats will support these Bills. We agree with the intent of what the Government is trying to achieve, although we do have a few concerns. I will go into the detail during the committee stage, and I will briefly touch upon them in my speech. Unfortunately, because of other business I was not able to listen to all of the speech made by Hon Kim Chance. However, as we will not go into committee until next week I look forward to reading his speech prior to the committee stage.

I understand his concerns about workplace relations, and I realise that work is being done on amendments which could resolve some of those issues. No doubt we will meet on those matters between now and Tuesday. The Bills aim to make Western Australia's ports more efficient and effective. They will give port authorities far greater commercial freedom to bring that about. We must be careful in examining the shifts that are occurring in the Statutes. Control of the work of the port authorities will move away from the Public Sector Management Act and the Financial Administration and Audit Act and be more in line with Corporations Law. The freedom that the ports will gain still need to be subject to parliamentary scrutiny given that the Government will be ultimately responsible for the actions of the port authorities.

If a port incurs losses, the Government will have to make good those losses and bail out a port suffering in that way. Although the Bills are intended to increase competition in the ports, most of the work that goes through Western Australia's regional ports is basically in the form of a monopoly supplier. There is a natural port for most of Western Australia's exports.

Hon M.J. Criddle: That may change in the future when the rail goes north and the roads go east west from Geraldton. Therefore, there could be some competition.

Hon NORM KELLY: That is right. It is important that when that competition increases an efficient transport network structure across the various modes of transport is in place. I would not like to see the situation where one port, through various ways, may be able to attract contracts to export material which would necessitate increased road transport to service that port.

Hon M.J. Criddle: If you let Westrail build there, you won't have to worry.

Hon NORM KELLY: Maybe we can do Westrail and ports in one hit and have really good fun!

It is important to have the most efficient method of transporting goods across all modes of transport. It is necessary, especially when we consider the possibility, but hopefully not the eventuality, of exporting iron ore through Kwinana port that there is sufficient government control to ensure that efficient modes of transport are implemented. Although the minister is not involved in the day-to-day operations of the various ports, he is able to exert control over the port authorities by making directions. It is through these directions that once again the Government is liable for the actions of the ports.

A couple of the concerns held by the Australian Democrats, other than those concerning workplace relations, relate to the way in which the port authority boards will be structured and the manner in which members will be appointed. Clause 7 of the Port Authorities Bill specifies the appointment of a board of directors. Subclause (1) states -

> A port authority is to have a board of directors comprising 5 persons appointed in writing by the Minister.

That is the only criteria for appointment to the board. There are two exceptions at Port Hedland and Dampier. Because of the resources going through those ports, naturally the private sector has representation on the boards. The Australian Democrats do not agree that that is a sufficient safeguard to ensure proper appointments to boards. That was highlighted by the Western Australian Auditor General in his report last November. He stated there was a need for more transparency in board appointments. That need does not necessarily eliminate members of political parties from being eligible for such appointments, but we should ensure that the process of appointment is transparent, accountable and fair so that when members of political parties are appointed they are the most suitable and qualified people for those appointments; and sufficient advertising has taken place to ensure that all suitable people have been notified that such vacancies exist.

Hon Derrick Tomlinson: What about Catholics, Jews and Protestants?

Hon NORM KELLY: There is no discrimination there either.

Hon Derrick Tomlinson: You want to discriminate against political party membership but not against religious affiliations?

Hon NORM KELLY: Hon Derrick Tomlinson must not have been listening.

Hon Derrick Tomlinson: I was listening.

Hon NORM KELLY: This is exactly to ensure that there is no discrimination between political party members.

Hon Derrick Tomlinson: You are saying there is discrimination now?

Hon NORM KELLY: Yes. If in some cases there is no discrimination, there is at least a perception of discrimination because of the closed nature of making such appointments. For example, Barry MacKinnon, who is either the chair or head of the Disability Services Commission and who was the former leader of the Opposition when the coalition Government was in opposition, was appointed to a post which earns about $35 000 a year. From my discussions with people in that portfolio area, I believe that Barry MacKinnon is doing an excellent job in that position. If there is a transparent way of making that appointment, he would probably still be regarded as the most suitable appointee to that position. By having transparency the perception that the appointment was based upon political affiliation will be removed. This issue cuts across all parties in government. There have been similar previous appointments under the past Labor Government.

Hon Bob Thomas: Name one?

Hon NORM KELLY: The appointment of Brian Burke to Ireland.

Hon Bob Thomas interjected.

The DEPUTY PRESIDENT: Order! Members should address the Chair.

Hon NORM KELLY: There is at least a perception of political bias. Although the relevant parties on both sides may argue that they are eminently qualified, we must ask whether they are the most suitably qualified for those positions. We must ensure that these appointments are made with openness so that the public can see that the most suitable person is appointed.

When the Auditor General released his report last year, he summed up by saying -

> From an accountability point of view, it is preferable for the process to be more transparent - so the right decision was not only done but seen to be done.

That is at the heart of the matter.

Another area where the Australian Democrats have serious concerns is in the possible withholding of commercially sensitive information from statements of corporate intent to be tabled in Parliament. Clause 64(3) of the Port Authorities Bill 1998 in its current form states -

> A board may request the Minister to delete from the copy of a statement of corporate intent that is to be laid before Parliament a matter that is of a commercially sensitive nature, and the Minister may, despite subsection (2), comply with the request.

It is simply a matter between the minister and the port authority board as to what information will be deleted from that statement of corporate intent. The Australian Democrats believe that it should not be left only to the minister to make such a determination. Potential exists for such decisions to be made on political grounds rather than commercial grounds. Once again, even if there is good reason to do this on commercial grounds, we must ensure there is no perception that deletion of material is based on political grounds. This issue is about strengthening the ability of the Government to show that it is deleting the information for the right reasons. The Democrats do not have any argument that at times it is necessary to delete certain material, but we must ensure an independent assessment is made of the material which is to be deleted.

I refer members to an article that was published in the December edition of the *Australian CPA* journal. The article is headed "Called to account:" and is written by the New South Wales Auditor General, Tony Harris. The article is mainly based on what has happened recently in the New South Wales upper House in the provision of material to the Parliament.

I will quote extensively from it because it is relevant to the process covered by this legislation and the availability of information. The article reads -

> The broad view of accountability has not always been accepted by the government as applying to commercialised activities. The conflict between the parliament and the government on this issue is best evident over the handling of commercialised information.

It is the scenario of opening up ports to a more commercial operation that gives rise to potential conflict. To continue -

> A key example of this conflict concerns the preparedness of ministers to be responsible for the action of commercialised bodies.

Further on he says -

> Notwithstanding the commercialised nature of some statutory bodies, it is difficult to see how accountability to Parliament can be effective unless the minister accepts an accountability obligation for all entities within their portfolio.

He says further -

> The Commonwealth Parliament - through a committee of the Senate - took a robust view about the question of commercial-in-confidence. Its report requires those who assert that information is commercial-in-confidence to argue the case. . . .
>
> There is a legitimate case for some information, when it is sensitive, to be withheld from the public by government for a limited time. Rather less acceptable, however, is the practice for governments to release information which agrees with their position and to withhold information when it goes against their political interests.

During Committee I will go into more detail about what matters are contained in the statements of corporate intent and how they relate to the need to have this independent monitoring of deletions in the tabled statement of corporate intent. Tony Harris also says -

> Those in the private sector who wish to deal with the public sector have to accept that there is a higher degree of accountability in the public sector which will be applied to their arrangements. Secrecy is simply not compatible with democracy, and secrecy should only be involved when those advocating secrecy can prove their case.

That conflict is occurring more and more often as more contracting out and privatisation of government services occur. Sometimes governments try to push the idea that we must conform with the way the private sector does business. However, in reality we should be educating those in the private sector that if they want to do business with the Government they should learn to play by the rules of the Government and the Parliament.

The Democrats will move amendments to this part of the Bill which unfortunately are not on the Supplementary Notice Paper at this stage, but which will be circulated to members involved in the debate as soon as they are finalised.

I have a few other minor matters, but the committee stage of these Bills will be lengthy so it will be more appropriate to go into that detail then. As I said, the Democrats support the commercialisation of ports in this State. It is essential that it does not necessarily mean increased profits for the private sector but represents a far better return for the public of Western Australia in reduced costs throughout not only regional areas but also the whole State.

HON J.A. SCOTT (South Metropolitan) [3.24 pm]: It has been interesting to listen to this debate. When I first read the Bill I found very little about which to be critical. I was under a great deal of pressure as a result of many other things in which I was involved. However, Hon Kim Chance raised some concerns so, even though I listened intently to what he had to say, I will read his comments again before I decide on proposed amendments to the Bill.

The Greens (WA) certainly agree with various thrusts of this Bill. The idea of including the legislation covering all the port authorities in one Bill is eminently sensible. I initially had some concerns that it might reduce some of the flexibility. However, the minister's advisers pointed out that plenty of flexibility would be left within regional authorities to run the ports in accordance with regional needs. I am very happy about that.

At the outset, I should clarify my position on the corporatisation of all of life as it is occurring now. In his second reading speech the Minister said -

> The November 1995 statement clearly identifies that the role of the State's port authorities is to facilitate trade and export opportunities for Western Australia's farmers, miners and manufacturers and that this be undertaken in a commercial and efficient manner.

This is largely my concern about moving to a corporate model. I want to know about the need to serve the general community. At the end of the day much of what comes through the ports is to service the needs of the average person in the streets. Most of our imports will go into people's homes, sit outside them or be part of them. The corporate intent should look very much at the end consumer. The very heart of my concern about corporatisation relates to corporatised agencies servicing the needs of big people rather than small people. That balance must be redressed by government when it is considering Bills such as the Port Authorities Bill.

As I said to the minister, I have not seen the amendment from the Labor Party regarding commercial confidentiality. I still have not seen anything on paper at this time.

Hon M.J. Criddle: There is none.

Hon J.A. SCOTT: I do not know whether I agree with that. Members will know that in the past I have been concerned about the use of commercial confidentiality in government and have expressed concern about it in this House many times. The not-so-recent Commission on Government clearly pointed out that Governments were over-using commercial confidentiality as a mechanism to escape proper scrutiny. I follow the Ted Mack model in that I believe that we can have much more openness without affecting companies' commercial viability. I go even further: Why should commercial outcomes be given a higher rating than anything else?

Hon M.J. Criddle: Annual reports will be tabled in Parliament, and the corporate intent will go before the minister and the Treasurer.

Hon J.A. SCOTT: I will look closely at them. I have not seen what the Labor Party has proposed, but I am concerned about reducing the ability of Parliament and the public to scrutinise what is happening.

There has been concern about the push to corporatise. Several ports are not far apart - for example, Fremantle and Kwinana - and other ports are proposed. For example, I am a little concerned that competition between tertiary institutions has caused many disadvantages for ordinary people, because departments are spending a heck of a lot more on trying to attract people to courses rather than on providing better services for students. I have heard stories about huge amounts being spent on promotion and about the reduced availability of less popular courses. The minister needs the ability - I think it exists in the Bill, but I hope that it is strong enough - to have an overview of all port authorities and to have an authority consider the strategic importance of decisions together with the importance of decisions in individual ports. The problem with heavily competing interests is that they sometimes consider their own aims rather than those of the State. For instance, we might need to develop one area more than another because of future proposals for that area. Therefore, the minister might need to ensure that appropriate facilities are provided in certain areas. The second reading speech states -

> The legislation requires port authorities to develop an annual strategic development plan and an annual statement of corporate intent for approval by the minister and the Treasurer.

