



# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
THIRD SESSION  
2000

LEGISLATIVE COUNCIL

Thursday, 25 May 2000

# Legislative Council

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

## **TRANSPORT OF WOODCHIPS BY RAIL**

### *Petition*

Hon Murray Montgomery presented the following petition bearing the signatures of 591 persons -

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

Shortly important decisions will be made on the transporting of woodchips to the Albany Port.

Public meetings have overwhelmingly supported ALL woodchips being railed to the Port.

The health, safety and environmental impacts associated with road transport are unacceptable to the wider communities of Albany and surrounding Districts.

The W.A. State Government's Regional Development Policy emphasises the communities capacity to plan for and manage their own future. Consequently we the undersigned respectfully request that the State Government initiate a cost neutral rail freight system to transport ALL woodchips, whether mill chipped or plantation chipped from an inland assembly area/areas into the Port of Albany.

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

[See paper No 1000.]

## **LIQUOR LICENSING AMENDMENT REGULATIONS (No. 3) 1999 - DISALLOWANCE**

### *Order of the Day Discharged*

On motion by Hon Tom Helm, resolved -

That Order of the Day No 2 be discharged from the Notice Paper.

## **FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA - APPOINTMENT OF SELECT COMMITTEE**

### *Amendment to Motion*

Resumed from 24 May on the following motion moved by Hon Ken Travers -

That -

- (1) A select committee of three members shall be appointed.
- (2) The committee be appointed to inquire into and report on reasons for losses associated with the finance broking industry in Western Australia, including but not limited to:
  - (a) the statutory responsibilities relating to the finance broking industry;
  - (b) avenues for legal redress for investors;
  - (c) consideration of the adequacy of existing legislation to prevent a recurrence of the events which led to the loss by investors who relied on finance brokers.
- (3) The committee have power to send for persons, papers and records and to move from place to place.
- (4) The committee report to the House not later than 31 October 2000, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

to which the following amendment was moved by Hon Dexter Davies -

To delete all words after "That" and insert -

the House notes the appointment and operation of the Gunning Committee of Inquiry into Fair Trading Boards and Committees and resolves to allow that committee to conclude its inquiries before giving further consideration to the appointment of a select committee to inquire into matters related to the finance broking industry.

**HON PETER FOSS** (East Metropolitan - Attorney General) [11.07 am]: One further area promises some possibilities for investors of the finance broking companies that are under investigation. It is an area that has been very poorly represented in the newspapers; that is, the responsibility of the Federal Government. As I mentioned earlier, there are a number of bases for which the Federal Government should be taking responsibility. First, it has recently introduced specific legislation to deal with financial transactions of this nature. However, prior to that, it had responsibility under more general legislation which picked up this type of transaction. Well before the corporations were taken over by the Federal Government, it realised it had the power under the corporations power to deal with investments and the securities industry generally. It had extensively legislated in that area - properly so.

*Point of Order*

Hon KEN TRAVERS: The minister has already spoken on the amendment. I listened to him during debate yesterday, and his comments today are just a rerun of his speech on the substantive motion. He is raising that issue and most of the other issues that he raised yesterday concerning the amendment. In the light of your ruling, Mr President, I argue that the reason this is not contrary is that it effectively seeks to defer the Gunning inquiry. I cannot see how the Attorney General's comments relate to the deferral of it. The issues concerning the Federal Government have nothing to do with the amendment.

The PRESIDENT: I have also been listening because I have had to listen to a number of members speak on the amendment. The matters raised have been raised to argue the reasons that the issue should be deferred. Members are entitled to raise those issues, some of which, no doubt, were canvassed during comments made on the original motion. I am listening closely because I have heard a number of comments on this amendment, and at some stage I must work out whether we are going around in circles.

*Debate Resumed*

Hon PETER FOSS: The member will hear the reasons for the argument if he does not interrupt. There is this responsibility, and until now the problem has been that the Federal Government has not been fixed with this responsibility.

Hon Tom Stephens: What is the point of this in relation to the amendment?

Hon PETER FOSS: If the member had the slightest patience, he would hear the jewel of wisdom about to drop from my lips.

Hon Tom Stephens: You should not test the patience of the Chair.

Hon PETER FOSS: The member is testing the patience of the Chair by interjecting.

The PRESIDENT: Order! I am here to listen to the Attorney General's comments on the amendment. I will worry about who is testing anyone's patience, and all members will work that out shortly.

Hon PETER FOSS: I was trying to conclude my remarks -

Hon N.D. Griffiths: Try harder.

Hon PETER FOSS: I will try harder, but every interruption means I lose the thread of my speech and must pick it up again. The point I was trying to make before the interjection was that it is promising that during the course of the evidence being presented to the Gunning inquiry, some emphasis is focusing on the role of the Australian Securities and Investments Commission. I see realisation dawning in the eyes of Hon Ken Travers, which is excellent.

Hon N.F. Moore: He has not even noticed.

Hon PETER FOSS: It must be the light shining on his eyes, rather than from his eyes! At long last it is becoming clear that the Commonwealth has responsibility. One of my concerns is that because of the failure of the Opposition to respond to the open invitation by the Leader of the House to explain why it will not support this amendment, it is becoming clear that it is interested not in seeing the investors recover their money but in having a go at the Government. Necessarily as part of that, the Opposition will try to divert attention from ASIC, where at long last it is starting to rest, and will try to put the responsibility back onto the State Government. It is certainly not in the interests of the Opposition for the responsibility of ASIC to be acknowledged; opposition members would like everyone to forget that ASIC has any involvement. A good outcome of the Gunning inquiry so far is that at long last the public is starting to realise that ASIC was the regulatory authority for the transactions throughout the period. The regulatory authority so far as brokers are concerned is now ASIC. Obviously, it is not a matter that a committee of this House can look into, but I do not believe members opposite genuinely have the interests of the investors at heart and they would not actively pursue that. However, the Gunning inquiry is starting to bring that out, and the public is starting to appreciate that and query the Federal Government's role.

It is also interesting that the Federal Government, under the corporations powers, has suddenly expressed an interest in employee entitlements. It has responsibility for corporations and feels it should be dealing with people left without any money as a result of the wrongful operations of corporations. I do not necessarily agree with the way it has dealt with that. However, if it hands out money for employee entitlements when a company has been wrongly operating, it could be argued that it should probably hand money to some of the investors who have lost money, when the transactions have always been its responsibility and the registration of those brokers has been its responsibility for some period. Perhaps the Federal Government should show the same sense of responsibility for those investors, for whom I believe it has a responsibility and

liability. It is clear that ASIC has been marching 100 miles an hour backwards, trying to keep its name out of this, but the Gunning inquiry has been putting it forward. The advantage of the Gunning inquiry doing that is that it is not seen as politically partisan. I certainly have faith that it will raise that point, and it would be unwise for the House to interfere with the good work being done by the Gunning inquiry.

I am glad I have satisfied members opposite that I had a highly relevant point to make. I urge members to support the amendment.

**HON KEN TRAVERS** (North Metropolitan) [11.15 am]: I shall take the opportunity to make brief comments on behalf of the Opposition about the amendment. One of the reasons I did not jump to my feet yesterday to respond is that I was taking the opportunity to look through the document tabled by Hon Bruce Donaldson. I found it interesting, and I will comment on it shortly.

The problem remains that the terms of reference for the Gunning inquiry are too narrow. Delaying the establishment of a select committee until after the Gunning inquiry has reported will add to the delays people have faced for the past two and a half years, after the problems had clearly been brought to the attention of the Government. This is nothing more than another delaying tactic by the Government. I have made it clear that it is not the greatest situation for the Gunning inquiry and a select committee to operate concurrently. The alternative is to have a full and proper inquiry with broad-ranging terms of reference, but at the very least it is better to have the Gunning inquiry and a select committee at the same time than just the Gunning inquiry alone.

Because of the limited terms of reference, the Gunning inquiry will not get to the underlying causes of this matter; it is limited to public sector matters. That is typical of the actions we have seen from this Government all too often. When a problem arises, it makes a narrow inquiry into the public sector - perhaps it hopes a few public servants will be pinned - but the responsibilities of the minister and the Government and the underlying causes of the problem are not addressed. We saw that with the inquiry launched into the King Edward Memorial Hospital for Women, where the terms of reference do not address all the issues. The same is true of the terms of reference for the Gunning inquiry. I am sure it will make recommendations, but they will not address the underlying causes, and the Government will not agree to the establishment of a select committee at the end of that process. There will be further delays.

The Government has demonstrated by its operation in this House that it will talk out this proposal. We need a broad-ranging, independent inquiry. If the Government will agree to that, I am more than happy to discuss the terms of reference and the nature of that inquiry. It was interesting to look through the background of this matter and the justifications. I assume that the document tabled by Hon Bruce Donaldson yesterday was a briefing note for government members, and one of the justifications in that document is that the first witness at the committee of inquiry, Penny Searle, supported the Gunning inquiry. Unfortunately, I have not been able to contact her, but I know that in the concluding remarks of her submission she called for a proper, broad-ranging inquiry. It is bizarre for the Government to have included in the briefing notes a statement that she supports the Gunning inquiry and not a more wide-ranging inquiry.

In this House last night a number of government members voted with the Labor Party. That followed the statement by Hon Kim Chance that we needed to listen to the industry. In this case, I would say the industry is well represented by people such as Denise Brailey and Doug Solomon. I am sure the Attorney General will not suggest that they have anything but the interests of those investors at heart. The Attorney General has said that opposition members do not have those interests at heart, but I refute that because their interests are at the forefront. I am sure people accept that Doug Solomon and Denise Brailey have the interests of investors at heart. I ask government members to talk to those people to find out their views. They would prefer a full and broad-ranging inquiry or, alternatively, they want a select committee set up now. They do not want a delay and they support the appointment of such a committee now even if it must operate while the Gunning inquiry is operating. I urge members on the other side of the House to talk to them about it.

**HON SIMON O'BRIEN** (South Metropolitan) [11.20 am]: I will speak briefly on this matter as the issues have been well and truly canvassed. I turn the House's attention to some people who appear to have been overlooked in the hurly-burly of argument - the investors who apparently have been ripped off because of the actions of some operators in the finance broking industry. As members know, it causes great distress to these people, whose profile typically is that of people who have poured a large amount, if not the totality, of their life savings into investments, perhaps at a late stage in their life, with the intention of totally funding their retirement, only to find that their funds have either disappeared or been greatly reduced or that they are denied access to them. That places great stresses, strains and discomfort on people who should be in a position to get on with their retirement.

All members in this place from time to time are approached by constituents with problems with which they need assistance. It is a satisfactory part of being a parliamentarian that in many cases we can use our contacts, influence or knowledge of systems to make a telephone call or to draft a letter to establish a simple process which can resolve people's problems with great dispatch and to the satisfaction of all parties concerned. However, with this matter, I find it most disturbing that people whom I have known for many years personally as friends or as members of the community have approached me and told me of the disastrous situation in which they find themselves as a result of investing with some finance brokers. One of the especially painful things in trying to address those constituents' concerns is that they need prompt action to retrieve their situation. In some cases they have a genuine short-term financial hardship as well as a longer-term financial hardship which they do not need hanging over them in their retirement. One takes action to bring those matters to the attention of the responsible ministers and does the kinds of things that one's constituents would expect. However, the truly upsetting aspect is that all of this takes time. When confronted with constituents whom one knows well, in particular people

with whom one has shared a relationship for many years, it is disappointing to have to point out to them that despite one's best efforts, the problem will take some time to unravel and put right. Those are the hard facts of the matter. These are complex issues to be worked through and it is upsetting to all concerned and to members on both sides of the House that we are not able to offer more comfort sooner to people who find themselves in this situation.

The Minister for Fair Trading is well aware of this problem, both as a local member and in particular as the minister responsible for this area. Because he inhabits a part of the world that I represent, many of the constituents who have contacted him as a member and a minister have also discussed the matter with me. I therefore understand the pressures to which the minister is responding on a personal level in addition to his official capacity. He has great concern and compassion for the people affected by the situation and this has manifested itself in the willingness of the minister and the Government to commission the Gunning judicial inquiry. I will return to that matter later.

The Government has given assistance to this cause in a number of ways other than by simply establishing the Gunning inquiry. The Minister for Fair Trading sought and received assistance from the Minister for Police. I understand that more than 30 members of the police fraud squad are engaged full time in investigating this matter. The minister also sought assistance from commonwealth quarters to provide short-term relief to a number of victims of these scams to help sustain them in the short term, and funding to assist the inquiry process. This Government has tried to help the victims of these corrupt schemes and has moved with great determination to assist them. The Government has also provided the Gunning inquiry with resources which would not be available to a select committee. I will address a couple of issues relating to the select committee later.

However, the Government has put in place supervisors of Grubb Finance and Global Finance, a move which is costing in the order of \$1.5m. Those supervisors are trying to retrieve some money for investors who have been ripped off. A very important purpose of the whole exercise is to achieve a return for those investors so that they do not see their life savings disappear down the river.

Hon Barry House: It is the most important priority.

Hon SIMON O'BRIEN: Yes, it is. Similarly, the Gunning inquiry must turn its attention to matters referred to it under section 11 of the Public Sector Management Act. This section relates to the performance of servants of the Crown and of boards in connection with their responsibilities. That is also an important aspect of the Government's actions. The minister is not in this place; he sits in another place. I do not know whether I am allowed to refer to proceedings in another place; however, if any minister is currently being publicly scrutinised outside the Parliament, it is the Minister for Fair Trading. At every turn, though, he is able to demonstrate his concern and the decisive action that he is taking to resolve these complex and difficult matters.

Hon Tom Stephens: Is that the subject of the Gunning inquiry?

Hon SIMON O'BRIEN: It is not the subject of the Gunning inquiry. I thank the Leader of the Opposition for his interjection in connection with the minister as I want to return to that point when concluding my remarks soon. I will deal with the matter of the select committee proposed by Hon Ken Travers to run concurrently with the Gunning inquiry and I will do so by speaking to the principal motion as well as to the amendment in the one speech.

The Gunning inquiry has terms of reference and powers which, as has been stated many times during this debate by members, and certainly by members on this side of the House, are adequate to do the things that we want it to do. I do not intend to canvass or repeat those arguments; I am sure the House has heard them enough at this time. However, we need to look at what we want to achieve at the end of the day. At the end of the day, we want to achieve recovery action, and we want to fix systems in government which may have let us down and apparently have let us down. The Leader of the Opposition and Hon Ken Travers, and their colleagues, have a radically different agenda, and I will comment on that in a moment.

The question of whether a select committee should be established to run at the same time as the Gunning inquiry is the main issue which is exercising our attention at this time as comments are made backwards and forwards across the Chamber; and we will shortly vote on that motion. However, there is a little more to it than the obstinacy of Hon Ken Travers, as the mover of the motion, to recognise that his proposed select committee will seriously affect the operations of the Gunning inquiry. That is because he forgets that a third line of inquiry is taking place at this time. The Gunning inquiry is due to report as early as 1 September. I doubt that a select committee would be able to do that with any confidence, even if it did have a clear playing field at this time. The Gunning inquiry will report on those matters into which it is inquiring. Whether or not the Opposition believes that the Gunning inquiry will be adequate is at this time purely a matter of opinion; but, ultimately, when that inquiry does report, it will be a matter of public record.

We should not forget, in considering the Government's argument that a select committee will seriously compromise the operations of the Gunning inquiry, that the other line of inquiry that is taking place at this time is a criminal inquiry into the actions of various finance brokers. This is getting away to some extent from the Gunning inquiry. It is a police inquiry into potential criminal charges that may be laid. It is one thing to try to work, for political reasons, against a government-appointed inquiry. It is quite another to cut across a line of police inquiry and possibly prejudice the outcome. How many times in this State in recent memory have counsel said in court that their clients cannot get a fair trial because that fair trial is being prejudiced by the high profile public and political antics of some members of Parliament who want to pursue some other independent line of inquiry for their own political purposes?

Hon Tom Stephens: How often do you say that has happened? When did that happen?

Hon Ken Travers: When it last happened is not in your notes. They just say it happened.

Hon SIMON O'BRIEN: I do not know what planet Hon Ken Travers inhabits, but I can recall any number of high profile cases in recent memory where counsel have claimed that because of previous publicity or inquiries in this House -

Hon Ken Travers: From a parliamentary inquiry?

Hon SIMON O'BRIEN: Hon Ken Travers is now trying to reduce the extent of his interjection.

Hon Ken Travers: In that case we should not have the Gunning inquiry either, because that might damage those cases.

Hon SIMON O'BRIEN: This is a ludicrous line of interjection and I do not intend to follow it any more. Hon Ken Travers is suggesting that the official inquiry launched at the minister's direction under section 11 of the Public Sector Management Act, which is an inquiry using the appropriate legislation to get to the bottom of these matters, may upset future legal proceedings, whereas his half-baked political stunt which is contained in his proposal to set up a select committee will be the fount of all truth and will in no way trespass on any future proceedings in a court of competent jurisdiction. That is plainly absurd. That brings me to the interjection that I acknowledged earlier from the Leader of the Opposition. The Leader of the Opposition portrayed by his interjection the real intent that is at the heart of this proposed select committee.

Hon Tom Stephens: To look after those investors who have been let down by that minister, who should be held accountable for that reality, and there will then be some opportunity to do something about it.

Hon SIMON O'BRIEN: I look forward to the Leader of the Opposition's speech, because he has obviously had a bit of time now since his interjection to collect his thoughts a bit more and come up with a purely political comment. This gets to the guts of the matter. We have a situation where we have victims who need to have their assets recovered to the fullest extent possible, and the Government is working towards that end. There is a clear indication that some of the systems that government has in place to supervise the activities of people who are involved in the finance broking industry are inadequate. That matter is being investigated at the instigation of the minister, and the minister will take responsibility for the matters for which he is responsible. That is what we are seeking to do. I have not heard one jot of information to support the proposition that the proposed Travers select committee will contribute in any way towards the achievement of those goals. We have heard substantial argument that it will impede the achievement of those goals, yet that falls on deaf ears. Hon Ken Travers wants to set up this select committee, which he wants to chair, so that he can make a name for himself by holding some sort of inquiry into these issues.

*Point of Order*

Hon KEN TRAVERS: Mr President, I take offence at those comments. They are impugning my intentions in moving this motion.

The PRESIDENT: Order! I have listened to a lot of comments over a period of years while in this Chair and as a member of this House, and the comments need to be taken in the context in which they are said. If Hon Ken Travers were to ask for those comments to be withdrawn because they were offensive to him, then under the standing orders I would be obliged to have them withdrawn. However, let me just say, as someone who has been here for a reasonable time, that lots of worse things have been said in my time. Let me say also that we are dealing with an amendment. Hon Simon O'Brien, having spoken only to the amendment, is entitled to speak to the original motion at the same time as he is speaking to the amendment, and if he will direct his comments to me, I will not interject.

*Debate Resumed*

Hon SIMON O'BRIEN: Thank you, Mr President. I will address my closing remarks to you, and they are by way of political comment. I have no doubt that Hon Ken Travers is a man who -

Several members interjected.

Hon SIMON O'BRIEN: It is unimportant that the interjections occurred at that point. I was going to say that he has shown compassion for the position in which the unfortunate investors find themselves. My opening remarks about the intent of members of Parliament to solve the problems apply equally to Hon Ken Travers as to any one of us; therefore, I would not like his enthusiasm for participating in the political process to cloud his judgment on this issue and cause him to follow a course that will ultimately not only fail to assist those unfortunate "scammed" investors, but will also work against them.

Evidence has been provided in this debate that suggests that establishing a select committee while the Gunning inquiry is proceeding would be not only pointless, but also counterproductive and harmful to the interests of those investors. It is for that reason I ask Hon Ken Travers and his colleagues to consider the recent remarks of the Leader of the House about establishing a select committee after the Gunning inquiry has reported, which is intended to be as early as 1 September. That would be the prudent thing to do. It would require some restraint by Hon Ken Travers and the Leader of the Opposition not to pursue this as a political matter. If they continue to pursue it as a political matter, as they have done today, they will do so with disregard for the prospects of the investors who have suffered. Members opposite do not seem to care about whether any money is recovered; they are seeking to create a scandal that will harm the Government politically. That is not in the interests of the regular investors who are involved. As Hon Derrick Tomlinson pointed out, such a committee would indeed be a travesty.

I support most warmly the amendment moved by Hon Dexter Davies and I hope that the Opposition will see this as a reasonable compromise that will work towards solving the problem. It would be better than their trying to score political points out of the misery of the people involved in this issue.

**HON RAY HALLIGAN** (North Metropolitan) [11.43 am]: Mr President -

The PRESIDENT: Order! Hon Ray Halligan must speak specifically to the amendment.

Hon RAY HALLIGAN: Yes, Mr President, I have already spoken to the motion and I support the amendment. In my remarks on the motion I asked that members opposite consider approaching this unfortunate situation in a bipartisan way. It is obvious that will not be the case. Some of the remarks made this morning concern me greatly and they should concern a number of people not only in this Chamber, but also in the State.

We heard from some members opposite that they want to pre-empt the Gunning inquiry. We have heard from the mouth of the Leader of the Opposition that he wants to see the Minister for Fair Trading as the bull's eye of any target. We should not worry about the investors who have lost money -

Hon Tom Stephens: Don't be ridiculous. It's the consequence once we've got the minister as to the opportunity -

The PRESIDENT: Order!

Hon RAY HALLIGAN: We should be concerned about the investors.

Hon Tom Stephens: You are a stupid man.

The PRESIDENT: Order, members!

Hon RAY HALLIGAN: That is a case of the pot calling the kettle black.

Members opposite want a kangaroo court. They are not concerned about the truth emerging from the Gunning inquiry. Unfortunately, all too often we hear from members opposite that they will continue to go down any path whatsoever until they can convince some people to come forward with a report containing conclusions that suit their own agenda.

Hon Bob Thomas: Until we get justice.

Hon RAY HALLIGAN: I am concerned about that agenda. The Gunning inquiry comprises three eminent people with sufficient resources, including 30 police from the police fraud squad, to ensure that the people who have lost moneys due to the actions of some unscrupulous finance brokers may receive the maximum return available to them.

In his remarks on the amendment, Hon Ken Travers said that the terms of reference are too narrow, although he did not explain exactly why. His comments in the uncorrected proof of *Hansard* of 10 May when he interjected on Hon Dexter Davies read -

What happens when the first broker goes to court, saying the inquiry does not have the terms of reference to look into the internal operation of his company? The inquiry will be stuffed.

I am not completely sure what Hon Ken Travers is looking for. However, the Minister for Fair Trading and this Government have established an inquiry with resources, including, as I said, 30 police from the fraud squad who can take those matters further should action need to be taken against any wrongdoers, whether they be company directors, people classified as finance brokers, auditors, valuers or any other parties who have acted inappropriately in relation to pooled mortgages or who have defrauded members of the Western Australian community. They will be vigorously pursued.

What more can members opposite ask? They have certainly not made known to this Chamber exactly what more they want. All they continue to say is that the terms of reference for the Gunning inquiry are too narrow.

They have also mentioned that things would be delayed. Hon Norm Kelly is presently out of the Chamber on urgent parliamentary business, but he said on 4 May -

I am confident that the Gunning inquiry will provide good recommendations for changes to the Act.

Part of the reason for this debate is to try to convince members opposite, who come from a number of political parties, to support the amendment. It is obvious that we are unlikely to convince the members of the Labor Party. They all think the same way - if at all. Maybe our remarks should be directed to others on the other side of the Chamber, such as the Australian Democrats. They recognise that the Gunning inquiry is likely to provide good recommendations. I am not sure what the Greens (WA) members are likely to do, but I hope commonsense prevails. I sincerely hope we can have a bipartisan approach to this. When I spoke earlier, I urged members to consider that the Gunning inquiry will report well before the select committee would report. Hon Ken Travers frowns; he should have another look at the motion, which requires the select committee to report on 31 October. It is highly likely that the Gunning inquiry will report in early September. All I can do is urge members opposite to support the amendment. After the Gunning inquiry has reported, we will be in a far better position to know how to move forward. It does not make sense for the Gunning inquiry and a select committee to run in parallel. Members have already explained the problems associated with access to documents and that legal proceedings have been instituted. We do not know where many of these documents are. What is the purpose is a half-baked select committee? I must ask the question: What do members opposite hope to achieve?

Hon Bob Thomas: Justice.

Hon RAY HALLIGAN: I hope Hon Bob Thomas stands up and provides the House with a dissertation on what he believes is justice, in a manner that can be understood. I doubt very much that he could do so.

Hon Bob Thomas: The Government is simply trying to cover up.