I assume that those documents will be tabled at some stage.

Hon M.J. Criddle: The financials will be tabled.

Hon J.A. SCOTT: There was concern about clauses which enable the minister to access documentation without approaching the chief executive officers of the various port authorities. In some instances that might have its advantages, but in other instances it might cause problems. I am not sure exactly how it would work and whether a CEO would be notified that the minister was accessing documents. I can imagine cases in which a CEO and the minister - I do not refer to the Minister for Transport - do not see eye to eye and the minister might want to access information to undermine that person. Who would think that anybody in politics would ever do a thing like that? Nevertheless, the ability exists and there should be a transparent process.

My colleague Hon Giz Watson will deal with pollution definitions and controls on pollution. As I have said, I will consider the amendments. I have not made up my mind on them but I can understand why the Government would want to bring port authorities under the one Act of Parliament. Although I am concerned at the extent of corporatisation and privatisation in the State - they are not always in its best interests - I can understand that they bring about improvements in some government departments. In this case a reasonable level of corporate structure and operation is satisfactory.

HON GIZ WATSON (North Metropolitan) [3.38 pm]: I shall deal with environmental considerations relating to shipping and port activities. The second reading speech stated -

> During consideration of this Bill in committee, I will be moving two minor amendments. These amendments will require port authorities to provide for environmental management in their strategic development plans . . .

I wholeheartedly support that measure. I guess I am slightly disappointed that it comes almost as an afterthought that an environmental strategy should be part of a port's consideration, because it should be very much the core business of a port authority. I have spent some time coming to grips with that issue. Work has been done by the Australia and New Zealand Environment and Conservation Council on environmental management in ports.

I thought it was worthwhile spending a little time on raising this matter because many people do not have a deep understanding of the issues associated with shipping, particularly the introduction of ballast water species, which is an ongoing matter and which has not been adequately managed or addressed in Australia, or in any other port for that matter. In fact, Australia is probably at the forefront of international attempts to address the issue of ballast water introductions. The second area concerns waste water management. As members will be aware, ships are floating communities and they generate waste as much as any other community. A huge effort has been made within the conservation movement to address the issue of persistent waste in the marine environment, particularly plastics, oil and other chemicals. The third area

concerns the anti-fouling treatment on hulls of ships which involves chemicals that persist in the marine environment and are highly toxic. I will address those issues in that order.

The issue of marine pests and introduced ballast water was addressed as one of the components in the Australian and New Zealand Environment and Conservation Council's paper for public comment in March 1995 entitled "Maritime Accidents, Pollution, Impacts on the Marine Environment From Shipping Operations." It advised that enormous volumes of water are transported as ballast in ships, particularly large bulk carriers. As a vessel unloads its wheat, iron ore or whatever it may be, the vessel takes on water from that port and in that process inevitably takes in organisms; everything from micro-organisms to live shellfish and all the larvae of those species. It then transports that water to its port of reception and deposits it into that port. Scientists and conservationists have recently realised that the impact of these species can be enormous. The introduced sea star in Tasmania and Victoria has had a major impact not only on the immediate environment of those ports, but also on industry such as the mussel and oyster farms in waters adjacent to ports. Western Australia has a known introduction of at least 25 species of exotic marine organisms which have the potential to be at least a pest organism and at worst have major impacts both on recreational and commercial fishing, as well as spreading into the adjacent marine environment.

I raise this in some detail because ANZECC has pointed out that the absence of land-based facilities to treat ballast water to remove those organisms is one of the impediments to solving a massive quarantine problem. Introduced ballast water species are equivalent to the impact that rabbits have had on our terrestrial environment. I express my concern that a major matter such as the management of ballast water should be enshrined in the Port Authorities Bill as part of its environmental strategy.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon GIZ WATSON: Before afternoon tea and question time I was referring to the management of ballast water and the organisms found in it. No doubt the minister is aware that the only requirement in Australia to reduce the impact of introduced organisms from ballast water is that vessels should voluntarily exchange their ballast water while in open seas and therefore reduce, if not eliminate, the risk of introductions. It is estimated that compliance with that requirement is about 80 per cent. A number of Department of Environmental Protection officers queried whether the compliance rate is that high. However, I am aware that, I think, on two occasions at the Albany port the harbour master refused entry to a vessel on the grounds that he did not believe the vessel had complied with the request to exchange its ballast water at sea.

Clause 106 is headed "Limit on power to order removal of vessels or dangerous things" and reads in part -

> A harbour master must not direct that a vessel or dangerous thing be moved out of a port unless satisfied that there is no other place in the port where the vessel or dangerous thing can lie without . . .
>
> (d) polluting the waters of the port.

I cannot find a definition of pollution. Does pollution include the introduction of exotic species and radioactive material? How is pollution to be defined in this case? I raise the issue of radioactivity because, as members are no doubt aware, nuclear powered, and in some cases nuclear armed, vessels visit various ports in Western Australia.

Hon Peter Foss: That is certainly not pollution!

Hon GIZ WATSON: Of course not! I would like clarification of how pollution is defined and suggest that a definition is required. I am aware that the DEP has powers also in this area. However, the Greens (WA) believe that environmental management should be enshrined in the powers of the port authority also.

I refer now to waste management and pollution at sea of intractable waste. The Australia and New Zealand Environment and Conservation Council has identified the lack of facilities provided at major ports as a major impediment to complying with international agreements to which Australia is a signatory in relation to persistent materials in the ocean, particularly plastics. I refer to the "Maritime Accidents and Pollution: Impacts on the Marine Environment from Shipping Operations" report of March 1995 which refers to the need to develop port reception facilities. At page 15 it reads -

> The International Convention for the Prevention of Pollution from ships (MARPOL 73/78) regulates operational discharges from ships, sets standards for the construction of ships to minimise the risk of pollution and obliges parties to ensure that ports provide waste reception facilities appropriate to the needs of vessels using the port.
>
> Port waste reception facilities are important for minimising marine debris. The absence of reasonably priced and efficient waste disposal facilities at ports and harbours may contribute to illegal dumping of waste at sea.
>
> In a 1992 survey, the Australian National Maritime Association (now the Australian Shipowners Association), concluded that waste reception facilities in Australian ports were generally inadequate. This, along with other information presented . . .establishes the need for more effort.

Environmental agencies supported by AMSA -

The Australian Marine Safety Authority -

- have acknowledged the need to review the provisions of waste reception facilities in Australian ports and harbours to determine whether they meet international obligations for disposal of oil, oily residues, chemicals and garbage from shipping operations. An attachment to the report explains our obligation under the MARPOL convention. The introduction to the ANZECC Maritime Accidents Pollution Task Force report on the provision of waste reception facilities in ports, dated 2 December 1993, states -

The *International Convention for the Prevention of Pollution from Ships 1973* and its Protocol adopted in 1978 . . . places an obligation on parties to ensure that ports provide waste reception facilities to dispose of ships' waste. Australia is a party to the annexes concerning the disposal of oils and oily residues, chemicals and garbage. This means that regulations relating to the provision of waste reception facilities in ports for these wastes should be complied with.

In addition Agenda 21 has imposed on all United Nations agencies an obligation to implement Agenda 21. A number of topics listed in Chapter 17 relate to International Maritime Organisation activities. In particular:

"17.30 States . . . should assess the need for additional measures to address the degradation of the marine environment:

(d) From ports, by facilitating establishment of port reception facilities for the collection of oily and chemical residues and garbage from ships, especially in MARPOL 73/78 special areas, and promoting the establishment of smaller scale facilities in marinas and fishing harbours".

That task force report goes on to state that 43 ports were surveyed - all major ports and some smaller and special-purpose ports. The findings were that 58 per cent of the ports surveyed had no port authority facility for the disposal of oil and oily residues, and in 21 per cent of the ports surveyed those facilities were not provided by port authorities or private operators. The survey showed that 70 per cent of Australian ships have restricted privately provided facilities for the disposal of oil and oily residues. The disposal of garbage is also of concern, as 67 per cent of all ports surveyed had either no facilities or restricted facilities provided by the port authority. The Port Authorities Bill is an appropriate vehicle to address the matters that are raised in the ANZECC report. As yet, I do not see them spelt out in any detail in the Bill.

I raise the concerns that ANZECC has identified. Again, members will be aware that the persistence of plastic in the marine environment is a major issue, not just because of the entanglement of marine species and the ingestion of plastic by various mammals, such as dolphins and whales, and also by turtles. Plastics in the marine environment also provide a means of transport between countries for exotic species. It has been identified that species can attach to plastic which can last at least 500 years in the marine environment and be transported enormous distances in the ocean currents. Plastic provides a vector for the transfer of organisms between countries which, as members will be aware, can become problematic when they are introduced into a foreign environment. That matter should be taken seriously when we are considering a Bill for port authority management and management considerations.

Oil and oily waste are of major concern to many Western Australians. Only recently when I visited Albany I found a large amount of oil on the beach, together with dead mutton birds smothered in oil. When I took up the matter with the Department of Transport I was told that it had the capability to fingerprint the oil back to the vessel that discharged it, but it was unwilling to follow it up because it had to be sure that it would get a conviction to be bothered to spend the money to test the oil and to identify the ship. It was a catch-22 situation. It was obvious to me that the oil had come from a commercial vessel - one could still smell the diesel in it. It was obvious also that it had come from a vessel that had recently gone through those waters. Nobody disagreed with that, but nobody was willing to seek a prosecution, even though there was dead wildlife on the beach.

Often with shipping there is unwillingness to press the point. Indeed, oil biodegrades relatively quickly, especially on a beach. However, the provision of facilities to receive oily waste and to separate it are essential for a port. I have raised the issue in respect of the design of the proposed port at Oakajee and I have been told that it will not necessarily be part of that port design. We need to address the infrastructure requirements in those ports as a matter not only of honouring our obligations in the international agreements to which Australia is a signatory, but also of minimising pollution on the Western Australian coastline. The discharge of oil and oily waste and the presence of persistent plastics on our coastline are probably two of the most significant marine wastes from ships.

Anti-fouling and anti-fouling chemicals are a serious issue in the environmental management of ports. Members might be aware that vessels over 25 metres are still allowed to coat their hulls with anti-foulants that contain tributyltin. Tributyltin is an exceedingly persistent and bio-accumulating chemical which is toxic in the marine environment in a concentration of one part per trillion. We have a problem in ports that handle vessels of more than 25 metres, because the levels of tributyltin are unacceptably high and they are impacting on the immediate environment as well as transferring out into associated areas.

Around Kwinana and certainly around the ports of Fremantle and Hedland the level of tributyltin in the sediment is well above accepted levels.

Ports are also used for the sandblasting and recoating of vessels. Although I am aware that the Department of Environmental Protection licenses all facilities that deal with abrasive blasting and recoating, the provisions for containment of the sandblasting residue and associated chemicals and paint residue are inadequate. The sandblasting of structural components in a port usually results in the bulk of the material ending up in the ocean, where it continues to release chemicals that are toxic to the marine environment. I would like provisions that acknowledge the need for a uniform approach to the management of sandblasting and repairs at all port facilities, whether they be the port facilities themselves or vessels in dry dock.

I conclude at this point by saying I shall seek reassurance that the environmental management issues associated with ports are firmly enshrined in this Bill. They should be enshrined in a way that ensures some of these recommendations, which are long overdue, will result in ports being better managed in environmental terms and shipping using those ports being provided with facilities that minimise impact on the marine environment on the coastline.