Hon RAY HALLIGAN: We have established the Gunning inquiry; what are we covering up? Great numbers of people from outside the system, and with enormous resources, are reporting on the matter.

Hon Bob Thomas: The terms of reference are too narrow.

Hon W.N. Stretch: Who are we covering? Hon Bob Thomas should name a few names.

Hon RAY HALLIGAN: If Hon Bob Thomas has information, he should give it the appropriate authorities.

Hon Bob Thomas interjected.

The PRESIDENT: Order! Hon Bob Thomas should not interject. If he wants to speak, he can have the next call.

Hon RAY HALLIGAN: The first step is to determine what we want to achieve. The methodology of achieving that is the second step. This Chamber has heard much from members opposite about the second step: "We want a select committee. It will report after the Gunning inquiry, but that does not matter." However, we do not know what they want to achieve. We are continually told that it is justice. Justice and the American way, no doubt. Members of the Opposition have been reading too many comic books. More than 30 officers of the police fraud squad are involved in the inquiry. What comparable resources could a select committee put towards its inquiry? Again, we are told the terms of reference of the Gunning inquiry are far too narrow; that nothing that should be done is being done; that irrespective of what anybody has in mind or what has been started, a select committee is all-important. We are told that without a select committee we will not get to the truth of the matter. What would happen if the Gunning inquiry recommended financial restitution for the investors? Would the select committee, which would not report for another eight weeks, put that on hold and tell the investors they must wait until it reports? What is proposed at this point in time defies logic. I have said before that we should wait until the Gunning inquiry reports before considering a select committee. We will be far better placed to know how we might move forward.

Hon Ken Travers mentioned in a previous speech that I might like to be part of that select committee. I would be more than happy to be a part of such a select committee if, after the Gunning inquiry reports, everyone is of the belief that it is appropriate.

Hon Bob Thomas: Don't burn your bridges.

Hon RAY HALLIGAN: What am I burning?

Hon Bob Thomas: Leave yourself available.

Hon RAY HALLIGAN: I am leaving everything open.

Hon Bob Thomas: Make yourself available before the Gunning inquiry reports.

Hon RAY HALLIGAN: I would be more than happy to be part of that select committee, if it is decided that is the most appropriate way to go. I am suggesting that it is not, at this point in time. Many resources are available to the Gunning inquiry. It is directed by an ex-judge and two other eminent people who have not only the qualifications but also the experience and expertise to look into matters of this nature.

Hon Greg Smith: And the integrity.

Hon RAY HALLIGAN: There is no doubt they also have integrity. If we asked the general public what it thought of the Gunning inquiry - provided nothing was said by some members opposite - it would say it accepted it.

Hon N.D. Griffiths: Are you reading pages 13, 14 and 15 of your briefing notes?

Hon RAY HALLIGAN: I am looking at nothing else but the member, and it worries me as well.

Hon N.D. Griffiths: That is a worry.

Hon RAY HALLIGAN: It worries me that Hon Nick Griffiths, with his legal expertise, supports his colleagues the Leader of the Opposition and Hon Ken Travers in wanting to go down this path.

Debate adjourned, pursuant to standing orders.

## **COMMITTEE REPORTS - CONSIDERATION**

### *Committee*

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

*Standing Committee on Ecologically Sustainable Development - Management of and Planning for the Use of State Forests in WA - The Sustainability of Current Logging Practices*

Resumed from 11 May on the following motion moved by Hon Christine Sharp -

That the report be noted.

Hon GREG SMITH: When I ran out of time last week I was remarking on the precautionary principle and on the way in which it can be interpreted. In all sorts of cases the environmental movement can use it as a tool to say that people are not following the precautionary principle or approach. It is extremely frustrating to proponents of the timber industry when one group of people need only suggest that something might happen, with no factual or scientific background to support the argument, and the proponents are then required to come up with scientific and factual information to prove that what has been suggested might happen will not happen. This was tested in the courts and it was found that the interpretation of the precautionary principle is just that - an interpretation.

During the inquiry we found that the one defining moment in the forest management plan which caused most of the problems was when the then Environment minister, Jim McGinty, on the eve of the election - I think it was about 24 December - signed the forest management plan. When we were receiving submissions and talking to people, the argument came down to interpreting what the plan meant. The ministerial conditions were made up in a way that was almost abstract as to how they could be complied with and interpreted. One group of people could interpret them one way and could allege that the ministerial conditions had not been complied with; another group could interpret them in a completely different way and say that the group had complied with them. Quite a few ministerial conditions were drafted in this manner.

The committee unanimously decided that, as the forest issue has become a very political debate, when ministerial conditions are put in place in the forest management plan they must be very specific, so that people know exactly how they must comply with them. People like the Executive Director of the Department of Conservation and Land Management are put in a very invidious position when allegations are made against them because they have interpreted something differently from another person.

Ecologically sustainable forest management is another term which has been used with monotonous regularity throughout the whole debate. Ecologically sustainable forest management can be subject to interpretation. Numerous people have tried to quantify exactly what it is. In my minority report, I chose to look at the interpretation that was given to that term by the World Commission on Environment and Development. Its interpretation of ecologically sustainable development states that it is development "that meets the needs of the present without compromising the ability of future generations to meet their own needs".

Hon Mark Nevill: How would that apply to the mining industry?

Hon GREG SMITH: I will not touch on the mining industry because, as I have made clear, there is no such thing as ecologically sustainable mining, but mining can be carried out in a very ecologically sensitive manner. Our timber industry is being harvested by a method which does not compromise the ability of future generations to satisfy their requirements for timber. We are not harvesting timber now at the expense of future generations not having access to timber. To the contrary, with the current plantations and blue gums, more paper and timber products will probably be available in the future than are presently available. The forest management plan and the ecologically sustainable basis on which it is being managed is complying with the World Commission on Environment and Development's interpretation of ecologically sustainable development. However, when environmental groups or those who are pro-forest preservation look at ecologically sustainable forest management, they talk about things like micro-organisms within the forest that are affected by controlled burns and about ecosystems which are narrowed down to one or two hectares. We hear very emotional terms like "localised extinction". A localised extinction is a contradiction in terms. It is almost an oxymoron, because an extinction is absolute. There is no such thing as an extinction that is not absolute.

Hon Mark Nevill: You can have a partial extinction under the native title Act.

Hon GREG SMITH: A localised extinction insinuates that something is gone forever from that locality. There may be a localised removal of a species from an area for a short period, but it does not mean it is extinct from that particular area.

Hon CHRISTINE SHARP: As members would be aware, I have spoken at some length about this inquiry and the findings and recommendations of the report, and I will speak this morning not as the chair of this committee but as a member of this Chamber and as a member for the Greens (WA). I am not sure whether everything I say this morning will be endorsed by the entire committee. I find it necessary to defend this report and myself from the attack sustained in this Chamber from Hon Mark Nevill.

Hon Mark Nevill: I have not finished yet.

Hon CHRISTINE SHARP: Apparently, we will continue this over some time, but let us deal with the allegations Hon Mark Nevill made in this place exactly two weeks ago. In addressing these matters and putting forward an explanation, I will put those accusations into context. I remind members that the inquiry, which is partially reported on in this fourth report and was also dealt with in a previous report on the Regional Forest Agreement, constitutes two of the six terms of reference dealing with forest management overall. That overall inquiry began in the winter of 1997; that is, the first winter of this Parliament.

Hon Derrick Tomlinson: Now is the winter of our discontent made glorious summer by this sun of York!

Hon CHRISTINE SHARP: It was not that particular winter which was so discontented; it was the one after and the one after that. That was indeed the point I was trying to make. When the committee began looking into these matters, there was nowhere near the degree of politicisation that subsequently arose due to the pressure of events during the following two years and the progress of the Regional Forest Agreement process. As the committee was in the process of its inquiry, the world was intensifying around it. This pressure was made even more difficult because not long before the hearing with

Dr Shea, to which Hon Mark Nevill referred, the Environmental Protection Authority had reported in its bulletin No 912 on an audit of the performance of the Department of Conservation and Land Management in its adherence to ministerial conditions. That EPA bulletin, which I believe was released in November of the previous year, about four months before the hearing, had created a furore. It was only a few weeks after the hearing and after 30 000 public submissions had been made on the Regional Forest Agreement, that that document was signed.

When the RFA was signed one of the substantial changes made to it was a reduction in the allowable cut in the jarrah forest. In April of last year it was reduced from 490 000 to 324 000 cubic metres. I remember distinctly that when the RFA was signed I praised the Government in this place for having taken that step of reducing the allowable jarrah cut at that time. Nevertheless, that reduction was virtually without explanation, and it certainly had not been foreshadowed in the earlier public documentation and the 30-odd reports which were part of the RFA process. That reduction came as somewhat of a surprise. That substantial reduction in the allowable cut in the jarrah forest could explain the gist of much of the content of this report, in that the committee wanted to know why it was necessary to reduce the cut so substantially or, moreover, why the allowable cut in the jarrah forest was set at such an unsustainable rate in the first place. It is an extremely important question, to which the committee sought an answer. Why was the logging cut rate in the jarrah forest at a level which was either 63 per cent above the model of the long term sustainable yield set by CALM's Dr Martin Rayner, or 96 per cent above the FORSCHED computer modelling of the long term sustainable yield in the jarrah forest? As we were inquiring into the sustainability of current logging practices, the committee thought it was very important to know why the cut in the jarrah forest was so elevated.

In reaching its finding, the committee went back to 1988 when the Environmental Protection Authority, in its assessment of the renewal of woodchipping in Western Australia, allowed the expansion of woodchipping which had been previously located in a licensed area restricted to the karri-marri forest. In 1988 the EPA allowed woodchipping in the entire forest system and throughout the jarrah forest. When allowing that expansion the EPA placed a caveat on the approval, expressed in ministerial condition No 5 of the 1988 assessment of the proposal by the WA Chip and Pulp Co Pty Ltd to renew its woodchipping agreement. The EPA put a caveat on the approval to begin woodchipping in the jarrah forest by saying it had concerns that nevertheless logging in the jarrah forest was very different from logging in the high rainfall zones of the karri forest. It did not consider that total removal of the forest canopy should occur in the jarrah forest in any area with less than 1 100 millimetres of rainfall without further assessment by the EPA. Some members will be aware that that would apply to almost the entire central and northern region of the jarrah forest. This requirement for further assessment of gap creation in jarrah forest - that is, the removal of not only best sawlog trees but all trees, with the non-sawlog component going to woodchipping - was encapsulated in ministerial condition No 5 of 1988, and placed upon the proponent, the WA Chip and Pulp Co.

The committee found that this required assessment did not take place until 1992, some three and a half years later. During the time when gap creation in the jarrah forest was taking place in these areas of the central and northern forest with less than 1 100 millimetres of rainfall, without the EPA assessment and approval, approximately 16 000 hectares of jarrah forest were logged to gaps without the approval of the EPA. The committee also noted that if the proponent, WA Chip and Pulp Co, had been prosecuted for a breach of conditions at that time, that prosecution would have been initiated by the Minister for the Environment who at the time of these events was Hon Bob Pearce. If Hon Bob Pearce, as the Minister for the Environment, had chosen to prosecute WACAP, it would have been fined \$250 000 if it had been found to have committed a breach. I am talking about a breach of the law with serious consequences. However, as Hon Greg Smith and Hon Mark Nevill have been at pains to point out - they are correct in their assertion - when this assessment finally took place in 1992, permission was given to "gap create" in the salt-risk zones. Therefore the practice of gap creation continued unchanged both before and after WACAP's arrival. Those members maintained that was the end of the story; however, it was not the end of the story. In the overall assessment of the intensification of jarrah forest logging, the Environmental Protection Authority took a much wider view than simply considering the effect of removal of total canopy on stored salt in the ground water profile. It considered many other aspects of the possible environmental impacts of intensification of logging in the jarrah forest and those aspects are contained in the EPA's very complex assessment published in bulletin 652 of 1992.

Hon J.A. Scott: Didn't the EPA in the bulletin express concerns about the accuracy of the Department of Conservation and Land Management's quantitative system?

Hon Greg Smith: It gave approval to the forest management plan.