I seek leave of the House to table a document that might be of interest to members when considering this Bill: It is the results of an inquiry by the Australian and New Zealand Environment and Conservation Council into ship-based sources of pollution. This document is an extract from a document entitled "Working Together to Reduce Impacts from Shipping Operations: ANZECC Strategy to Protect the Marine Environment", volume 1 of the strategy action plan of 1996. It would be of interest to members because it indicates what is required to bring ports up to an acceptable level.

Leave granted. [See paper No 868.]

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.52 pm]: I thank members for their overall support of the Bill. There was across-the-board support with some reservations.

Hon Kim Chance: Overall, but begrudging.

Hon M.J. CRIDDLE: Hon Kim Chance referred to a few ports and dwelt for some time on the labour force at the Geraldton port and the ramifications for those people. I live in that area and I certainly would not want the port in that area to be jeopardised in any way whatsoever. It is in the interests of everyone in that area to have an efficient and reliable service, and certainly a continuing service. I think we have that now and will have it well into the future.

Hon Kim Chance also raised the question of liability to the State for the actions of a port authority. He properly pointed out that provisions in the Bill require the port authority to comply with directions from the minister, and its statement of corporate intent must be approved by the minister. The Government accepts that the removal of the shield of the Crown - the Financial Administration and Audit Act - will not necessarily remove its exposure to any actions against a port authority.

Hon Kim Chance made much of the industrial relations on the waterfront. I can only reiterate that this Bill is about corporate governance, and not industrial relations. They are matters which are properly the province of other state and federal legislation. We have spoken about that and I think the member understands where I come from on that issue. This Bill is about providing a management regime to take ports into the next century and there is some vision involved with this Bill.

Hon Kim Chance commented on section 58C of the Financial Administration and Audit Act, and I may be prepared to consider some of the amendments he suggested. Of course, I must look at them before we come to any arrangement. It should be remembered that much of the Financial Administration and Audit Act is based on the commercial law requirements. However, the Act has not kept pace with developments in this area. The Bill simply applies to port authorities the current law relating to private corporations. The port authorities will be subject to audit by the Auditor General and the approval of the Treasurer before they can establish subsidiary arrangements.

With regard to the comments about the terms of contract, many of the projects require high capital cost and some time is needed to allow people to get a return on their investment. Without the longer term requirement in the contracts, there is a chance that some developments would come to a standstill. That time frame is needed to allow the developments to occur.

Hon Kim Chance: I appreciate the problem.

Hon M.J. CRIDDLE: I appreciate what the member said, but I also gave the example of the bus contract which will run for many years hence. Some decisions must be made for the benefit of investment into a certain project so that it can be paid for over a period of time. Hon Kim Chance raised other issues but pointed out that they could be dealt with in committee.

Hon Norm Kelly raised concerns about competition between port authorities. It must be remembered that port charges account for a small portion of overall transportation costs. The principal determinants of which port an exporter uses are matters outside the control of port authorities.

With respect to board appointments, the Government advertises such appointments and the process works well at this time to my knowledge. I see no reason to interfere with a process which has delivered good management in our ports to this time.

With regard to commercially sensitive information, a simple request from a board will not be sufficient to remove information on the basis that it is commercially sensitive. The board must first satisfy the minister, who quite properly has the responsibility for deciding whether information should be included in the statement of corporate intent. As drafted, the Bill provides a fair balance between accountability and the need for port authorities to act commercially.

Hon Jim Scott touched on the question of commercial responsibility. It is very much about servicing all Western Australians and it leads to lower costs for both importers and exporters. Hon Jim Scott referred to local people having an advantage as well as exporters and importers. That would obviously be reflected in the effectiveness and efficiency of the ports themselves. A competitive commercial sector will provide an opportunity for a better private sector and more jobs in the areas. That will be demonstrated as commercial reality comes into being.

The member will note from the Notice Paper that I will move some amendments to ensure that ports have due regard for environmental issues. I am sure that question was raised in the other place. That will be taken into consideration. I will have further dialogue with Hon Giz Watson before the committee stage so that we reach a clear understanding of what she requires. It is the first time I have heard some of the information she supplied, so I will be interested in developing that some time in the future.

As indicated by most members, much of the detail will be discussed in committee when we deal with the amendments.

Questions put and passed.

Bills read a second time.

ADJOURNMENT OF THE HOUSE

HON M.J. CRIDDLE (Agricultural - Acting Leader of the House) [5.00 pm]: I move -

That the House do now adjourn.

BHP Redundancies - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [5.00 pm]: I was not in the Chamber last night, because I was in Newman for an important meeting of organisers, shop stewards, convenors and state officials from the unions of this State to discuss the loss of more than 200 jobs from BHP in Newman. Members would be aware that redundancies are taking place, and it is worth my making a few comments about that matter at this time. We usually hear in this place the bad news about the trade union movement and its activities, but in this case it is fair to comment on the responsible attitude that is being adopted by the union movement and the workers at BHP in Newman. The downturn in the iron ore market, particularly the Japanese market, is being recognised and accommodated by the unions and the workers. They have a real desire to adequately manage the reduction of the work force and the machinery that is required to produce iron ore for the market at this stage. Members of this House should join with me in congratulating the workers and the unions in that town for the responsible way in which they have been acting. I understand that as from 1.00 pm today, ongoing discussions are taking place with management about how best to manage the problems that beset the community of Newman at this time.

There can be no doubt that BHP, through negotiation, has received from the work force all that it has wanted. We are about to negotiate in the Pilbara stage 4 of the enterprise bargaining agreement. The three former EBAs contained a moderate 3 per cent pay increase in exchange for a change in work practices, including a guaranteed continuity of supply. It is fair to say that in the past five years, and perhaps even in the past 10 years, everything that has been asked by the company from the unions and the work force has been delivered, yet once again the work force has to pay for the fact that there has been a downturn in the industry. One does not need to be a Rhodes Scholar to know that from time immemorial, whenever there has been a problem, the workers have had to pay; and here we go again. Recently, I was privileged to attend a public meeting addressed by Bob Kirkby, who used to be the mine manager at Newman and is now one of the senior executives of BHP, who explained to us that times have changed and the entry of a new millennium means that we need to behave in a different way. I asked: What is different about the work force being condemned to the scrap heap? What is different about reducing the work force and bringing in contractors, which is what BHP is doing? What is different about blue collar workers losing their jobs to contract employees? I acknowledge that they are members of unions, but the company is not seeking to contract out management and to look at how management can deliver those efficiencies that the workers are so anxious to deliver. People have asked me how can BHP justify wage rates for senior executives of $2m a year, and payouts in excess of $11m for failed executives, when the workers stand to lose their jobs because of a downturn in the industry?

I want to publicly display my admiration for the work force and for the trade union movement, who are going through a horrific time at BHP but who I am sure will come up on the other side stronger and better, and who have demonstrated once again that when the chips are down, the union movement can come to the rescue of whatever corporation is involved and try to get some good out of what is an awful situation for those people.

Western Power Workers - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.06 pm]: During last night's adjournment debate, I expressed my

disappointment and frustration at the plight of Western Power workers, and I spoke about the unfortunate future which many of these people face. One issue which has come to my attention is a minimum manning agreement which has been in place between Western Power and the electrical unions since 1994. It is not widely known that the minimum manning agreement is still very much alive. That agreement is referred to as the "Western Power Enterprise Bargaining - Generation Division Agreement 1994". Western Power has applied to the Australian Industrial Relations Commission to have that agreement terminated, because Western Power believes that because this agreement is still very much alive, it cannot proceed with its restructuring to the extent that it wishes. In my view, that action by Western Power is illegal, because Western Power is thumbing its nose at both the validity of this agreement and the Industrial Relations Commission.

Western Power has made application to have the agreement terminated on three grounds: Firstly, Western Power seeks the termination of the "Western Power Enterprise Bargaining - Generation Division Agreement 1994" to allow the corporation to undergo a reorganisation that will enable it to put in place a structure and practices that will meet the competitive pressures it faces with the future deregulation of the electricity market scheduled for I January 2000. Secondly, the existing agreement was negotiated in 1994 and contains minimum manning provisions that cannot be sustained in a deregulated competitive marketplace. Thirdly, negotiations with the unions party to the agreement have taken place since July 1997 and have failed to resolve the outstanding issues with regard to a new agreement, including the discontinuation of minimum manning.

Quite clearly, irrespective of the efforts of Western Power, the unions have not been prepared to give ground on this very important issue. However, rather than working towards an amicable resolution of this problem, Western Power has simply gone ahead and decided that it would ignore the agreement entirely. I understand that negotiations with the union relating to the existing agreement have failed. In view of the fact that they have failed, that begs the question of why Western Power has proceeded to downsize the staffing levels at its power generator facilities to the extent that the minimum manning standards have not been met. For example, the numbers at Bunbury power station have fallen below 78 permanent employees. That is a direct breach of the "Western Power Enterprise Bargaining - Generation Division Agreement 1994". At Kwinana there are only 14 permanent operators, whereas the certified agreement contains a minimum manning requirement of 48 permanent employees. Western Power and the State Government feel that they can go off and do what they want without any respect for or regard to the agreements that are in place and with no respect for or regard to the Australian Industrial Relations Commission. There has been no satisfactory resolution of these matters with Western Power. Currently the state of play is that the issue of minimum manning requirements needs to be resolved. An impasse has been reached. However, I believe that Western Power is being negligent in taking the law into its own hands and purely and simply deciding it wants to do what it wants to do irrespective of the legal position of this agreement and what the law currently says.

Apart from anything else, I have spent a great deal of time in this place on one of the issues which is very dear to me, which is workers' safety. When the Government chooses to ignore a certified industrial agreement on the ground that it might be economically advantageous to the organisation and without any consideration for the occupational health and safety implications for the workers in the Western Australian power industry, it sets a very poor precedent indeed for workers' safety. I do not want to take up too much of the House's time. I regret that I have had only two 10-minute opportunities to put forward my opinion on what I consider to be a very important matter of public importance. However, I look forward to making comments at length on this matter when the first opportunity arises.

In summary, the State Government, in ignoring the minimum manning agreement, in my view, is acting unlawfully. It is breaching the "Western Power Enterprise Bargaining - Generation Division Agreement 1994". There is no question about that whatsoever. It is doing so knowingly and intentionally. We must ask: Why is the minister so determined to proceed and why has he already reduced manning levels below the minimum as set by the certified agreement? We must ask: Why is the minister so desperate to reduce the workforce by another 400 employees and why is he prepared to break the law in order to achieve this outcome? I believe that the Minister for Energy needs to come clean about his agenda to downsize this agency. My view is that it is a softening-up process prior to the privatisation of Western Power. I do not think the Government is being particularly honest with Western Power workers or Western Australian taxpayers. The energy unions which have raised this matter with me do not intend to take the situation lying down; in fact, they have already lodged an application under section 178 of the Workplace Relations Act in the Commonwealth Federal Court of Australia. It will be very interesting to see the outcome of that action. Certainly on my reading of this whole matter, the Western Australian Government has not a leg to stand on and neither has Western Power. Above all, it sets a very poor example when it takes the law into its own hands purely and simply to achieve its economic objectives at the expense of any other considerations whatsoever, particularly the plight of Western Power workers and blue-collar workers in this State.

Scarborough Senior High School - Adjournment Debate

HON E.R.J. DERMER (North Metropolitan) [5.17 pm]: I have the sad duty of bringing to the House's attention yet another example of the Minister for Education not only maltreating but also misleading my electors. Members may not need to be reminded of the minister's sorry stratagem of at one stage misleading and then manipulating the people of the western suburbs with the planning for government high schools in that area last year. I had hoped that particular exercise of the minister had come to a conclusion but unfortunately it has not. Last year the minister offered a relocation allowance, which

was small and inadequate compensation for families who had lost their Scarborough Senior High School, but the allowance was offered nevertheless. I will quote from a letter the minister wrote to Ms Gill Kilb, the president of the school council of Scarborough Senior High School, on 4 September of last year. It refers to a meeting on 1 September 1998 and then reads -

> At that meeting I made a further commitment on the relocation allowance made available by the Government to assist parents with the unexpected financial burden as a result of their school closing or amalgamating. As you would be aware, the allowance of $300 for uniforms and up to $330 for transport assistance is available for students relocating at the end of this year.

No more is said in that letter about the allowance. The letter does not suggest any other conditions and certainly does not suggest the condition that the allowance is available only to parents who choose to send their children to a specific school or category of school. In her role as president of the school council of Scarborough Senior High School, Ms Gill Kilb was an outstanding woman. She took her responsibilities seriously. Clearly part of her responsibility was to communicate the contents of this letter to each of the parents of students of Scarborough Senior High School. That was a responsibility which the minister should have undertaken and he should have written to parents directly, which he did not do. Ms Gill Kilb, as the school council president, stepped into the breach and made sure that the parents were aware of the contents of this letter.

Parents were considering what they would do when their child's school had been closed down. They had the letter from the minister via the president of the school council. They could see what the allowance was and could take it into account in their family budget planning. A Mrs Kathryn Kearns, whose child was attending Scarborough Senior High School and was continuing with further high school education, read the letter that Gill Kilb passed on to her. That was the official advice that she received of the minister's intention on the relocation allowance because the minister neglected to write to her as a parent. Therefore, she was aware of the offer of an allowance. The Kearns family was very happy with Scarborough Senior High School and with the state government system while that excellent school continued in existence. However, as with many other parents at the time the school's closure was announced, they had to make alternative arrangements. The Kearns family was concerned with the overcrowded conditions at the Carine Senior High School and that the Churchlands Senior High School would not have the capacity to adequately accommodate their son along with the other students.

Mrs Kearns, in her responsible management of the family budget, took into account the fact that the allowance was on offer. She decided to enrol her son Michael at Newman College, which is located in Churchlands. With Scarborough closing down, Carine being overcrowded and a question mark over the capacity of Churchlands to accommodate students, the Kearns family decided that Newman College was the only remaining option. I underline, Mr President, that this is a family who had always been happy with the government system while the Government provided a viable option and an excellent school at Scarborough. Once that option was gone, they believed that they had to take the private school option.

About the only good news that this family heard from the minister during 1998 was the offer of the relocation allowance. They understood that allowance was available. The minister's letter to the school council president, which they had received, made it clear that the allowance was available and made no mention of any caveat or special condition relating to which school the parents might choose to send their child forced to relocate from Scarborough Senior High School. The Kearns family were shocked and concerned to learn in January this year that because they were relocating their son to Newman College, because they believed that was the only viable option for their son, they were not eligible for the relocation allowance. That in itself is unfair. However, the most important point we must consider is that this family were clearly misled by the minister. He did not communicate with the families directly, as he should have done. The closest he went to doing that was communicating with the school council president and she, being a responsible school leader, communicated with the families. There was reference to the relocation allowance but no reference to any condition that the allowance would not be available to students relocating to a private school. That information was given to the Kearns family only after they made the decision to enrol their son at Newman College.

I raised the matter by letter with the minister. I assumed there had been a misunderstanding. I read the letter to Gill Kilb and there was clearly no special condition for families choosing to enrol their children at a private school. I was shocked to learn from the minister that he would not provide the allowance to this family. His explanation was that he had communicated this to the family by way of press release. The press release was never sent to the Kearns family or, to the best of my knowledge, to any of the families of students at Scarborough Senior High School. This is an instance of one letter going to the school council president specifying no conditions; then a press release specifying the conditions; and the minister having never had the common decency to communicate directly with the parents. In fact, his communication via the school council president was obviously misleading.

Mr President, I would like to reflect on the concept of leadership. Leadership is clearly illustrated by the simple method of comparison and contrast. The comparison I would like to draw is between a woman of great courage, such as Gill Kilb, who fought a tenacious campaign against great odds to save her school and to provide the Scarborough community with the facility that it needed. Courage and responsibility exercised together is a demonstration of the true leadership of Gill Kilb. In contrast there is the tawdry excuse for leadership demonstrated by the Minister for Education. His behaviour during the

whole process, which I thought was finished but is now extended to this misleading attack on the Kearns family, was characterised by bullying, misleading and manipulation. It is a rare, clear example of what leadership is and is not about.

Many times in this House I have called upon the minister to realise his mistakes, to change his decision and not to close the high school. He chose to ignore that. This afternoon I call upon the minister to face up squarely to his mistakes, face up squarely to where he has failed to be clear and to live up to his responsibilities and to reverse his decision and make that allowance available to the Kearns family. That is the only decent thing for the minister to do at this stage and I strongly urge the minister to take that advice.

Southern Rail Link Announcement - Adjournment Debate

HON B.M. SCOTT (South Metropolitan) [5.27 pm]: Mr President, in view of the extreme heat in the Chamber I will not keep my colleagues very long. However, it would be remiss of me to allow this week to pass without some acknowledgment and congratulations to the Government on the major announcement by our Premier and the Minister for Transport, Hon Murray Criddle, that will affect every city in my electorate in the South Metropolitan Region. I congratulate the Government for its far-sighted planning in presenting the master plan for a southern rail link.

In the six years I have represented the South Metropolitan Region, transport issues have been among the most urgent needs that people have told me they wanted addressed. I have gone through two federal elections and two state elections and that is clearly one of the major concerns. The south west metropolitan railway master plan is the most comprehensive and integrated public transport proposal yet to be attempted in Perth. A rail link to the north was implemented during the term of the previous Labor Government. It is interesting that the city of Rockingham, which is in a long-held Labor seat, was never given any benefit in this respect. It is now left to a coalition Government to make the major moves to service those people in that region. Hon Norm Kelly can screw up his face and laugh as much as he likes, if that is what he is laughing about.

Hon Norm Kelly: No.

Hon B.M. SCOTT: To those people on the opposition benches who speak in strong terms about environmental issues, unemployment and employment factors, the proposal that has been put to this region by the Government will fulfil all of those needs. It will get the unemployed out of the area and into employment. It will provide a fast link to the metropolitan area and also from Mandurah to Rockingham. Some 3 000 people travel from Mandurah to Rockingham every day and 2 000 travel the other way. The destination is not always the central business district. I understand there is a popular feeling that the rail link should go to Fremantle. However, when we consider a project of these mammoth proportions, we must look at the cost and planning that has occurred beforehand. The planning now that will take the rail link through to Kenwick will lead many people to destinations where there are jobs, and that is terribly important. It will also provide people needing quick transport into the city or other major destinations with a link that has not been available before. The master plan underpins a number of major studies that have taken place over the years in land and travel use. It has identified a range of needs in the area. If this rail line is built within the next few years it will be a boon to that area.

Many members will be familiar with the route and the distance, but for the record it will extend from Perth to Mandurah - over 82 kilometres. The principal feature of the plan is a rapid transit regional railway supported by buses and private cars. We cannot have a train stopping at everybody's door. We want a fast train to reach destinations whether they be a hospital in Mandurah or paediatric services in Rockingham. The health services in the region have been rationalised, so people will be able to access them much faster.

The most exciting thing about this project is that it is a holistic approach to the transport problems in the region. A rapid transit regional railway will be created, supported by a network of buses. There is a large and growing population in Kwinana where there is a high level of unemployment and where many families do not have the luxury of two cars. Rockingham is also a rapidly growing population. It is not called "nappy valley" for nothing; it is full of young families and young people looking for jobs. They will be able to access not only Murdoch University in Rockingham but also quickly get to Edith Cowan University in Mt Lawley, Notre Dame in Fremantle, the University of Western Australia or any others along the line. It will open doors that have been closed to people who live in an area with a high level of unemployment and a low level of tertiary education.

The existing transport services in the region do not satisfy the population. As a member who has represented that region for six years I am delighted and excited about the proposed plan by the Government. The funding proposals that have been promoted in the media over the past couple of days will need to be examined closely. I thoroughly support one infrastructure being sold to fund another one.

Hon Norm Kelly: It is the first time in 100 years that we have had to sell government assets such as AlintaGas to fund another infrastructure.

Hon B.M. SCOTT: If Hon Norm Kelly examines the matter closely he will see that the funding of the infrastructure is not behind the AlintaGas sale. He will find out that there are good and sensible reasons for selling AlintaGas. I am sure the

taxpayers of Western Australia will be very pleased that we have found a pot of money to provide this service that has been so long needed in the region. It covers not only every city in my region but also part of the east metropolitan region and a number of constituencies.

Hon Norm Kelly: Just as long as you do not tie the two together.

Hon B.M. SCOTT: In a normal household budget I often tie things together. If I have some money left over I might be able to buy a new fridge or a new television this year. I do not want to have to go into debt all the time. It seems basic to me that a Government with good management practices should consider selling something rather than letting it disappear into thin air. It makes sense to consider putting the proceeds into another sound infrastructure program that will provide jobs.

Hon Norm Kelly: What happens when you want to put in your next infrastructure?

Hon B.M. SCOTT: If Hon Norm Kelly were in government how would he fund the infrastructure? We want this project and we have made a commitment to it. He will never be in government, so the managers in government today will find a way to do that. This is one way and I support it. The journey time from Perth will be around 44 minutes from Rockingham and 60 minutes for limited express trains from Mandurah. The people of Mandurah and Rockingham are over the moon about this.

We have a few things to sort out along the way. The Rockingham people have always wanted the rail link to pass right through Rockingham. Although I support that, if it does not come within budget we will not be able to do it. As I said in my opening remarks, one of the valuable things about this master plan for which we must give congratulations and credit where it is due, is that it links not only the rail line but also buses and cars. Those of us who have travelled through Europe and other places will know that in most areas fast transit trains go on a direct route and are fed in by other services.

This project promises doors to open for young people, the elderly and for the families living in the region. I am delighted about it; it will mean jobs. The plan is a major proposal for improving the long-term fabric of public transport facilities in the Perth metropolitan region and is to be commended. I commend the Government and congratulate the Minister for Transport, Hon Murray Criddle, on his leadership in this area. I hope it is in his term of office that he opens a train line in Rockingham and Mandurah.

HON J.A. SCOTT (South Metropolitan) [5.36 pm]: I came in at the tail end of this speech by Hon Barbara Scott. I do not share her enthusiasm for this scheme because this is a bad effort at social engineering.

Hon B.M. Scott: I thought you were an environmentalist.

Hon J.A. SCOTT: Indeed I am. That is exactly why -

The PRESIDENT: Order! Other members have been heard in silence. We should accord Hon Jim Scott that courtesy also.

Hon J.A. SCOTT: Thank you, Mr President. The fact that I am an environmentalist is exactly why I do not want to see a railway line built that does not succeed. I want it to be established in the area in which people want to travel. Main Roads and the Department of Transport cannot read their own data.

Hon M.J. Criddle: I will show you the plan.