Hon CHRISTINE SHARP: The EPA did both of those things. It approved the forest management plans, with some requirements for changes, and it raised concerns about the level of cut in the intensification process that was being assessed, which CALM had requested. CALM sought a jarrah cut of first and second grade sawlog timber of 675 000 cubic metres. Because of the concerns raised by the EPA which, as Hon Greg Smith pointed out, were added to the ministerial conditions on Christmas eve 1992, further consideration of the level of cut as sustainable at 675 000 cubic metres was required. That further inquiry commenced subsequent to the election under a change of government and was implemented quite properly by Hon Kevin Minson who had then become Minister for the Environment. After some time, that inquiry reported to the Minister for the Environment and as a result of the inquiry, chaired by Dr Timothy Meagher, the cut was reduced from 675 000 cubic metres to the 490 000 cubic metres that remained in place until the day the Regional Forest Agreement was signed in April last year, which I have already discussed.

The critical thing about this issue is that when the Minister for the Environment finally resolved the matter after the findings of the Meagher inquiry, the minister found that the timber contracts imposed a binding commercial commitment on the State to provide the resource and had been signed before the approval of the EPA had been sought. Although that approval was

required under ministerial conditions, the level of commitment set down by these contracts did not allow the minister to fully reduce the allowable cut to the sustainable levels shown in CALM's scientific models which, I repeat, were more than 250 000 or 300 000 cubic metres. Therefore the committee found that the reason why the cut in the jarrah forest was so high in the first place was because of a series of events, the pursuit of which led the committee back to a historic breach of the conditions set under the Environmental Protection Act.

These are very serious matters, Mr Chairman. That is why I was keen to explain to members the context of the hearings in April last year and the approach of the committee about which Hon Mark Nevill was so critical. I want members to be aware that the evidence in the hearing is now available on the Internet and if they are interested to see exactly how the committee approached that hearing, they need only download it from the Internet.

I will now address the exact detail raised by Hon Mark Nevill last week. I agree that, as he alleged, the committee had an informal meeting the day before the hearing with Dr Shea to discuss that hearing. At that informal meeting, the committee was provided with notes on questioning for the next day and those notes comprise the document tabled by Hon Mark Nevill in this House last week.

Hon J.A. Scott: Which members of the committee were present?

Hon CHRISTINE SHARP: I am not sure. I do not believe Hon Greg Smith attended. As it was an informal meeting, no records were kept of the attendance; we are, therefore, relying on members' memories. That informal meeting was with the new advisory/research officer who was temporarily allocated to the Standing Committee on Ecologically Sustainable Development. That ARO, a barrister who had recently appeared at the Bar, advised on ways to cross-examine witnesses in the style of the Bar and provided the committee with "handy hints" on the cross-examination of difficult witnesses.

I further point out that the issues that were to be raised with Dr Shea the next day, and were raised the next day, had been raised previously with him in correspondence from the committee. Dr Shea's response to the correspondence had failed to adequately address the committee's concern; that was the reason we required his attendance at the hearing. However, Dr Shea has been made aware of the committee's concerns. I should point out also that Dr Syd Shea's reputation for avoiding difficult questions is legendary. We need only to remind ourselves of our experiences year after year in the Estimate Committees in this Chamber to know that when he is asked one simple question, he can spend many minutes in response and miss the actual sharp point of the question. His ability to do this has been widely acknowledged.

When Dr Shea arrived at the committee hearing the next day, he was accompanied by no less than seven advisers. However, he was so adept at dealing with the committee's cross-examination that, from my recollection, not once during that hearing did he confer with any of his advisers, nor did he feel the need to do so. He felt supremely in control of the situation, despite the best efforts of the committee and of I as chair.

Hon Derrick Tomlinson: That says something about your best efforts!

Hon CHRISTINE SHARP: Yes. I wish I had some of Hon Derrick Tomlinson's experience in these matters. Of course, the committee on that day did not have seven advisers; between the five of us we had one adviser, and he had been working with the committee for only a few weeks. That was the situation. Towards the end of that hearing, Dr Syd Shea did admit, under the pressure of our questioning, that the evidence could be interpreted as a breach of the Environmental Protection Act. However, I must say by way of explanation to the House that this breach was historic, because the Environmental Protection Act has a two-year sunset clause for prosecutions for breaches; therefore, this was no longer a matter of criminal allegation. However, this was a matter which, in a different form in terms of the performance of CALM with regard to adherence to ministerial conditions, had gone all the way to the High Court and which had also led to a critical audit on the part of the Environmental Protection Authority only a few months earlier in bulletin 992.

To further discuss what happened on that morning, it was the unanimous decision of the committee to exclude the media. My memory of the events is that it was not the suggestion of either Hon Ljiljanna Ravlich or Hon Greg Smith but was the suggestion of Hon Dexter Davies. However, that is quite irrelevant, because there was no argument; it was just a unanimously-agreed and wise move where the committee felt the whole thing was difficult enough as it was without having the media present.

Hon Mark Nevill raised the fact that evidence was given at those hearings by the WA Chip and Pulp Co Pty Ltd, and that the WA Chip and Pulp Co Pty Ltd in separate evidence was asked to explain these events. As Hon Mark Nevill has pointed out, prior to the hearing, that company received, by letter, a warning that the matters about which it would be questioned could be interpreted as having been the subject of criminal allegations. That company was, therefore, formally warned by the committee that this was the subject of the questioning to which it would be subjected. However, as I have explained, Dr Shea had already received correspondence about these issues from the committee. Moreover, the Department of Conservation and Land Management, which he was representing as executive director, was not the party which would have been subject to the criminal infringements of the Environmental Protection Act if they had been successfully prosecuted at the time, because the Department of Conservation and Land Management was not the proponent of the renewal of the woodchipping agreement in 1988. That EPA assessment and the subsequent ministerial conditions under the Environmental Protection Act were all placed on the WA Chip and Pulp Co Pty Ltd. Therefore, legally it was that company that would have been guilty of the breach, and that is a further reason that it received that letter of warning.

Those are some of the things that happened on that morning in April last year. It was just a few weeks before the Regional Forest Agreement was signed, so I am sure members can imagine the tension that surrounded those hearings, because

members are aware of the tension that surrounded this issue within the community and even within the Parliament at that time. Members would also understand from this explanation that this is the reason that the jarrah forest was logged unsustainably throughout the 1990s and why the allowable cut was reduced in the Regional Forest Agreement. Members will remember that the term of reference into which the committee was seeking to inquire was the sustainability of the current logging practices. Therefore, members will understand that the matters that I have been discussing were central to our terms of reference. I hope, therefore, that members will better understand why it is preposterous to suggest that the committee, and that I as chair, should not have pursued these events vigorously. I believed, and I still believe, that it was my duty to do so.

I turn now to page 176 of the committee's fourth report, which quotes from the 1992 report of the Royal Commission into the Commercial Activities of Government and Other Matters and states -

*"... the practice of open government requires the good faith commitment of the officials who are at the heart of the action ... To be a reality, open government must be a habit, a cast of mind. It is an attitude which must be encouraged at all times. Importantly, it requires a willingness to expose miscalculation and failure as well as to publicise innovation and achievement."*

I contend that the activities of the committee throughout this report, particularly on those days that have been dealt with in this discussion, were very much about pursuing matters at the heart of the perceptions of that WA Inc royal commission. When the WA Inc royal commission brought down its findings, which was only a matter of weeks before Hon Jim McGinty had signed off on the ministerial conditions, Hon Bob Pearce, the minister who would have signed off on the ministerial conditions and who was the minister responsible for the policing of the ministerial conditions, was removed due to the findings of that same royal commission into WA Inc.

Hon Mark Nevill: That is not correct. He chose to resign himself.

Hon CHRISTINE SHARP: I thank Hon Mark Nevill for that clarification. Following the findings of the Royal Commission into Commercial Activities of Government and Other Matters, Hon Bob Pearce very honourably resigned.

Hon Mark Nevill: I think you will find he and Bill Thomas were sacrificial lambs for the ALP.

Hon CHRISTINE SHARP: Poor Bob! I have not raised all these matters to dig up the dirt; indeed, there is a lot more dirt if members want to start digging. That is not the point. I have tried to stick to the point, which is sustainable forest management and the role of Parliament to ensure the Public Service of this State is transparent and accountable and follows the laws of the land.

In discussing those very difficult days in April last year, I acknowledge the incredibly difficult situation in which all five members of the Standing Committee on Ecologically Sustainable Development found themselves. While pursuing a report into forest management, the whole issue had blown up around us and had become more and more political, ideological and polarised around the debate on the logging of old-growth forests. Given the extreme tension of the situation, it was very difficult indeed for members, having learnt much more about the issues indepth, beyond the ideological debate taking place in the media.

Hon Mark Nevill has described it as almost a religious conflict and there is an element of truth in that. The strength of commitment to the principles on both sides could be described almost as spiritual. If that were not difficult enough for all members of our committee, who at that stage were new to this place, they also found themselves unravelling issues that were not about whether it was a good thing to clear-fell old-growth forest, but about disregard for the law.

The fact that such severe accountability issues were involved was a great shock.

#### *Point of Order*

Hon GREG SMITH: When the chair of the committee says she intends to make a speech as a Greens (WA) member, and not as the chairman of the ESD committee, is it acceptable to have unlimited time? Has she forgone her position as chairman of the committee?

The CHAIRMAN: There is no point of order.

#### *Debate Resumed*

Hon CHRISTINE SHARP: In this kind of crucible in which we all found ourselves, I acknowledge Hon Murray Criddle, who was deputy chairman of the committee, and Hon Dexter Davies, who replaced him when he became the Minister for Transport. Their reaction to the serious concerns raised in the committee inquiry was very positive and may have been at least a contributing factor to the National Party beginning its own research into these matters. It published some interesting research some time later which again substantiated the issues raised in the committee's report before us.

In the pressure of all this, Hon Greg Smith followed a different course and I think he did very well out of the process.

Hon N.F. Moore: What did you do wrong?

Hon Greg Smith: That is what I am wondering.

Hon CHRISTINE SHARP: Hon Greg Smith is a very clever guy.

Hon Derrick Tomlinson: You will be anointed an Hon Watermelon!

Hon CHRISTINE SHARP: When members take the opportunity, as they should, to read his minority report they will realise just how clever he is! The style I adopted as chair was to seek consensus on this report. In this report and the previous report on the same inquiry that addressed the terms of reference on the Regional Forest Agreement, I sought consensus from the committee. That was one of the reasons the report took so long. To reach consensus on such important matters requires enormous deliberation. However, I stress that the report before us and its findings and recommendations are the report of the whole committee, including Hon Greg Smith.

Hon Greg Smith: That is not correct.

Hon CHRISTINE SHARP: At every stage in the deliberation of the final draft of this report, Hon Greg Smith's concerns were discussed at length and accommodated. His position is very much behind the whole of this report, just as are the other four members of the committee who are represented in a consensus document. With the exception of a single finding, Hon Greg Smith endorsed all the findings and recommendations of the report. I am at pains to make that point because it was not in any sense the Greens' report or my report. I can assure members that if it were my report, it would have been far more incisive in its conclusions - no pun intended. However, this is just as much the report of Hon Greg Smith, Hon Ljiljanna Ravlich -

Hon Greg Smith: I have a minority report.

Hon CHRISTINE SHARP: - Hon Dexter Davies and Hon Norm Kelly the deputy chair of the committee, as it is my report. Therefore, when the process was complete it was a great surprise to the entire committee, including the new advisory research officer, Mrs Anne Turner, that Hon Greg Smith then decided to write a minority report. I will take this opportunity of acknowledging the work of Anne Turner who came in at the eleventh hour before the committee reported and did a sensible, marvellous job of the finalisation process.

Hon Greg Smith's minority report is extraordinarily erudite and contains a detailed critique of the committee's work. It is a marvel to see how Hon Greg Smith has learnt so much about forest management and ecologically sustainable forest management.

Hon Ljiljanna Ravlich: When Hon Christine Sharp said that he was a smart boy, I thought that I had better find my way back to the Chamber.

Hon CHRISTINE SHARP: He is particularly smart because he has, in a sense, managed to have two goes at this; that is, by way of, first, his influence on the overall report and its findings and recommendations and, second, his minority report, which is hovering somewhere.

Hon Greg Smith: That is the only signature, so it must be mine.