Hon J.A. SCOTT: I have seen the Department of Transport's flawed data time and time again. More than 160 000 people travel over the Narrows Bridge every day from the south. Only 20 000 people continue up the Narrows from south of South Lake. However, 56 000 from that area travel via Fremantle. Why do we want to send those people -

Hon M.J. Criddle: That is rubbish.

Hon J.A. SCOTT: They are the figures from within the minister's portfolio. If they are rubbish the minister should do his stuff again. That is a reality. They travel up via Cockburn Road, Rockingham Road and Forrest Road.

Hon M.J. Criddle: You said "via Fremantle".

Hon J.A. SCOTT: They do not all travel via Fremantle. Most of the traffic is regional and does not go to Perth. That is wrong with the minister's plan for a start. It is a joke to say that Kenwick is closer to Mandurah than Fremantle -

Hon Derrick Tomlinson: Nobody said that.

Hon J.A. SCOTT: I heard the minister say it on radio this morning. Both Rockingham and Mandurah are on the coast. Kenwick and Fremantle -

Hon M.J. Criddle: It is 5 kilometres shorter to go through Kenwick than Fremantle.

Hon J.A. SCOTT: That is because the minister, not his department, has chosen to be misleading on the issue. I would like some common sense in the issue. Most of the traffic south of the river moves not north-south but east-west. There is no

thought of how we will get people off the roads. They drive along Canning Highway, Marmion Street, South Street and so on to drive onto the freeway, and that is why the minister is building another bridge. That is where those 160 000 people come from; 140 000 come from South Perth, Fremantle and other places south of the river, and only 20 000 come from Rockingham and Mandurah. The minister does not understand that. If he wants to deal with the problem he must have a network.

Hon M.J. Criddle: That is what we have.

Hon J.A. SCOTT: The minister does not have a network. He will put in a bus system that people will not use. He will give a bus fancy name and expect the same patronage as that for a rail line or a hybrid rail line. The minister must build a rail network that takes people along streets such as South Street, and it will probably need to be a hybrid rail.

Hon Derrick Tomlinson: Put a rail down South Street?

Hon J.A. SCOTT: Yes, a hybrid rail. Hon Derrick Tomlinson probably does not understand what a hybrid rail is. For his benefit, a hybrid rail is either a light rail or an ordinary rail, depending on where it is to be used. They can travel -

Hon B.M. Scott: Do you know how fast a light rail can go?

Hon J.A. SCOTT: I do.

Question put and passed.

House adjourned at 5.41 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

GNANGARA REGIONAL PARK - ADVERTISEMENTS

511. Hon KEN TRAVERS to the Minister for Finance representing the Minister for the Environment:

(1) On what date was the idea of running advertisements concerning the proposed Gnangara Regional Park first considered within the Department of Conservation and Land Management?

(2) Who approved the development of the advertisements and when?

(3) Was the Minister for the Environment advised of the intention to run the advertisements?

(4) If yes, when and by whom?

(5) Were the advertisements included in CALM's budget for that year?

(6) If not, who approved the expenditure?

(7) Was any document prepared outlining the purpose or intent of the advertisements prior to the preparation of the adverts?

(8) If yes, when was the document prepared and will the Minister table it?

Hon MAX EVANS replied:

(1)-(2) The Executive Director took the decision to seek public comment on the Gnangara Park proposal in about September 1996. Preparation of a public information document was then commenced, however, publication did not take place until finalisation of preliminary planning and preparation of maps and other material.

(3)-(4) There is no specific reference to this on Departmental files. However it is likely that the Minister would have been advised of the proposed advertisements at one of the regular meetings with senior officers of CALM.

(5) Money was included for such advertising in CALM's budget for that year, but was not allocated against any specific line item until a decision was made to proceed with the specific public information program.

(6) Not applicable.

(7)-(8) The advertisement was for the purpose of obtaining public comment for the Gnangara park. This purpose and intent was clear from the advertisement. No separate document was produced.

SHARK BAY WORLD HERITAGE AREA - MINERAL LEASE

604. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

(1) Is the Minister for the Environment aware of a proposal to take up 3 200 hectares of Shark Bay World Heritage Area as a mineral lease?

(2) Was the Minister or the Environmental Protection Authority made aware of this proposal prior to approval being granted for the most recently constructed bar across Useless Inlet?

(3) Is the excision of 3 200 hectares of the Shark Bay World Heritage Area for mining purposes supported by the Government?

Hon MAX EVANS replied:

(1) Yes.

(2) No.

(3) There is no proposal for excision. The proposed extension and any development proposal has not been decided. A proposed extension must be tabled in both Houses of Parliament, any development proposal on this land will be subject to the Environmental Protection Act 1986. The Western Australian Government is committed to the protection of Shark Bay's World Heritage values.

CABLE SANDS (WA), MINERAL EXPLORATION REPORTS FOR MINING LEASES

636. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) Has Cable Sands (WA) provided the Department of Environmental Protection (DEP) or the Environmental Protection Authority (EPA) with mineral exploration reports, records of surveys or any other geological information for mining leases, ML 70/993 and ML 70/974, in connection to its notice of intent to mine?

(2) If yes, did the reports reveal the presence of acid sulphate soil in the mine lease area?

(3) If not, on what geological information will the DEP rely to assess this mining proposal?

Hon MAX EVANS replied:

(1) ML 70/974 and 70/993 are mining lease applications and are yet to be granted by the Minister for Mines. A notice of intent, a requirement of the Mines Act, has not been submitted for the mining lease applications. Prior to the mining lease applications (70/974 and 70/993), the area was subject to exploration tenements. Cable Sands has provided the Department of Environmental Protection (DEP) with exploration reports giving information on the location, timing and methods of sampling.

(2) The exploration programme reports do not contain details of the results of the exploration sampling programmes, nor do they include information as to the presence or absence of acid sulphate soil in the area.

(3) Cable Sands' Jangardup South proposal to mine in the area of mining lease applications 70/974 and 70/993 is currently the subject of formal environmental impact assessment by the Environmental Protection Authority (EPA). The level of assessment has been set at the highest level, Environmental Review and Management Programme (ERMP). The company is required by the EPA guidelines to provide detailed geological information in its ERMP document, including information on the presence of acid sulphate soils in the proposal area. This information is required to be submitted to the Environmental Protection Authority when the ERMP is released for public comment. If acid sulphate soils are present, the company will be required to propose specific environmental management measures.

KARRI, CONSERVATION RESERVES

719. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

In the State of the Environment Report 1998, it is stated on page 112 that the current area (all tenures) of Karri (mixed with Jarrah and Tingle) is 201 500 hectares, of which 55 600 hectares are in existing and proposed conservation reserves.

Will the Minister for the Environment confirm that the area in conservation reserves amounts to 27.6 per cent of the remaining forest of this type?

Hon MAX EVANS replied:

The figures relate to the entire area of karri forest described and mapped in the publication "Forest Mapping in the South West of Western Australia" (Bradshaw et al 1997). The area extends beyond the karri forest ecosystems assessed by the Commonwealth and State governments for the purpose of negotiating a Regional Forest Agreement for the south-west region. The area in either gazetted reserves, or formal reserves proposed in the Forest Management Plan (1994-2003), is 27.6% of the total area of karri forest. Another 27 700 hectares (13.7%) is contained in informal reserves.

WANDOO, CONSERVATION RESERVES

720. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

In the State of the Environment Report 1998, it is stated on page 112 that the current area (all tenures) of Wandoo is 218 700 hectares, of which 75 700 hectares are in existing and proposed conservation reserves.

Will the Minister for the Environment confirm that the area in conservation reserves amounts to 34.6 per cent of the remaining forest of this type?

Hon MAX EVANS replied:

The figures relate to the area of wandoo assessed by the Commonwealth and State governments for the purpose of negotiating a Regional Forest Agreement for the south-west region. The Comprehensive Regional Assessment report states that "While it is recognised that some associations (e.g. wandoo) occur beyond the RFA boundary. It is in general represented by different groupings of vegetation complex. The RFA boundary is therefore considered appropriate for what has been called western wandoo."

The area of western wandoo forest and western wandoo woodland ecosystems in either gazetted reserves, or formal reserves

proposed in the Forest Management Plan (1994-2003), is 34.6% of the total area of these ecosystems. Another 9 700 hectares (4.4%) is contained in informal reserves.

FORESTS, CONSERVATION RESERVES

721. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

In the State of the Environment Report 1998, it is stated on page 112 that the current area (all tenures) of forest identified as "other" is 411 000 hectares, of which 221 500 hectares are in existing and proposed conservation reserves.

Would the Minister for the Environment identify the species and the area of each species for both the current area (all tenures) and the area in existing and proposed conservation reserves?

Hon MAX EVANS replied:

The figures relate to the "other" forest ecosystems (not necessarily "other forests") assessed by the Commonwealth and State governments for the purpose of negotiating a Regional Forest Agreement. Details of individual ecosystems are provided below:

Forest ecosystem	Current Area (all tenures)	Area in existing and proposed conservation reserves	Area in informal reserves
	Hectares	Hectares	Hectares
Bullich and Yate	2 440	2 180	
Darling Scarp vegetation	9 940	1 260	390
Peppermint and coastal heath	70 830	57 530	170
Rocky Outcrops	12 440	6 200	5 180
Sand Dunes	10 340	10 020	10
Shrub, herb, and sedgelands	296 960	138 870	105 870
Swamps	8 070	5 480	960

TUART FOREST, CONSERVATION RESERVES

722. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

In the State of the Environment Reference Group draft Working Papers, Section 8, it is shown on page 52 that there are today 13 300 hectares of Tuart forest in the Department of Conservation and Land Management ("CALM") estate, private and other tenures -

(1) How much of the remaining Tuart forest is in existing and proposed conservation reserves?

(2) Why was this information omitted from the State of the Environment report?

Hon MAX EVANS replied:

(1) Mapping of existing tuart forest is incomplete and there is no reliable estimate of pre-1750 area. Of the 23,500 hectares which have been mapped 9,300 hectares (39.6%) are in existing or proposed conservation reserves. The figure of 13,300 hectares came from the 1992 draft State of the Environment Report and reflected the extent of mapping at the time.

(2) The figures that were put in the final State of the Environment Report were the most up to date figures available from the Comprehensive Regional Assessment. However, the tuart forest is outside of the Western Australian RFA region and therefore up to date figures for this forest type were not available.

JARRAH LOGS, SALE FOR WOODCHIPPING

740. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

(1) Is the Department of Conservation and Land Management selling jarrah logs to be woodchipped to any company other than Simcoa?

(2) If yes, for each company -

(a) what is the company's name;

(b) from what date have logs been sold;

(c) what quantities of jarrah logs are being sold;

(d) what sizes and grades of jarrah logs are being sold;

(e) from what forest blocks are the jarrah logs being removed;

(f) where is the woodchipping taking place; and

(g) for what price per tonne/cubic metre (base and gross) does CALM sell the logs?

(3) Has CALM complied with the 1992 Ministerial Condition 10 requiring it to refer to the Environmental Protection Authority "any proposal to enter into a contract for a substantial portion (as determined by the Minister for the Environment) of forest produce identified as other logs (jarrah)" in the revised Timber Strategy?

(4) If not, why not?

(5) Are any jarrah woodchips being exported?

(6) If yes -

(a) by what companies;
(b) under what export licences;
(c) what quantities have been exported per year since exports began;
(d) to what countries are they being exported; and
(e) what is the end-use for the woodchips?

(7) If no to (5), what is the end-use for non-exported woodchips?

(8) Is jarrah sawmill residue being woodchipped?

(9) If yes-

(a) where is the woodchipping taking place;
(b) what quantities have been woodchipped for each of the past five years;
(c) what companies are buying the woodchips; and
(d) what is the end-use of the woodchips?

(10) Are the sawmill residue woodchips being exported?

(11) If yes -

(a) by what companies;
(b) under what licences;
(c) what quantities have been exported per year since exports began?
(d) to what countries are they being exported;
(e) what is the end-use for the woodchips?

Hon MAX EVANS replied:

(1) No.

(2) Not applicable.

(3) Yes.

(4) Not applicable.

(5) There is no requirement for exporters to provide this information to CALM. However, the Department is aware that Bunnings Forest Products Pty Ltd has exported trial shipments from its own resources.

(6)-(7) Not applicable.

(8) Yes.

(9) (a) Sawmills in the south west.
(b) Not known.
(c) Simcoa.
(d) Production of silicon.

(10) Not known.

(11) Not applicable.

COCKBURN SOUND, WASTE WATER DRAINAGE

746. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) Is the Minister for the Environment aware that the Water Corporation proposes, under the Southern Lakes Drainage Scheme and Thomsons Lake Branch Sewer, to discharge drainage water into Cockburn Sound?

(2) When did the Environmental Protection Authority (EPA) give approval to this waste water drainage proposal?

(3) Was this proposal included in the Environmental Protection Authority's Strategic Environmental Advice under Section 16(e) on the marine environment of Cockburn Sound?

(4) If the drainage proposal was not examined by the EPA under the Section 16(e) study will the Minister order a new study of the drainage proposal by the EPA to include issues examined in the Section 16(e) study?

(5) If not, why not?

Hon MAX EVANS replied:

(1) The Minister is aware that the Water Corporation proposes to discharge drainage water into Cockburn Sound via the Southern Lake Drainage Scheme.

Note: The Thomson Lake Branch Sewer is not part of the drainage scheme and will not discharge into Cockburn Sound.

(2) The Southern Lakes Drainage Scheme was approved by the Minister for the Environment in 1990.

(3) No.

(4)-(5) The EPA's Section 16 (e) study recommended the establishment of a management body for Cockburn Sound. In line with this recommendation the Government is considering appropriate management arrangements. This is also likely to include aspects of catchment management including management of drainage water into the Sound.

HARDWOOD SAWMILLS

756. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

(1) Will the Minister for the Environment table the list of 35 companies or operators that were included in the ABARE report, referred to in question without notice 577, but did not appear on the list provided in the response to question 317?

(2) How many companies operate hardwood sawmills that received logs in 1997/98 from native forests in the RFA region, to be processed into sawn timber?

(3) How many sawmills referred to in (2) above are currently in operation?

Hon MAX EVANS replied:

(1) The sawmill names provided in Parliamentary Question 317 were those sawmills that submitted a summary of log timber processing (CLM 182) for customers which had a contract of sale with CALM and operated during the six month period January to June 1998, or a summary of sawmilling operations (CLM 439) for private property mills during 1997-98. The ABARE survey report titled "WA hardwood sawmill industry survey" covered those establishments which received a log allocation from the RFA Region during the financial year 1995-96. Therefore there is a variation due to different log types, different geographic areas, year of operation, changes to companies and contracts of sale. The survey was published by ABARE which had sole responsibility for the conduct of the survey and analysis of the data obtained. It would be appropriate for questions regarding any of ABARE's publications be referred to ABARE.

(2) 76 companies; including partnerships, family trusts and individual enterprises are known to have received sawlogs during 1997/98. There may be, in addition, a number of small operators who may have recovered some sawn timber from low grade logs under forest produce licence or private property.

(3) Unknown. Sawmills which purchase sawlogs under contracts of sale or licences from CALM or who operate from private property are not required to notify CALM of their sawmilling operations whether this be a temporary or more permanent cessation or re-commencement.

OMEX SITE, BELLEVUE

779. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

(1) Is the Minister for the Environment aware that levels of Sulphur in the groundwater recorded at minor pit No 2 which is directly adjacent to the Omex contaminated pit, reached levels of 280 000mcg/1, which is 2 800 times higher than the Dutch B guideline level for the assessment of contaminated sites?

(2) If yes, will the Minister issue a Pollution Abatement Notice to the property owners of Lot 136?

(3) If not, why not?

(4) Is the Minister aware that levels of sulphur recorded in the groundwater at minor pit No 3 located directly adjacent to the contaminated Omex pit reached levels of 470 000mcg/l which is 4 700 times higher than the Dutch B criteria used for the assessment of contaminated sites?

(5) If yes, will the Minister issue a Pollution Abatement Notice to the property owners of Lot 136?

(6 If not, why not?

Hon MAX EVANS replied:

(1) I am aware of the measurement, it is contained in sample MB2S No 12, as outlined in an appendix to the Golder report.

(2)-(3) Under the current Environmental Protection Act it is not within the power of the Minister to issue a Pollution Abatement Notice for onsite contamination. Drafting Instructions to address this are presently with Parliamentary Counsel.

(4) I am aware of the measurement, it is contained in sample MB1S No 11, as outlined in an appendix to the Golder report.

(5)-(6) Under the current Environmental Protection Act it is not within the power of the Minister to issue a Pollution Abatement Notice for onsite contamination. Drafting Instructions to address this are presently with Parliamentary Counsel.

FORESTS, PROFITS FROM SALE

780. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

(1) Could the Minister for the Environment advise what percentage of the Department of Conservation and Land Management's (CALM) total operating revenue is provided by appropriation from the State Treasury's Consolidated revenue?

(2) After deducting any revenue received from other sources, eg. from recoupable costs and after allowing all costs related to forest management, including those incurred outside of CALM such as executive, advisory, ministerial, etc, could the Minister advise of the profit Western Australians make from selling their forests?

(3) As many Western Australians regard forests as an asset, does the Minister accept that logging and selling of forests is a sale of an asset?

Hon MAX EVANS replied:

(1) CALM's 1997-98 Annual Report includes audited financial statements. Page 64 shows appropriations from the Consolidated Fund of $43.565 million, and total operating revenue of $168.712 million. It would be misleading to express appropriations as a percentage of total operating revenue, as appropriations are not included in total operating revenue. The appropriation of $43.565 million represents 20.7% of the total cost of services of $210.152 million.

(2) Generally accepted accounting principles do not usually relate the term "profit" to departmental financial statements. The term generally used is "increase in net assets as a result of operations". CALM's 'Program Schedule of Expenses and Revenues' at page 67 of the published Annual Report shows an increase of $12.306 million in net assets of Forest Resources for 1997-98. This takes account of resources received free of charge and liabilities assumed by the Treasurer.

(3) Native forests are valued and managed on a sustainable basis. Timber sales represent realisation of part of the expected cash flows from produce of a self generating and regenerating asset. The value of the asset in the audited financial statements is not changed by sale of forest produce. The accounting treatment of forests is prescribed by Australian Accounting Standard 35 "Self Generating and Regenerating Assets". Consistent with this Standard, CALM's 1997-98 audited financial statements record as an asset the present value of the future cash flows expected to be generated by forests with timber sales being recorded as operating revenue in the period sold.

ORD RIVER IRRIGATION AREA, DDT USE

858. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

With reference to a report funded by and prepared for the Water Corporation of Western Australia entitled "A short-term assessment of point source pollution in the M1 irrigation supply channel with notes on agricultural discharge into the lower Ord River", page 51 and 52 refers to the presence of DDT residues -

(1) Can the Minister for the Environment guarantee that DDT is not being used in the Ord River Irrigation area?

(2) If not, why not?

Hon MAX EVANS replied:

(1)-(2) The use of DDT was banned in WA in September 1987. Agriculture WA has advised that there has been no registered and recommended uses of DDT in the Ord River Irrigation area since the mid to late 1970s. While some currently registered and used pesticides can contain trace levels of DDT, Agriculture WA does not consider that these would have significantly contributed to the residues recently monitored in sediments in the Ord River Irrigation Area, and that these residues are likely to be from historical use.

ESPERANCE POWER STATION, EMISSIONS

861. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

In respect of the Esperance power generation site -

(1) Did the investigation undertaken by the Department of Environmental Protection (DEP) on November 24, 1998 find that Western Power had breached its licence in the level of dark smoke as identified under (AS 3543 1989) the Australian Miniature Smoke Chart?

(2) If yes, what action will the Minister take?

(3) If not, why did the DEP write to Western Power on December 3, 1998 asking that Western Power investigate its fuel burn management system and take necessary action to minimise dark smoke emissions?

Hon MAX EVANS replied:

(1) No.

(2) Not applicable.

(3) The DEP wrote to Western Power on 3 December 1998 because it was felt that the dark smoke observed on 24 November 1998 had the potential to exceed Shade 2 on the Australian Miniature Smoke Chart AS 3543-1989. It was determined by the DEP that further investigation was warranted, and appropriate action taken to minimise dark smoke emissions.

WASTE DISPOSAL, TRIBUTYLTIN COMPOUNDS

868. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 627 answered on November 18, 1998 -

(1) What controls and monitoring does the Department of Environmental Protection have in place to ensure that the shipbuilding and maintenance facilities removing tributyltin (TBT) compounds comply with environmental guidelines?

(2) At which landfill sites are organo-tin compounds disposed?

(3) Are any of these landfill sites adequately lined to ensure that the dumped TBT's do not leach into the groundwater?

(4) If yes, which ones are they and what sort of lining do they have?

(5) What tests are carried out to ensure that the dumped TBT's are not leaching into the groundwater?

(6) What proportion of removed TBT's are recycled?

(7) What is the Government doing to ensure that all TBT's are recycled?

Hon MAX EVANS replied:

(1) The primary environmental control established for TBT is by regulation for the control of organotin anti-fouling paint, used on vessels in the fresh or marine water environment, introduced in 1991. The *Environmental Protection Regulations 1987 (as amended)* regulate the application of this paint, in particular by prohibiting its use on vessels less than 25 metres long. Further, under these Regulations the Department of Environmental Protection (DEP) licenses premises on which vessels are commercially built or maintained and organo-tin compounds are used or removed from vessels. The normal process of removal of paints from vessels is by dry abrasive blasting and the waste collected from this activity is normally disposed to landfill or recycled to recover the garnet.

(2) The DEP does not keep a record of all the individual wastes disposed to landfills in Western Australia as this would not be practicable. However, the Department advises that the Millar Road landfill accepts wastes such as TBT.

(3)-(4) The Millar Road landfill site is Class 3. It is clay lined and has a leachate recovery system.

(5) TBT is not normally analysed for in groundwater around landfills. The integrity of the landfill liner system, together with the relatively low volumes of disposal and the fact that TBT is of low leachability and readily bound to soils, suggests that risk of TBT loss is low.

(6)-(7) The DEP is not aware of any recycling activity for TBT itself, however garnet used to remove TBT paint may be recycled. Any proposal to recycle TBT wastes would however be reviewed by the DEP if proposed.

ESPERANCE POWER STATION, EMISSIONS

904. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

In respect of the Esperance power generation site will the Minister for the Environment respond to the following.

Given that the Licence 7162 states that (A4(c)) Australian Miniature Smoke Chart (AS 3613 1989) should be used for testing smoke emission, and Standards Australia advise that (AS 3613 1989) is not the Australian Miniature Smoke Chart but a "Data Communication - 15 pin DTE/DCE interface connector pin assignment, and electrical connection standard -

(1) How does the Minister expect this test to be carried out?