Hon CHRISTINE SHARP: One hopes so. The findings and recommendations of this ESD report have been positively acted upon; indeed, after lunch today we will be continuing with the second reading debate on the first of two bills to separate the Department of Conservation and Land Management. The jarrah cut has been reduced and it has been foreshadowed that it will be further reduced to bring it within sustainable levels. That will take place through a review of the mysterious subject of ecologically sustainable forest management, which seems to mystify Hon Greg Smith. I eagerly await a government announcement of that review. Also, more old-growth karri has been protected and, again, a very severe reduction in the level of cut in the karri forest from 2003 has been foreshadowed. I feel, therefore, that the Government's actions vindicate this entire report on the sustainability of logging practices until the end of 1999. If Hon Derrick Tomlinson - who was, as I noted, growling fairly regularly last week with some sense that the Standing Committee on Ecologically Sustainable Development was hiding something from the Parliament - or any other member has any questions about the findings, the recommendations, the detail of the past record on forest management, the meaning of any of the recommendations, the motive of the chair -

#### *Withdrawal of Remark*

Hon DERRICK TOMLINSON: I am disturbed to be roused from my reading.

The CHAIRMAN: The member has been disturbed, but I am not sure that is a point of order.

Hon DERRICK TOMLINSON: For me it is a very serious point of order to be aroused. It is not often that I get aroused. The member has impugned my reputation and unless she is prepared to justify that, I ask her to withdraw that remark.

Hon CHRISTINE SHARP: If I have made any imputation that Hon Derrick Tomlinson has any resemblance to a bear, I totally withdraw that remark.

#### *Debate Resumed*

Hon CHRISTINE SHARP: In other words, if any member wishes to raise any more questions about these matters, I will be here throughout this debate and I will be very happy to address those questions as they arise.

Hon Derrick Tomlinson: Until now I have not even spoken in this debate, so for the member to accuse me of saying something that questions the committee is totally stupid.

The CHAIRMAN: Hon Christine Sharp has the call, not Hon Derrick Tomlinson.

Hon CHRISTINE SHARP: I am astounded at the member's sensitivity, and I apologise.

Hon Derrick Tomlinson: I understand that it was your stupidity. I have not even spoken! How can you say that I have said anything?

Hon CHRISTINE SHARP: "Spoken" was not the verb I used, if the member recalls.

Hon Derrick Tomlinson: I growl.

The CHAIRMAN: Order! I am sure that is unparliamentary too!

Hon Derrick Tomlinson: I probably raised my eyebrows.

Hon CHRISTINE SHARP: I will be happy to address any further questions on the matter.

Hon GREG SMITH: Given some of the things that have been said by the chairman of the standing committee, I will set the record straight about some assumptions that have been made which I consider to be untrue. It has been said that the Executive Director of CALM admitted to breaching ministerial conditions, but that it had happened a long time ago so it did not matter. That is untrue. I will read what has been interpreted by the chairman as an admission of guilt, and if members can interpret this as an admission of guilt, by all means they should do so. The executive director is reported as saying -

If I understand your argument it is that about 11 years ago or perhaps slightly less, if one completely ignores the fact that CALM had in place a published jarrah prescription that said that the jarrah forest could be harvested in coupes of up to 10 ha, if one selectively reads the EPA's assessment report of the time and concludes that the EPA was for some reason not aware of this published prescription and if one claims that the applicable Ministerial Condition meant something completely logically different to what it says, an argument could be mounted that a Ministerial Condition was breached. If one then adds the view that CALM was responsible for this Condition despite the fact that it was not the proponent, it might be possible if the rest of the premises could be held together to assert that CALM had breached a Ministerial Condition.

To call that an admission of guilt and to place doubt over someone's integrity is absolutely absurd. I get fed up with the Greens (WA) putting words in people's mouths and presenting as fact things which are not fact and creating in the public mind the perception that it is fact. The whole crux of the problem with our forest debate is that one side of the argument is trying to deal with facts and the other side of the debate is peddling half-truths and misconstrued interpretations to the public.

Hon NORM KELLY: Hon Greg Smith was referring to his minority report attached to the committee's report. Although the member makes some good points in his minority report, it is very easy to take one paragraph of a transcript and use it for what he wants to put forward as an argument. I suggest to members -

Hon Mark Nevill: What is the contrary argument?

Hon NORM KELLY: If members were to read the entire transcript, or the relevant parts of the transcript, they would get a better understanding of the questioning that was going on and the information that the committee was trying to garner from the then Executive Director of CALM about it not complying with the ministerial conditions. It has been shown time and again when asking questions in this place and wanting to get straight answers from the Minister for the Environment about CALM's activities that a continuing stream of misinformation comes from the minister. I have been able to extract retractions from the minister about wrong information that has been presented by way of answers to questions. What the committee was trying to achieve in its inquiry goes far beyond trying to put the Executive Director of CALM on the spot; it was just trying to get the facts. If we are talking about matters that occurred 10 years ago, and if certain actions of CALM were illegal because they went against ministerial conditions, I do not think the fact that they occurred 10 years ago necessarily makes them irrelevant. In this part of our inquiry we were looking at the corporate mentality within CALM which allowed such breaches of ministerial conditions or possible illegal activities of CALM to go on. Even though these instances may have occurred a long time ago, the same management structure that was in charge 10 years ago was in charge at the time of our inquiry. We were trying to see whether any systemic corruption or illegal activities were happening beforehand and whether they were continuing with the same corporate mentality in charge. This has been a very political issue for the past 100 years, and for all those years the interests of the exploitation of the forest have been prominent.

Debate adjourned, pursuant to standing orders.

*Sitting suspended from 1.00 to 2.00 pm*

## **JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

### *Liquor Licensing Amendment Regulations (No 3) 1999*

Hon Tom Helm presented the fifty-first report of the Joint Standing Committee on Delegated Legislation, on the Liquor Licensing Amendment Regulations (No 3) 1999, and on his motion it was resolved -

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

[See paper No 1001.]

**HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL 1999***Report*

Report of Committee adopted.

*Third Reading*

Bill read a third time, on motion by Hon M.J. Criddle (Minister for Transport), and returned to the Assembly with amendments.

**CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 1999***Second Reading*

Resumed from 24 May.

**HON J.A. COWDELL** (South West) [2.02 pm]: As I said last night, the Australian Labor Party will vote for the second reading of this Bill with the intention of seeking amendments at the committee stage. There is much to commend this Bill. I have referred to the arguments presented by the Attorney General in his second reading speech as a rationale for this split of the Department of Conservation and Land Management, and I agree with many of those reasons. I also referred to the basis of the split based on the observations of the Environmental Protection Authority in bulletin 912. I expressed concerns on behalf of the Opposition about some details of this legislation and the operation of the Conservation Commission, not only about the preparation of forest management plans, but also about some of the common services. The ALP recognises the necessity for some common services to be provided by the new Department of Conservation.

I referred to the rhetorical flourishes in the Attorney General's second reading speech concerning the Government's statement of intent rather than its statement of content. I note the observations by the Minister for the Environment when she indicated that she felt there was a perception problem and that this change was necessary merely because of the need to change perceptions. I note also that the minister still saw considerable merit in maintaining an integrated CALM structure and had been persuaded only by the need to adapt to the public perception to the public. I express my concern that this significant reform might be an election-year exercise to solve an image problem and to placate the Liberals for Forests.

I raised the question of whether the Government has the political will to use the new structures which provide some potential for reform. However, any reform would be dependent on who controlled those structures. In the end, how can the public have the confidence to rely on an agreement between Hon Cheryl Edwards and Hon Paul Omodei which is appealable to Richard Court's Cabinet? They are the men - in most cases - of Munich. They are the people who refuse to save what is left of our old-growth forests, yet we are supposed to have confidence that they will take us forward with the new structure. They do not even believe it will produce better outcomes. If they do not believe in the structure, or if they believe in it only for cosmetic purposes but do not believe it is necessary, what type of directions will they give? A reformed structure is but a first step and I am not sure we will get an adequately reformed structure, let alone a change of spirit and direction. We desperately need a change of spirit and direction for the protection of old-growth forests and to deal with the issues of the debt in this instrumentality, dieback, adequate funding, realistic royalties, an end of timber give-aways, and railway sleeper contracts. A reformed structure and a new ministry is needed. By our vote today, I hope we will take the first step; it is up to the people to take the second step.

**HON NORM KELLY** (East Metropolitan) [2.08 pm]: The Australian Democrats will support the second reading of the Bill. The proposal contained in the Bill to separate the conflicting functions of exploitation and conservation currently within the Department of Conservation and Land Management Act is consistent with the Australian Democrats' established policy position that these roles need to be separated. However, we are not satisfied that the separation proposed by the Government is in the best interests of this State or in the best interests of the conservation of our native forests. Therefore, we will seek to make amendments at the committee stage of the Bill. Depending upon those amendments to the Bill being accepted, we will reserve our decision on whether we will support the Bill.

It is a good Bill, but it is clearly not good enough to pass through this House at the moment. I refer members to the Australian Democrats' policy position as outlined in a policy sheet issued prior to the last state election which explains our reasons for supporting the separation of roles in the current structure of the Department of Conservation and Land Management. The policy reads -

It is most unfortunate that since its inception CALM has been dominated by an industrial forestry ethic; an ethic which promotes heavy-handed intervention in, and manipulation of, natural systems and resources . . . CALM like other similar public agencies is increasingly encouraged by governments to adopt an aggressively entrepreneurial style.

I am glad the Government has acknowledged that, although as Hon John Cowdell mentioned we can question its motives for putting forward this Bill.

Those conflicts of interest have been addressed in this Bill. However, other conflicts or perceived conflicts that remain within the legislation also need addressing. A lack of accountability in the current Conservation and Land Management Act has also been partially addressed by the Government. We look forward to the Government taking those steps towards better accountability for this agency and the proposed new agencies. The Australian Democrats are disappointed at the slowness of conservation reform. This has been highlighted by the slow-moving or even stagnant proposed biodiversity

conservation Bill and proposed major amendments to the Environmental Protection Act. I again refer to the Australian Democrats' policy sheet from the 1996 state election campaign which outlines the difference in priorities that this Government has placed on reforms, and reads -

As one example of the perversion of its role, in February 1992 CALM released for public comment a Nature Conservation Strategy for WA, and a draft ten year forest management draft plan. The forest management plan, which set in place a further ten years of massive native forest logging, was reviewed, finalised and under implementation within less than 2 years. The Nature Conservation Strategy, which was supposed to provide for the protection of WA's unique and endangered biodiversity, still has not been finalised almost 5 years later.

It is now almost eight years later and we are still waiting for those reforms. We appreciate the need for a high priority to remove the existing conflicts of interest currently contained in the CALM legislation and we applaud the Government for introducing this legislation.

The major reform contained in the Bill is the establishment of a Conservation Commission. The Australian Democrats welcome this new body. The establishment of this commission has the broad support of not only business groups but also conservation groups in the State. However, it is necessary to look at the relationship between the proposed Conservation Commission and the proposed new Department of Conservation. If the Bill is referred to a standing committee for inquiry, and I hope it will be, this is one area in which such an inquiry could provide the House with clarification of the roles of these new agencies, and the interplay between these agencies and the proposed new Forest Products Commission contained in the Forest Products Bill. Questions arise over which agency should have a dominant role over the others and should the Conservation Commission play a more significant role in the operations of the Department of Conservation. When considering this split of roles we must keep in mind the very important groundwork roles of agency staff, particularly in the forest areas, so we do not have an unnecessary duplication of staffing arrangements at the localised regional level. It will be necessary for officers on the ground to carry out roles and responsibilities perhaps for all three of these new agencies - the Department of Conservation, the Forest Products Commission and the Conservation Commission. This will be necessary in an integrated management of our forest areas. A standing committee of inquiry into this Bill could look at that issue.

The Bill will remove a number of CALM's conflicts of interest in logging activities, but there remains the strong perception that conflicts of interest exist in other commercial activities and ventures such as tourism and marine ventures. That is one of the dangers of rushing legislation through Parliament. This Bill has had such a focus on forest activities that other areas such as the marine aspects of CALM's role may be neglected. It is important that we do not inadvertently make mistakes in the administration of CALM or the proposed new Department of Conservation.

The Australian Democrats have concerns with various aspects of the Bill. Unfortunately, the final version of the amendments that the Australian Democrats will put forward have not been completed. I will circulate those to the relevant people as soon as they are ready and I will outline some of those concerns in the foreshadowed amendments.

The Australian Democrats are concerned about proposed new section 23 of the Act, which is contained in clause 10 of the Bill, which entitles the executive director and other directors of the Department of Conservation to attend all meetings of the Conservation Commission. The Australian Democrats believe that the emphasis should be reversed, so that the Conservation Commission is entitled to invite the executive director or other directors to meetings rather than those directors having a statutory entitlement to attend. The provisions state that if the commission is considering matters directly relating to those directors it can ensure they are not present. However, we do not believe it is right that the executive director and other directors of the department have an automatic entitlement to attend meetings. This gets back to the interplay between the relevant strengths of the commission and the department.

It is also important not to legislate for individual personalities. Although we must have serious regard for the spectre of the previous executive director of CALM it is important that we make specific provisions based on what a tyrannical executive director may do with the powers contained within this Act or within the Bill. We also see a need for a more accountable process in the appointment of people to the Conservation Commission. The Bill requires an advertisement calling for expressions of interest for such appointments and this has already occurred in anticipation of the establishment of the commission and with the expressed desire of the Government to expedite the legislation through Parliament to allow for a 1 July startup date for the new agencies. We believe that too much power remains in the hands of the minister in making these appointments. The Democrats would prefer to see a system in which such appointments are conducted in a holistic whole-of-government manner. Until the Government is willing to address these issues the Democrats, through my colleague Hon Helen Hodgson and I, will continue to address this area of accountability with the appropriate amendments on a Bill-by-Bill basis as we have done previously in this House.

The major contention in the Bill is contained in clause 27, which seeks to amend section 60 of the principal Act, titled "Approval by Minister". If clause 27 is passed in its current form, the Minister for the Environment will not be permitted to approve a forest management plan unless the Minister for the Environment adopts the Minister for Forest Products' submission on that land. One may want to call it a power of veto, although the Minister for Forest Products does not like that description. The fact remains that it is unacceptable that the minister demands that his submission be incorporated into the forest management plan. The Minister for Forest Products talks about the "veto bogey", as expressed publicly concerning this clause. I refer to the minister's media statement of 9 May of this year, which reads -

The fact is that under the Government's proposed legislation, the Minister for Forest Products will not be able to sell a single tree to anyone to produce any forest products unless he has a management plan.

He then refers to a possible impasse between himself and the Minister for the Environment, as follows -

... the result of such a stalemate would be that the Minister for Forest Products would have no power to produce any timber.

I refer now to section 55(2) of the Conservation and Land Management Act which deals with the content of management plans. Subsection (2) reads -

A management plan shall state the date on which it will expire, unless it is sooner revoked, but notwithstanding anything in this section or in the plan, a plan which would otherwise expire shall, unless it is revoked, remain in force until a new plan is approved.

It would appear that the powers in the principal Act, which are not affected by this amending Bill, will allow the Minister for Forest Products to continue the commercial operation and the logging of the forests if an impasse arose in producing a new management plan. The Minister for Forest Products is wrong in his public statements on these matters. I will be interested to hear the Attorney General's response outlining whether some other proviso can support the Minister for Forest Products' comments on this point. This is the power that a minister charged with maintaining the native timber industry could use to allow the current logging operations and silviculture practices to continue in the absence of a new forest management plan being agreed to.

Much has been made in public forums and debate about the interplay between the two ministers. We cannot legislate purely on individuals or personalities as we must legislate for future possibilities. If one shifts the responsibilities and powers too much, it may be more viable for the member for Warren-Blackwood to become the Minister for the Environment; that is, if the balance of powers were turned around. That proposal would receive little support in the public arena.

The Minister for Forest Products has also referred to similar powers to be held by the Minister for Water Resources; namely, the power of veto regarding a management plan. However, the Minister for Water Resources' submission would be based on -

- (iii) the maintenance and protection of water resources and the protection of water quality;
- (iv) the management of water catchments; or
- (v) access and utilization of water resources;

It is far less likely on such issues for the Ministers for the Environment and Water Resources to be diametrically opposed in views. Differences could arise between the ministers, especially in the provision of water services to communities. Nevertheless, both ministers would come from a truly conservative viewpoint the emphasis being on the conservation of forests and the natural resources and the conservation of the water resource. The two ministers are entrusted with the conservation of natural resources, which is significantly different from the position of the Minister for Forest Products who is charged with the development and utilisation of a resource; namely, in maintaining a viable timber industry. Therefore, it is necessary to change that balance of power between the Ministers for Forest Products and for the Environment. The provisions relating to the Minister for Water Resources are suitable for this legislation.

History has shown a difficulty for the Water and Rivers Commission and the Water Corporation if CALM damages the protected nature of water catchments. As well as other members of this House, I have had first-hand experience of looking at where CALM's logging operations have jeopardised the integrity of the Mundaring catchment. People in the Water Corporation find it difficult to be exposed to a liability if they are unable to guarantee the quality of the water resources. They do not have sufficient control over the operation of CALM, which can compromise the integrity of the quality of the water resource. For those reasons, proposed section 60(2d) will help to overcome these problems.

There is a strong possibility of conflict with the proposed provisions for section 60, not only between the Minister for Forest Products and the Minister for the Environment but also between the Minister for Forest Products and the Minister for Water Resources. The Minister for the Environment, with the resources of the Environmental Protection Authority, is best placed to resolve such conflicts rather than let them get to an impasse which is required to go before Cabinet to be solved.

As I have said, the Democrats have not finalised their amendments for the section 60 problems but we will be circulating those as soon as possible. They will be different from those of the Australian Labor Party and the Greens (WA), but they will have the same desired outcome of removing the problems that are recognised in this part of the Bill. I look forward to consulting those parties to look at the best possible way of correcting those problems. This would be another worthwhile opportunity for a standing committee to inquire into the best ways of improving this Bill. As much as forest issues in Western Australia are often highly politicised, I hope that at the committee stage we can improve the Bill largely to the satisfaction of all concerned, so that we can avoid the alternative of possible defeat of the Bill, which would set back the required reforms. We fully realise that such reforms, if not achieved this year, may take at least another couple of years to achieve. That is why the Democrats will be working very hard towards improvements to the Bill which will allow that reform to take place.

I reiterate: The Democrats will support this stage of the Bill. We hope that through whatever means, whether it be a standing committee or a Committee of the Whole or both, the Bill can be improved so that it continues to have the support of the Democrats.

**HON CHRISTINE SHARP** (South West) [2.33 pm]: The Greens (WA) support the Bill. We profoundly support the

overall objectives of this Bill and the next Bill on the Notice Paper. We totally support the words of the Minister for the Environment in her second reading speech in which she spoke of a need for a watershed in forest policy.

The overall thrust of the separation of the commercial objectives of forest logging from the conservation objectives of forest management has been dealt with by the establishment of two separate departments. The separation will address the issue which has often been debated of the conflict of interest with the current integrated arrangements of the Department of Conservation and Land Management. The Minister for the Environment in her second reading speech referred to the "perceived" conflict of interest. That conflict of interest is not merely a matter of perception but of reality and recent history.

Over 90 per cent of the department's self-generated revenue was achieved through forest logging royalties. When one takes into account federal specific purpose grants and so on, that self-generated revenue represented about 72 per cent of the total revenue of that department, and was generated from decidedly non-conservation activities. That financial conflict of interest under those arrangements was coupled with a lack of effective separation of operation from regulation, because the regulatory authorities under the current Act, the National Parks and Nature Conservation Authority and the Lands and Forest Commission, have not been sufficiently independent and effective. That financial conflict of interest and lack of independent regulation in the same regulatory arrangements has led to a whole series of events of extreme mismanagement of the forest resource.

One example that comes to mind is the current commitment of resource to the silicon smelter at Kemerton where about 120 000 tonnes of second and third grade jarrah per annum go to be burned and converted into charcoal. It has come to my attention in the past couple of weeks that the original plans for the silicon smelter that were developed by Agnew Clough Ltd back in the 1980s were not taken any further because of the chairman's untimely death. However, the original development of the engineering arrangements was formulated to take no logs whatsoever from the forest but to be based on the calculated 80 000 tonnes of sawmill waste that could be delivered directly from sawmills. Nevertheless, the dynamic of that conflict of interest in the department changed the original provision for the silicon smelter from one of dealing with sawmill waste to one which would help to finance more intensive logging in conjunction with sawmill operations in the forest and essentially to increase the level of jarrah forest logging. I spoke in the Chamber shortly before lunch about how that led to logging levels - depending on which computer model is used for the long-term sustainable yield of jarrah - of 63 per cent or 93 per cent over CALM's models for sustainable yields of that forest type.

We also note that when Professor Ian Ferguson's committee brought forth its recommended changes for old-growth karri logging at the end of last year, so little old-growth karri resource was left that at current logging levels, even without the change in policy of the current Government, the resource would have lasted fewer than 10 years. With less than 10 per cent overall left of our original old-growth forest, we would be logging at very high levels indeed. All those matters were a direct result of the lack of independent regulation coupled with the financial incentives which gave rise to the conflict of interest under the current departmental arrangements. Although the department was first requested to monitor for native fauna before logging back in 1992, fauna monitoring will still not be achieved until 2003; that is, it will take at least 11 years to achieve basic adaptive management strategies to protect small mammals in an area that has the worst record in the world in extinction of small mammal species. We also know that, coupled with this conflict of interest within the department, the lack of fauna monitoring may well be related to the inadequate provisions of the Wildlife Conservation Act. Drafting faults in that legislation mean that it does not actively bind the Crown with regard to the protection of fauna. As a result, it has protected the department from certain court proceedings.

Hon Peter Foss: It has protected the department from people misusing the court.

Hon Giz Watson: What a load of rubbish!

Hon CHRISTINE SHARP: This very real conflict of interest has been further reinforced by the arrangements for the commitment of the resource under the contracts set out in the legislation. The new arrangements for contracts are set out in the Forest Products Bill. I will not discuss those in this speech, except to say that they have added to the lack of accountability and that there have been ramifications. That can be seen in the way the Ferguson committee resolution of karri forest logging was determined.

Needless to say, having gone through some of these very serious issues in considerable brevity, the Greens (WA) support the overall objectives of this legislation. However, in supporting those objectives, we pose the question: Does the Bill provide for a system that will bring peace, harmony and, above all, sustainability to the management of our native forests? Given the appalling record of the recent past, all members will agree that that is a vital objective. We must look at the detail of the provisions in the Bill to determine whether it will provide an adequate rearrangement to achieve this objective of sustainable forest management.

As other members have mentioned, one problem in this regard is to be found in clause 27, which deals with the necessity to achieve agreement between the Minister for the Environment and the Minister for Forest Products about the finalisation of the forest management plans. I have referred to that as the "power of veto". I have read and understood the responses to those concerns provided by both ministers. Those responses hinge on two arguments. If agreement should prove difficult, the issue will be resolved in Cabinet. From my total lack of experience of Cabinet, but my limited experience of government policy setting, I know that ministers are reluctant to become involved in fights about important matters. Although Cabinet is the final arbiter - albeit a dubious one - it will be a stumbling block for the Minister for the Environment. Such a minister might feel that he or she has the right to establish forest management firmly under a conservation portfolio.

The other arguments the ministers have used in defence of this legislation relate to the provisions of the Environmental Protection Act. They have said that the documents that must be agreed upon for forest management plans to be put in place are assessed by the Environmental Protection Authority under the Environmental Protection Act and that the EPA's recommendations will be returned to the Minister for the Environment. Therefore, that minister has supremacy at the end of the day because he or she will determine the conditions in the forest management plans. This defence of the veto clause is not adequate because, at the end of the EPA assessment process, the conditions are finally set by the Minister for the Environment, but he or she is obliged under the Act to negotiate with other "decision-making authorities"; that is, other government agencies that are curtailed by the requirements of the ministerial conditions. Therefore, at the eleventh hour, we will have the Minister for Forest Products and the Forest Products Commission again brought in as joint decision makers under the Environmental Protection Act process.

From my experience on the EPA and my interest in forest management, I am aware that getting the forest management plans right is vital to the overall objective of achieving ecologically sustainable forest management. There can be no doubt about that. Therefore, if there is any doubt about the administrative processes included in this Bill, using the precautionary approach, we should look at retaining a conservation minister as the final arbiter to set up plans which will endure for 10 years and which will cover almost everything that takes place in the forest.

I ask the Attorney General to clarify the auditing function that is required of the Conservation Commission. I will return to that issue in a moment. Before doing so, I will point out my concerns about clause 23. We must remember that we have here a Bill that is "separating" CALM, yet this clause states -

- (2) Anything to be done by the Conservation Commission under this Division in relation to a management plan for land that is State forest or a timber reserve is to be done - . . .

as the case requires, acting jointly with the Forest Products Commission.

Anything done by the yet to be formed Conservation Commission involving the management of state forests - as contained in a forest management plan - must be jointly undertaken with the Forest Products Commission. I fail to understand how a Bill that purports to separate the roles of the Department of Conservation and Land Management can contain a pivotal clause requiring the two departments to act jointly on almost everything.