(2) Will the Minister ensure that the licence is altered to reflect that Australian Miniature Smoke Chart is actually (AS 3543 1989)?

Hon MAX EVANS replied:

(1)-(2) It was the intention of Condition A4(c) of Licence Number 7162/1, that smoke emission testing was to be carried out using the Australian Miniature Smoke Chart, AS 3543-1989. This situation arose due to a typographical error and the DEP has amended the Licence to reflect the correct Standard from AS3613-1989 to AS 3543-1989.

SPEEDWAY, KWINANA

906. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) When was the societal risk study, or any social impact study, commissioned or carried out by the Department of Environmental Protection in relation to the proposed speedway and drag strip facility at Kwinana?

(2) Who carried out the study and when was it completed?

(3) Did the study find that the speedway proposal was unacceptable?

(4) Will the Minister for the Environment table a copy of the report?

Hon MAX EVANS replied:

(1) The Department of Environmental Protection has not commissioned any societal risk or social impact study for the proposed speedway and drag strip facility at Kwinana. The DEP has provided advice to the Ministry of Planning regarding the scope for an appropriate risk assessment study and I understand the Ministry of Planning has commissioned a study.

(2)-(4) Not applicable.

QUESTIONS WITHOUT NOTICE

GOVERNMENT BORROWINGS, INCREASE

917. Hon TOM STEPHENS to the Acting Leader of the House representing the Premier:

I refer to the increase in general government net borrowings from the budgeted $37m to $230m as shown in the mid-year review document.

(1) Why has the projected level of borrowings increased by $193m?

(2) For what will the additional borrowings be used?

Hon M.J. CRIDDLE replied:

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

ROAD PROJECTS, BUDGETED EXPENDITURE

918. Hon TOM STEPHENS to the Minister for Transport:

(1) What was the budgeted expenditure for road projects, including maintenance, in the 1998-99 financial year?

(2) How much of this budget was to be funded by -

(a) borrowings;
(b) commonwealth revenue;
(c) land and property sales;
(d) the consolidated fund;
(e) other sources?

(3) What is the current projected expenditure for all road projects, including maintenance, in 1998-99?

(4) How much of the projected expenditure is to be funded from -

(a) borrowings;
(b) commonwealth revenue;
(c) land and property sales;
(d) the consolidated fund;
(e) other sources?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The total expenditure budget of Main Roads Western Australia for 1998-99, as published in the state budget papers, was estimated at $681.7m.

(2) (a) $37.7m;
(b) $118.9m;
(c) $12m;
(d) $43.6m;
(e) $469.5m.

(3) The expected outturn for 1998-99 is estimated at $672m.

(4) (a) $37.7m;
(b) $80.7m;
(c) $8m;
(d) $43.6m;
(e) $502m.

SOUTH WEST METROPOLITAN RAILWAY MASTER PLAN

919. Hon N.D. GRIFFITHS to the Minister for Transport:

I refer to the proposed south west metropolitan railway master plan and ask -

(1) Is the minister aware that -

the route for the railway was included in the metropolitan region scheme in December 1994;

Cabinet announced the extension of the existing rail system from Kenwick to Mandurah in July 1995;

Cabinet approved funding for the preparation of a master plan in April 1997;

Cabinet endorsed an alignment for the railway through the Rockingham city centre in August 1997; and

preparation of the master plan commenced in late 1997?

(2) Why did Main Roads not take the proposed railway route into consideration when it called for tenders for the Kwinana Freeway extensions last October?

(3) Does the minister take responsibility for wasting $750 000 of taxpayers' money?

Hon M.J. CRIDDLE replied:

(1)-(3) Given that those dates are entirely accurate and I cannot assure the House that the Opposition's dates are wrong, I take the point. Putting the railway into the median from just north of Berrigan Drive to Anketell Road is a good result considering that it was not put in there in the first place. The Government's decision to put the railway into the median will be a great advantage to the people. I was in Glen Iris recently and clearly the previous planning

which would put the railway line on the eastern side of the rail near Berrigan Drive and across to the western side was not in the best interests. We will get the best possible result for the dollars spent from doing this.

When the expressions of interest were initially requested, seven were received and six of those were accepted. One later dropped out. Considering the standard of the expressions, it was decided that $150 000 would be made available to the four tenderers which did not win the contract. Given that the Government is not going ahead with the project, Main Roads has decided to pay all five of the tenderers. From this point on I do not intend to allow money to be expended on future tenderers. They will have to make the necessary business arrangements when tenders are called in the future.

CASUARINA PRISONERS

920. Hon GIZ WATSON to the Minister for Justice:

With respect to the prisoners in units 1 and 2 at Casuarina Prison who are currently locked down for 22 hours a day -

(1) Is it intended that prisoners held in these units be held under stricter conditions of barrier than unit management?

(2) Does this indicate a change in the ministry's policy towards prisoner management?

(3) Does it indicate a change in the ministry's practice towards prison management?

(4) If yes, how will this reduce recidivism and crime?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(3) I presume the member is referring to the prisoners currently being held at Casuarina Prison under section 43 of the Prisons Act. These 37 prisoners are being held in unit 1 and not in unit 2. The prisoners held under section 43 are allowed the following privileges: Two hours out of cell a day for exercise etc; two hours non-contact visits a week; and apart from legal calls, two telephone calls to friends and relatives. The prisoners referred to are confined under section 43 and their placement and regime is consistent with the placement of any other prisoner under this section of the Act.

(4) Not applicable.

HOME DETENTION, PRIVATE SECURITY COMPANIES

921. Hon HELEN HODGSON to the Minister for Justice:

Some notice of this question has been given.

(1) Do private security companies play any role in the security or monitoring of prisoners on home detention in Western Australia?

(2) If so, what company or companies are involved?

(3) What services do the firms provide under the relevant contracts?

(4) When were these contracts entered into?

(5) Under what statutory authority, if any, were the contracts entered into?

(6) What is the value and duration of each contract?

Hon PETER FOSS replied:

(1) Yes.

(2) Chubb Protective Services, Midwestern Securities in Geraldton and Nightguard in Bunbury.

(3) They provide random compliance monitoring visits to offenders' homes during the hours of 5.00 pm to 8.00 am on weekdays and on a random 24-hour daily basis on weekends and public holidays. In the metropolitan area they occasionally provide escort services for selected offenders from courts and holding centres. The firms also set up electronic equipment and testing through to base.

(4) The Chubb Protective Services contract was entered into on 4 June 1997. Other companies have been used on an as-needs basis at an annual cost of less than $5 000, for which no formal contracts were required.

(5) Contracts are entered into under the direction of the State Supply Commission.

(6) The value of the Chubb Security Services contract is $70 278. It runs from 4 June 1997 to 3 June 1999 with an option to extend for two further periods of 12 months. Other contracts charge a flat rate call out for each visit.

WESTERN POWER, INTEGRATED POWER SERVICE PTY LTD

922. Hon LJILJANNA RAVLICH to the Acting Leader of the House representing the Minister for Energy:

I refer to the independently registered company Integrated Power Services Pty Ltd, of which Western Power is a 50 per cent shareholder and Brown and Root Aberdeen Oil Company the other 50 per cent, which has achieved the status of preferred supplier.

(1) Prior to the formation of IPS, were expressions of interest sought from any other companies apart from Brown and Root to take up a 50 per cent shareholding in IPS?

(2) If so, when was the expression of interest called and which companies expressed interest?

(3) If expressions of interest were not called for other companies to enter into a partnership with the Government, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1)-(3) This information is time consuming to collate. I am unable -

Hon Ljiljanna Ravlich: You've got to be kidding! That is disgraceful.

The PRESIDENT: Order! I knew I made a mistake when I called Hon Ljiljanna Ravlich early in the piece. I ask the minister to conclude the answer.

Hon M.J. CRIDDLE: As I was saying, I am unable to provide this information within the allocated time frame. I ask that this question be placed on notice.

PUBLIC SERVANTS, SALARIES IN EXCESS OF $100 000

Hon JOHN HALDEN to the minister representing the Minister for Public Sector Management:

(1) Can the Minister for Public Sector Management advise how many public servants have salaries in excess of $100 000 per annum?

(2) Can the minister advise how many public servants have salary packages in excess of $100 000 per annum?

Hon MAX EVANS replied:

(1)-(2) I thank the member for some notice of this question. The second part of the question seems quite strange. Can the member clarify that he is seeking information about the whole salary being packaged?

Hon John Halden: Yes.

Hon MAX EVANS: That is interesting. I ask that the question be placed on notice.

MANDURAH OCEAN MARINA, INFRASTRUCTURE FUNDING

923. Hon J.A. COWDELL to the Acting Leader of the House representing the Minister for Regional Development:

(1) Can the minister confirm that the Peel Development Commission estimates that $10m a year for each of the next three financial years is needed to provide infrastructure for the Mandurah ocean marina?

(2) How much has the Government committed to provide through forward estimates or otherwise towards these infrastructure costs in each of the next three financial years?

(3) What other contributions have been sought for infrastructure costs and with what success?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Regional Development has provided the following response -

(1) The Mandurah ocean marina development proposal submitted to Cabinet in June 1998 indicated that the Mandurah ocean marina would be built over seven years. The detailed investigations conducted by the project manager indicated that there are considerable economies of scale through staging the development over a continuous

three-year period. The Mandurah ocean marina task force will be recommending this approach to the Deputy Premier in its report scheduled for April 1999.

(2) The budget papers presented to Parliament on 30 April 1998 made the following provision for stage 1 of the Mandurah ocean marina: In 1999-2000, $1.2m; in 2000-2001, $1.44m; and in 2001-2002, $3.56m.

(3) The Peel Development Commission has sought funding from the Federal Government, so far without success.

CONTRACTS, REGIONAL SUPPLIERS

924. Hon TOM HELM to the minister representing the Minister for Works:

I refer to the minister's reply to question without notice 884 of 9 March 1999, and ask -

(1) What percentage of the 85 per cent of contracts let to regional suppliers have their primary registered business address in the Perth metropolitan area?

(2) What is the definition of "regional supplier"?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) This is unknown, as it would involve identifing supplier details for contracts let in the regions; however, the Department of Contract and Management Services advises that the number would be small.

(2) To qualify as a regional contractor, suppliers must have a permanent office and permanent staff in the local area for six months prior to bids being sought and be either registered or licensed in Western Australia.

DR BRIAN O'BRIEN, CONTRACT

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

(1) When is the current consultancy contract of Dr Brian O'Brien with the Department of Conservation and Land Management due to finish?

(2) Is there an option for this period to be extended?

(3) In reference to the sixth part of question without notice 901 asked yesterday, who will determine whether there is a public interest in having Dr O'Brien's report published?

(4) Will the minister table the contract between the Department of Conservation and Land Management and Dr O'Brien?

(5) If not, why not?

(6) Apart from Dr O'Brien, how many Department of Conservation and Land Management consultants currently receive more than $600 a day?

(7) Will the minister provide a list of these consultants and the remuneration they receive?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) This contract is due to finish on 1 December 1999.

(2) No option for an extension is specified in the contract.

(3) The Department of Conservation and Land Management is keen to promote Western Australia's relative advantages in carbon sequestration and, therefore, the department will be ensuring any relevant information is published.

(4) I seek leave to table a copy of the contract.

Leave granted. [See paper No 867.]

(5) Not applicable.

(6)-(7) The compilation of this information will require more time and I request the member place these questions on notice.