Hon Mark Nevill: It sounds like a waste of money.

Hon CHRISTINE SHARP: Exactly. It is a spurious clause and does not meet the objectives of the legislation.

The functions and powers provided to the Conservation Commission by the legislation are not generous. I again draw on my recollections of the Environmental Protection Authority, where staff do not need to ask their chief executive officer or the responsible minister for permission to convene meetings. They have the freedom to meet and publish however they please. This contrasts with the details contained in the provisions outlining the functions of the Conservation Commission. Many people in the community would like the Conservation Commission to be similar to the Environmental Protection Authority in that it is a recognised independent authority for the protection of conservation values. The Bill does not contain adequate scope for the Conservation Commission to produce community publications on matters of interest. For example, the media has recently reported on interest in the new dieback policy. One hopes the Conservation Commission would have a role in producing publications for general readership on matters of importance about the science and public policy formulation of natural resource management.

A pivotal function provided to the Conservation Commission under this Bill is the power to audit the Department of Conservation and the Forest Products Commission's adherence to forest management plans. I hope that during his summation the Attorney General can inform me about the resources the Government will provide to the Conservation Commission for it to perform that role. Independent auditing makes a significant difference to what happens on the ground. Will these arrangements involve desktop auditing by officers of the Conservation Commission or will it be able to contract out the field operation component of its auditing function? That detail would help me clearly understand the Government's intentions for that function.

Another issue I take odds with is the leasing power in clause 97. This power remains squarely with the executive director of the Department of Conservation. However, as responsibility for forest management is to be vested in the Conservation Commission, it is only proper that the responsibility for the approval of leases also rests with the commission and not with the Department of Conservation. At the end of the day, the department will not be responsible for the land and, therefore, the leasing arrangements should require the approval of the Conservation Commission.

The Bill is an important step forward, although it has some inadequacies. Perhaps I have dwelt on those too much this afternoon and have failed to say how important the legislation has been to the whole conservation movement. The Government has taken a major step forward by introducing legislation that executes what the community has been wanting for a long time. It is to the Government's credit that it is delivering something real and tangible. One day, as Hon Greg Smith often alludes to, there may be a green government, but, alas, it is not today. If I had my way, I would prefer a Bill that addresses the other aspects of the conflicts of interest within the current arrangements, specifically those that are still rampant; that is, the development of tourism opportunities within nature reserves and national parks. The development of tourist facilities in sensitive areas such as that at Two Peoples Bay is of great concern. The area is the habitat of two species which were considered extinct and their management is critical. I have recently received information about what is happening at Wedge Island and Grey. The Department of Conservation and Land Management is actively involved in

building multiple-room resorts. There was the almost amusing dialogue during the second reading debate on this Bill in the Legislative Assembly in which a Labor member spoke of his shock at attending a community meeting in the Pilbara about a proposal to construct a pub in a national park -

The PRESIDENT: Order! The member knows that it is not possible to allude to debates of the same session in the other House. Her fatal error was when she said "the Legislative Assembly".

Hon CHRISTINE SHARP: Thank you, Mr President. In the future, the need for regulation independent from operations must be extended from solely forest management - which is contained in this Bill - to include other areas of the forthcoming Department of Conservation, particularly tourism. Notwithstanding that, the draft of this and the subsequent Bill was prepared with the universal recognition that the level of concern about the arrangements for forest management was sufficiently high. Legislation was urgently needed to address this most blatant aspect of the conflict of interest and this Bill is a major step towards that. Given the important qualifications I have raised, I welcome the Bill and the Greens (WA) will support the second reading.

**HON MARK NEVILL** (Mining and Pastoral) [2.59 pm]: I listen with amazement to Hon Christine Sharp, because I find it difficult to agree with anything she says in her speeches. She talks about the appalling performance of the recent past. I think the creation of the Department of Conservation and Land Management by the Burke Labor Government was a big advance, and what has happened to our natural environment in the last 10 to 15 years is something of which we can be incredibly proud. We allowed people to invest in capital equipment so that we would get better use of value adding - and more of it - in the timber industry. That has gone from strength to strength. The management of the conservation estate has never been better. My electorate covers one end of the State to the other. It does not matter if one is in the Clutterbuck Hills in the middle of the Gibson Desert, in the north Kimberley or at Cape Arid National Park, CALM has a presence. It has done a wonderful job. I heard Hon Christine Sharp complaining about what CALM had done at Wedge Island, Grey and Two Peoples Bay. Those shacks at Wedge Island and Grey are unsightly. However, is it better to have controlled access or no control at all? One always has that problem when one has the conservation estate. A pub would not have to be built in the national park if people looked objectively at the risks associated with Wittenoom. There is a development in the national park because of public pressure. The perception about the risk of Wittenoom, now that the mine has closed, is far greater than what it is in fact, and it is beyond any reasonable concept of unacceptable risk. These days we seem to be running government on perceptions and not on reality. It is amazing that we have this and another Bill before the House at this stage, because I have talked privately to most members in this Chamber, and if they had a free vote the Bills would be turfed out. It is all about perceptions.

What we have managed to conjure up in the past 10 years is a whole new suite of jargon. Any new religion or cult sect always develops its own jargon, its own special set of words. We have precautionary principles and ecologically sustainable development. Plain English has just gone out of the window. If we speak plain English it is harder to weave our way around reality, but if we have a lovely vocabulary of jargon, we can avoid all the difficult issues and the hard questions. I predict now that within the next 10 years we will go back to an integrated land management agency, because what we are doing here is absolute folly. However, that will not happen until the public disquiet about the supposed problems in our forests and supposed conflicts of interest subside. Then we will ease back into the integrated agency approach.

The fundamental premise of the splitting up of CALM and of these Bills is wrong. It is interesting to note that in the minister's second reading speech she talks about a perceived conflict of interest in having the same agency responsible for conservation and commercial timber activities. In my view, that is a contrived perception. There is no conflict of interest in the existing arrangements. The level of harvesting in the state forests is prescribed in the management plan, which is ultimately determined by the minister following extensive inquiries. The minister obtains advice from outside and an assessment from the Environmental Protection Authority. It was interesting to hear Hon Christine Sharp complaining about the member for Fremantle, I think it was, and the advice of the EPA at the time. I think Hon Christine Sharp was a member of the EPA at that time.

Hon Christine Sharp: I do not remember the complaints that you are talking about.

Hon MARK NEVILL: Hon Christine Sharp said that the EPA had a number of proposals at that time. She was a member of the EPA. It just seems that if she was a part of the EPA at that time - I may be wrong; she may have joined it later - the conclusion is that it was either ineffective or incompetent. That was the only conclusion I could draw after listening to her speech before lunch. It seemed to be more of a reflection on the EPA than on the management of CALM.

The Department of Conservation and Land Management does not set the level of harvesting, so how can there be a conflict of interest? All the department does is ensure that the forest is sufficiently managed up to the harvest levels prescribed by other bodies. I cannot see a conflict of interest in that. CALM cannot harvest areas that it is not allowed to harvest. It cannot harvest above what is prescribed. In recent years it has probably even been battling to harvest the allowable cut. It has not been running at the levels set.

There is no conflict of interest. There is an incentive for CALM to be efficient and to use to the maximum what is available to it. As I said, in recent years the cut has been around the low 400 000 cubic metre mark. I think it is allowed to cut up to 490 000 cubic metres, so it has been way below that. Hon Christine Sharp must have mentioned this conflict of interest 10 times. I repeat that CALM is not responsible for determining the level of cut. All the jargon in the world cannot change that. The report we were debating before lunch clearly acknowledges that.

What is the real reason for splitting CALM? It is simply political opportunism. That is why these Bills are before the

House. Because of the Minister for the Environment's crass mishandling of the Regional Forest Agreement process, she has now done a deal with the Greens (WA). A key part of that deal was to split CALM. If any government member here is asked for a private opinion, he or she will agree with that. This is all about chasing preferences from urban votes. It has nothing to do with the reality of how the forest is managed. The radical conservation movement is using the weakness of the Government and the Opposition to further destroy the timber industry in this State, particularly the native timber industry. Many of those people will continue to destroy even the plantation industry in this State.

Hon Peter Foss: The monoculture campaign.

Hon MARK NEVILL: Exactly. I notice that Hon Christine Sharp has had a change of heart about plantations.

Hon Christine Sharp: No, not plantations - wall-to-wall blue gums.

Hon MARK NEVILL: What are wall-to-wall blue gums? Plantations?

Hon Christine Sharp: It is just one type.

Hon MARK NEVILL: The change of heart probably came when Hon Christine Sharp's family business got involved in plantations. I may be wrong there.

Beth Schultz is opposed to plantations, introduced species and monocultures. The Government will never appease some of those people; it should give up.

Hon Simon O'Brien: You have convinced me.

Hon MARK NEVILL: Yes, but how many members opposite will vote on this side of the House when I call "divide"? They will be nodding from that side.

The reason the Greens (WA) hated the Department of Conservation and Land Management was that prior to its formation they thought that the incoming Labor Government would demolish the forest department, which they hated. They thought that in that process they would destroy the timber industry. The formation of CALM prevented that from happening, much to the bitter disappointment of the Greens and some public servants. I name Bernard Bowen, whose nose was out of joint for about six years after his precious fisheries and wildlife department was split. The Environmental Protection Authority report that Bernard Bowen chaired was payback time to Dr Syd Shea. It was nothing else. He had been waiting a long time for that. People like Bernard Bowen saw themselves as members of the new conservation agency responsible for the forest and everything else, but that was dashed.

The other reason the Greens hated CALM was because it was successful; that was apart from the fact that it dramatically improved the timber industry in this State by developing the strategy of value adding. When I was elected to Parliament about 10 per cent of the timber was value added and the amount is now about 80 per cent. That does not happen overnight. It is a process that we must work on in the same way as we must keep working on improvements to silvicultural and forest management practices. There will always be room for improvement, and we will get better. It is up to us to see that things keep improving.

The Greens also hated CALM because it became the most outstanding nature conservation agency in Australia. Everyone came to Western Australia to see how it operated. Have members ever heard the Greens publicly state the good things about CALM? Hon Christine Sharp said we need open government in which we acknowledge our faults and our mistakes, and the good things. I agree with her. However, I never hear Hon Christine Sharp acknowledging the good things about CALM. Hon Christine Sharp may not like the Tree Top Walk, but in terms of tourist dollars it is very successful. The impact on the environment is probably less now than before it was constructed.

Hon Christine Sharp: When you acknowledge the conservation movement has a teeny bit of truth we might start to come in towards the middle together.

Hon MARK NEVILL: I do. I support the conservation movement. It contributes a lot to this State. However, some of its members are zealots. I am not saying that Hon Christine Sharp is one. In forest issues there are people who will never be satisfied. If the Government thinks it will win them all over it will fail. I accept that Hon Christine Sharp and I have different views about whether the forests have been managed in a sustainable way. CALM has done wonderful things.

Hon Christine Sharp was talking about the loss of species in the forests. I am not aware of any species being lost in the south west forest. I am aware of about 30 species becoming extinct in the Agricultural Region, and about 20 to 25 species becoming extinct on the Swan coastal plain. However, I am not aware of one species of flora or fauna in the forest that has become extinct in the past 150 years of forest management. I would like Hon Christine Sharp to tell me if there is one, and I will beat my breast with mea culpas.

Hon Peter Foss: I am aware of species that have been brought back from the brink of extinction by CALM.

Hon MARK NEVILL: That was my next point. Have members ever heard the conservation movement praising Western Shield that is funded by government and mining companies - how terrible!

Hon Peter Foss: And by forest royalties.

Hon MARK NEVILL: We will get to those a little later. One does not run over foxes and cats on the roads any more, or see dead foxes and cats on the sides of the roads; one sees quokkas. They have discovered two or three populations of

quokkas in the south west. We used to think they lived only on Rottnest Island. There are now chuditches, woylies and all sorts of things roaming around the forest in great numbers.

Hon Peter Foss: Gilberts potoroo was thought to be extinct and its numbers have been increased by Western Shield, without knowing it was there.

Hon Christine Sharp: At Two Peoples Bay? So let's build a big visitors centre there now!

Hon MARK NEVILL: We have a different philosophy. I have not been to Two Peoples Bay for years so I am a bit behind the times. If people want to go to Two Peoples Bay should we put a fence around it and say "keep out", which will attract people to go in there, or do we manage it?

Hon Christine Sharp: You manage it, and it is a question of how you manage it and the visitor impact.