By way of general information, the daily fee for Dr O'Brien is $1 160. The lawyers and doctors who are now members in this place when in practice would have charged fees of between $100 and $150 an hour, so the fee in this instance is not that high.

SMOKING ADVERTISEMENT

926. Hon TOM STEPHENS to the minister representing the Minister for Health:

I refer to the advertisement on page 39 of today's *The West Australian* with the headline "Smoking isn't barred from hotels. You just have to do it in the bar".

(1) Were the officers of the health promotion services unit consulted about the preparation and concept of the advertisement and, in particular, the headline?

(2) Is the health promotion services unit of the view that this advertisement discourages or promotes smoking in enclosed public areas?

(3) What was the total cost of producing and publishing this advertisement?

(4) Will this advertisement be used on an ongoing basis, and, if so, can the minister provide the media placement details?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Officers of the chronic disease and health enhancement branch of the public health division were involved in the development of the advertisement. This advertisement is part of the public and industry education campaign on the new regulations by the Health Department of Western Australia. The campaign was developed to include elements of explanation, encouragement, advice and information on the new smoking regulations.

(2) The advertisement in question was designed to inform as well as to provide encouragement to the public to see the regulations as fair and reasonable. It is acknowledged that there is overwhelming public support for smoking restrictions in restaurants and eating places, but although that has increased over the years, the public support is not as strong for smoking restrictions in hotels and taverns. The public health division of the Health Department of Western Australia does not consider that this advertisement either discourages or promotes smoking in enclosed public places. The advertisement was designed to convey information on the new smoking regulations and was not designed to discourage or encourage smoking.

(3) The cost of developing the press advertising - a total of eight different advertisements - for the campaign was $31 432.35. The cost of scheduling the advertisements in *The West Australian*, *Sunday Times*, *All about Town* and *The Western Liquor Guide* over a 10-week period is $141 500.23.

(4) The advertisement is part of a 10-week campaign which began on 21 February 1999. The advertisement "Smoking isn't Barred from Hotels" will appear a total of six times. The full-page advertisement appeared in *The West Australian* on 25 February 1999. An advertisement measuring 10 centimetres by 7 centimetres appeared on 10 March 1999, and will also appear on 18 March and 1 April 1999. An advertisement measuring 30cm by 5cm appeared on 11 March 1999 and will also appear on 20 March 1999.

WORSLEY TIMBER COMPANY, LAND PURCHASE

927. Hon CHRISTINE SHARP to the Minister representing the Minister for Water Resources:

I repeat the question I asked of the minister yesterday. Can the minister please confirm that if the Worsley Timber Company land adjacent to the Wellington Dam is purchased by the State none of its forest cover will be logged, thinned or removed?

Hon MAX EVANS replied:

I thank the member for some notice of the question. The State Government has not purchased the Worsley Timber Company land adjacent to Wellington Dam.

BUNBURY PUBLIC HOSPITAL, PATIENT SERVICES

928. Hon BOB THOMAS to the minister representing the Minister for Health:

(1) Will the minister provide a list of all the services which will be available to public patients at the new public hospital in Bunbury?

(2) Of these services, which will be publicly owned?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Emergency department
Intensive/coronary care unit
Obstetric unit and level 2 nursery
Designated day surgical/procedure area
Surgical/medical units
Theatre suite
Restorative unit (10 beds)
Oncology service (outpatients)
Psychiatric unit (inpatients)
Psychiatric day centre
Renal services (outpatients)
Palliative care (inpatients)
Mortuary
Outpatients clinics conducted by visiting specialists

(2) Emergency department
Intensive/coronary care unit
Obstetric unit and level 2 nursery
Designated day surgical/procedure area
Surgical/medical units
Theatre suite
Restorative unit (10 beds)
Psychiatric unit (inpatients 15 beds)
Psychiatric day centre
Mortuary
Outpatients clinics conducted by visiting specialists

CARINE SCHOOLS, REID HIGHWAY EXIT

929. Hon KEN TRAVERS to the Minister for Transport:

(1) What consideration was given to the safety of children attending the Carine schools when the decision was made to include an exit off the Reid Highway extension into Everingham Street in Carine?

(2) Will the minister table a copy of any reports on this safety issue?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of the question.

(1)-(2) The preliminary design for Reid Highway provides for a footbridge in the vicinity of Everingham Street. As Everingham Street is a local road, the possibility of its connection to Reid Highway is a matter for consideration by the City of Stirling. I understand that city is currently considering the matter and I will arrange for the member to be advised as soon as a decision is received.

EDUCATION DEPARTMENT, STAFFING AND PAYROLL

930. Hon MARK NEVILL to the Acting Leader of the House representing the Minister for Education:

I refer to the 151.6 full time equivalent employees who work in the staffing and payroll areas of the staffing directorate of the Education Department's human resources division.

(1) How many staff are specifically engaged to facilitate the transition to the new payroll and human resource management information system?

(2) How many are engaged in day to day staffing and payroll functions?

(3) How many of these 151.6 FTEs are permanent employees and how many are staff on temporary contracts or casual staff?

(4) With the devolution of some staffing and payroll functions to schools since the PeopleSoft system was implemented, how many additional staff have been allocated to schools to perform this work?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. I am advised by the Minister for Education -

(1) 36.6 FTEs.

(2) 82.1 FTEs. The remaining 32.9 FTEs are involved in administrative and support functions and special projects.

(3) There are 92 permanent FTEs, which includes 11.4 FTEs comprising teachers seconded from schools into staffing consultant positions. There are 59.6 FTEs on temporary contracts.

(4) None. However, training and other support has been provided to schools to assist in the transition to the PeopleSoft system.

JERVOISE BAY, SOUTHERN HARBOUR EXTENSION

931. Hon J.A. SCOTT to the Acting Leader of the House representing the Minister for Commerce and Trade:

(1) (a) Will the breakwaters of the proposed southern harbour extension of Jervoise Bay be constructed using limestone?

(b) If no, what materials will be used?

(2) (a) Is it expected that this material will be mined locally and have any specific sites been identified?

(b) If yes, where are they and have these sites been given environmental approval?

(3) If the material will not be mined locally, what other sites have been identified and have these sites been given environmental approval?

(4) What quantity of material will be required to construct the Jervoise Bay southern harbour breakwater extension?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Commerce and Trade has supplied the following answer -

(1) Yes.

(2) (a) The materials will be sourced from on-site excavation and from suppliers who will be identified through the public tendering processes.

(b) Each supplier will be required to operate from an approved site.

(3) See (2).

(4) The volumes are -

rock armour - 344 000 cubic metres;
core material - 861 000 cubic metres.

HEALTH DEPARTMENT, DISABLED AND FRAIL AGED RESPITE FACILITIES

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

What are the criteria or guidelines exercised by the Health Department of Western Australia in selecting respite care facilities to temporarily accommodate people with disabilities and the frail aged?

Hon MAX EVANS replied:

I thank the member for some notice of the question.

The Health Department of Western Australia administers the home and community care program which funds in-home and centre based respite services. Criteria for the selection of HACC funded providers of respite care are -

Service type is a priority area identified throughout the business plan. Service provider is an eligible organisation under the Home and Community Care Act 1985.

Service is within the scope of the program and is aimed at the HACC target population.

Service provider has experience in providing the service and has the capacity to meet the National Service Standards and to be accountable financially and for relevant statistics.

Service provider has met all contractual requirements for the previous year, if applicable.

EDUCATION DEPARTMENT, ADMINISTRATION SOFTWARE PURCHASE

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

(1) Will the Minister for Education confirm that the Education Department has selected the British listed company RM plc as the preferred provider of administration software to the WA Government schools?

(2) If yes, what was the process of this selection?

(3) If yes, what specific quality and cost advantages does RM plc have which justify this preferred provider status?

(4) What specific quality and cost advantages to government schools will be achieved by the selection of a preferred provider from among the various companies offering administration software?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of the question. I am advised -

(1) Yes. However, it should be noted that the RM plc software covers the complete range of requirements; that is, student administration, curriculum planning and assessment, finance and assets, and timetabling, and is therefore much more than administrative software.

(2) The company RM plc was selected from an open request for proposal advertised in *The West Australian* on 28 June 1997. A comprehensive evaluation and selection process involving a wide range of practitioners, particularly school personnel, was undertaken.

(3) The RM plc software best met the full functional requirements of the RFP and represented best value for money.

(4) The selection of a total integrated package provides advantages such as ease of use for schools, reduced training and support costs, minimal duplication of data entry, and facilitated aggregation of district and system-wide data.

An independent cost analysis indicated that the RM plc software represented the best value for money.

SUICIDE, LEAD GOVERNMENT AGENCY

934. Hon TOM STEPHENS to the minister representing the Minister for Health:

In reference to the increasing evidence of suicide, particularly youth suicides in rural communities -

(1) Which is the lead government agency in coordinating government support in response to the needs of families, individuals, schools and communities affected by suicide?

(2) What other agencies can provide these groups with support to reduce the likelihood of further suicides?

(3) Will the minister table a list of all government support services available in regional Western Australia to tackle youth suicide?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The Youth Suicide Advisory Committee has the role of implementing strategies and coordinating efforts of a range of government and community agencies with an interest in preventing youth suicides.

(2) Dedicated services for suicidal youth are available across the greater metropolitan area and in the south west and great southern regions. In other areas of the State the regional mental health services provide support and intervention. National funding is being used to establish counselling services for suicidal youth in the east Kimberley, goldfields and Peel regions. The goldfields and the east Kimberley focus on Aboriginal youth. Other government agencies provide services. These include the Ministry of Justice, the Education Department, the Department of Family and Children's Services and the Office of Youth Affairs. Community agencies providing services include Lifeline and Kids Helpline.

Under the national strategy the following projects have been or are being conducted in WA: General practitioners in recognising and responding to risk at youth - completed; promotion of gun safety to reduce suicides by firearms in the Northam area - underway; preparation of information for parents on recognition of risk and how to support their children - underway; and awareness raising among school and community personnel of the risk faced by young people coming to terms with sexuality - completed. Basic information about youth suicide statistics, causes, myths, risk factors and how to help is available from the Office of Youth Affairs.

(3) The following services are available: Dedicated services for suicidal youth are available in the south west and great southern regions. These are early intervention centres. Samaritans and Albany Samaritans mental health funds support the cost of the telephone service, which is staffed by trained volunteers.

In other areas of the State the regional mental health services provide support and intervention. Albany and Bunbury have specialised child and adolescent mental health services. National funding is being used to establish counselling services for suicidal youth in the east Kimberley, goldfields and Peel regions. The goldfields and the east Kimberley focus on Aboriginal youth. Primary mental health services - that is, general practitioners and local hospitals - are available in all rural areas of Western Australia.

AGRICULTURE WA OFFICERS, SINGAPORE VISITS

935. Hon KIM CHANCE to the Minister for Transport:

(1) Which officers of Agriculture WA have visited Singapore for purposes connected with the marketing of fruit during 1998 and 1999?

(2) On how many occasions did each officer go to Singapore for this purpose during 1998 and 1999?

(3) What was the total cost of the visits?

(4) What is the result of these visits in terms of sales?

(5) Is it correct that the Singapore market is over-supplied with fresh stone fruit and that product is being diverted to Malaysia?

(6) If so, what is the purpose of visits?

Hon M.J. CRIDDLE replied: I thank the member for some notice of this question.

(1)-(6) The information sought by the member will take some time to research and as such the minister has requested that the question be placed on notice.