Hon MARK NEVILL: Can Hon Christine Sharp tell us how we can manage it better?

Hon Christine Sharp: One of the overall principles is that we do not build infrastructure within a reserve, particularly reserves which are critical to endangered species like the potoroo and the noisy scrub bird at Two Peoples Bay. We should build the infrastructure outside of the reserve. If that happened the money would not go to CALM, and that is the trouble and that is why infrastructure is being built within the reserves.

Hon MARK NEVILL: I would agree if it were a small reserve. However, when it is a large reserve it does not matter very much. When I was first elected I persuaded the Burke Government to buy a number of freehold blocks in Cape Le Grand and Cape Arid National Parks. That cost a lot of money which the Government could easily splurge on goodies in marginal electorates. However, over the past 15 years Governments have been buying back that national estate and adding to it. It is stuff that CALM never gets credit for, but it does it. Members do the same.

Hon Peter Foss: You bought two stations in the goldfields to preserve sandalwood.

Hon Greg Smith: Burnerbinmah?

Hon MARK NEVILL: The Attorney General is referring to two pastoral stations that were bought for sandalwood; Juardi and Mt Elvire.

Hon Peter Foss: That did not get any ticks.

Hon MARK NEVILL: CALM has done brilliant work throughout the State. The work CALM has done on the Wanjarrie nature reserve east of Yakabindie is quite special. CALM officers around the State are the most helpful and obliging people. They go beyond the call of duty and do not seem to be nine to five employees. They are dedicated.

Hon Peter Foss: What about its fabulous publications, so that people understand nature and appreciate it. They are fantastic.

Hon MARK NEVILL: One never hears any praise for the *Landscape* magazine. It seems people in other places appreciate it more than the people of our State.

An outstanding conservation agency will be destroyed. The resulting department will not receive the funding it currently receives and will be expected to do the same job. We will create four quangos which cannot be in the same office, which will push up costs and take money away from conservation. Efforts to fight wildfires will be diluted with different officers involved from the Forest Products Commission and the Department of Conservation.

Hon Peter Foss: That will be the same.

Hon MARK NEVILL: They will not have the heavy machinery. It might be funded for the first year with the same money, but it will be clawed back.

Hon Peter Foss: Conservation will do all firefighting.

Hon MARK NEVILL: In the next 10 years we will lose big chunks of our natural bushland to wildfires, whether in national parks or forest areas for harvesting. The amount of fuel in those forests is currently greater than it was before the fires which went through Dwellingup in 1956. At the time of white settlement, one could drive a wagon and ride a horse through the karri forest as it did not have the present understorey. It was five or six big jarrah trees per acre. Since Aborigines have moved out of the area and stopped burning, the understorey has grown and it cannot be penetrated. What is called natural bush remains natural bush, but it is different in complexion from that of 200 years or even 100 years ago. At that time it was like an English gentleman's country garden with nice grassy or low shrubbing areas between the trees, as is spelt out in the diaries of the early settlers on the south coast. We are setting up our entire estate to be burnt down by wildfires.

I cannot overstate the stupidity of this proposal. The Bills are full of politically correct statements. For example, they say that the new Department of Conservation will have nothing to do with logging. On the other hand, there will be a memorandum of understanding between the Forest Products Commission and the Department of Conservation. These Bills will create a conflict of interest, not remove one. The Department of Conservation will have a real incentive to encourage logging. The more logging that occurs, the more funds will be obtained for the department. Is that not a conflict of interest? I find it absolutely amazing. The rationale for the decimation of CALM is that it will remove this perception of a conflict of interest, yet the prospect is a worse conflict of interest. The Minister for the Environment is a real genius as she has

created a conflict of interest by making the Department of Conservation beg for its supper from the Forest Products Commission.

This change is an administrative disaster. A principal reason for CALM being born was to bring together three large agencies and a number of smaller ones. These Bills will result in gross duplication and inefficiencies which were done away with in 1983 when this great department was established by the Burke Labor Government. CALM is one of the big success stories of the Burke Labor Government which people in sections of the Labor Party have disowned for the past 10 or 12 years. This Government has had some wonderful programs: The infill sewerage scheme is one for which the Government should get great credit.

Hon Christine Sharp: I agree.

Hon MARK NEVILL: We should acknowledge the success of our opponents, but that seems a little hard in politics. Hon Christine Sharp will realise why I become so stirred up when I see this great department pulled apart. She will be very disappointed by what will unfold in the future. We will go backwards. I hope not - I hope I am wrong. Frankly, the net effect of this change will be less money for conservation management in this State. We cover one-third of Australia, but this change will consume the State's resources with expanded bureaucracy and duplication of costs and will create less capacity to fight fires and keep that conservation estate where it is today. I sometimes think that many people in the conservation movement have not a clue about the number of projects with which CALM is involved across the State. The Legislative Council recently dealt with the Shark Bay Solar Salt Industry Agreement Act variation agreement. Massive work has been done to reintroduce species on the mainland by CALM, that company and overseas environmental groups, which like to cooperate with CALM - local groups do not.

If any surplus is generated in the Forest Products Commission, I can see the eyes widening and the hands of Treasury reaching out for it. The money will need to be clawed back by the conservation agencies. At the moment timber revenue is directed to CALM. It is not a true case of hypothecation, but CALM receives the revenue and it is in its interests to maximise the revenue. It is not in CALM's interests to sell off the forest as woodchips because royalties are negligible on woodchips. The real value is in sawn, first-grade timber. A mechanism in the past system, which the greens never acknowledge, is that of maximising royalties. We can argue whether the royalty is too high or low, but I refer to maximising it at its set level.

Hon Dexter Davies: That does not necessarily maximise forest management. They do not necessarily go hand in hand.

Hon MARK NEVILL: The member refers to the argument of conflict of interest. One still has the problem of the best silviculture and the best management. It keeps improving. Coupes are getting smaller and we have increased value adding, but that is another argument. That issue is partly attached to royalties and is independent as well, but I do not want to be sidetracked.

The staff of the Department of Conservation will end up like the old national park rangers pre-1983; that is, they will get parts for their vehicles from the wreckers to keep the show going.

Hon Peter Foss: They would go to the dump for capital works.

Hon MARK NEVILL: Indeed. That has happened.

Hon Christine Sharp: That would not be a bad thing for conservation, if you think about it, with a little recycling happening. That is what half the population must do.

Hon MARK NEVILL: Do they go to the dump?

Hon Christine Sharp: Yes.

Hon Peter Foss: We know how you would run government!

Hon MARK NEVILL: I do not know that we are the Philippines yet.

You will be pleased to know, Mr Deputy President, that I will comment on the role of the Labor Party in this decision to split CALM. Labor Party members should hang their heads in shame. The majority of members of the Labor Party support this split, but a big section of the Labor Party does not support these Bills. They have been the more sensible people. The reason that the Labor Party is splitting the Department of Conservation and Land Management is because it thinks there are votes in it. If it were not for the Construction, Forestry, Mining and Energy Workers Union of Australia and the Builders Labourers, Painters and Plasterers Union switching sides at the last minute at the state conference, this Labor Party would not be supporting this Bill; but it did and the reason is basically because it wants to get back into government more than anything else and it thinks that there are more votes in green urban marginal preferences in voting for this than not. The Labor Party has been prepared to sacrifice its traditional supporters, like those in the Australian Workers Union, in chasing this urban vote.

What does all this mean? The irony of it is that despite the grovelling subservience of the Minister for the Environment to the greens, who is happy? No-one is now. Before at least the timber workers and a few other people were happy, but no-one is now. The greens are having second thoughts about the way things have turned out because they can see that the Forest Products Commission is likely to be a powerful body and, most importantly, that it will have far more funds than the Department of Conservation. That was not quite their game plan. The Government is also having second thoughts. The deal that the grovelling Minister for the Environment did with some members of the green movement has not - surprise,

surprise - stuck. The greens are even more active in the forest. So even though the Government has effectively destroyed the timber industry and sent alarm bells ringing through its traditional constituency of the small and large business sector, it is in the same position as it was last year when it made that fateful decision to cave in to the greens on the Regional Forest Agreement. The Government is back where it started and no-one is happy. Its supporters are pretty disillusioned. The Labor Party at its opportunistic best has stated that it will stop all old-growth logging and create more national parks than the Government - typical one-upmanship.

The Liberals for Forests are screaming that our old-growth forest is still being cut down. Why are government members so afraid of Liberals for Forests? What happened to the no airport noise party or whatever it was that contested four marginal electorates in New South Wales? Every newspaper on the eastern seaboard was screaming its case, and local shire councils were blocking off traffic and supporting it. It had everything going for it, yet it got less than 3 per cent of the vote. I do not think that Liberals for Forests will get more than 3 per cent of the vote.

Several members interjected.

Hon MARK NEVILL: I might be wrong. If government members are worried about Liberals for Forests, they have not got much political judgment. Dr Woollard and Mick Malthouse say they know nothing about forest management but they do not want to see the old-growth forest cut down. I hope the doctor knows a little more about heart surgery and I hope the other one knows a little more about coaching football. If people admit they do not know anything about something, they probably should not become a celebrity icon, which the greens tend to exploit. Under the brilliant guidance of the Minister for the Environment, the Government has pulled off a miracle; it has concocted a strategy to ensure that no-one will be happy with its forest policy.

Clearly these Bills are a disaster. No members of this House in their wildest dreams could honestly - I underline the word "honestly" - support them. They are a recipe for confusion, conflict of interest and gross inefficiency but, most important of all, they do not in any way achieve the objectives which the Minister for the Environment outlined in her second reading speech. I will not support these Bills being sent to the Standing Committee on Ecologically Sustainable Development. I do not think that the committee members are capable of fixing up the mess that the Minister for the Environment has managed to create, despite the talent on that committee. I have heard the chairman singing the praises of Hon Greg Smith, who is in need of all the support he can get for 24 June. We need people like him in Parliament trying to fix up the messes that other people have created.

If the Government supports sending this Bill to the Standing Committee on Ecologically Sustainable Development, it will show the depths to which the Government has sunk in its desire to appease beyond anything which I would consider to be reasonable. If there were strong government and strong opposition, these two Bills would not be in the Parliament. I shall probably be a fairly lonely voice, but I shall oppose this Bill at the second reading.

**HON PETER FOSS** (East Metropolitan - Attorney General) [3.36 pm]: I greatly enjoyed the speech of Hon Mark Nevill. He always gives interesting speeches that are full of thought and cut through a tremendous amount of nonsense. I did not agree with certain aspects obviously, particularly those relating to his criticism of the Government, but he made very many valid points.

First, I will join with him in saying that I do not believe the Bills are in any way a criticism of CALM or the very valuable work it has done. I take some pride in my time as a former Minister for the Environment and the achievements during that time, including one mentioned by Hon Mark Nevill, which is the Tree Top Walk. That has shown that the science and the sense that comes out of CALM can give all the people of Western Australia an opportunity to see natural resources without damaging the environment, while encouraging people to go there. The weird thing about the Valley of the Giants is that it has been there for years. People used to go there, trample around the trees and virtually kill them. However, as soon as we put some unnatural, manmade structure there, many more people went to look at the Valley of the Giants. The good thing about it is that they do not cause the damage in the way people used to when it was previously looked at.

A certain elitist tone emerged from what Hon Christine Sharp was saying. She indicated that the appreciation of these reserves and their contents should be confined to an elite few who know about them and not to large numbers of people who may be interested in them. This is where the CALM publications have been so fantastic because they have brought to people around the world, particularly to Western Australians, an appreciation of the beauty of the nature of Western Australia. One of the extraordinary things about Western Australia is that many people come here in the spring to see the wildflowers but wildflowers are here for 12 months of the year. We have things great and small, all of which are fascinating and wonderful. If I have one criticism of the green movement, it is, I am afraid, obsessed with big, huggable phallic things such as karri trees.

Hon Derrick Tomlinson: C'est moi!

Hon PETER FOSS: I think Hon Derrick Tomlinson is offering himself as the sacrificial anode of some sort.

Hon Mark Nevill: He said he felt aroused earlier.

Hon PETER FOSS: It is extraordinary how this debate about the forest is centred on karri trees. They are completely unthreatened and are growing like grass.

Hon Mark Nevill: The most spectacular forest in Western Australia is near the Tjukurla community in the Central Desert.

Hon PETER FOSS: I know the place. It is one of the most beautiful areas I have seen.

People talk in disparaging terms about some trees because they are not tall, straight and phallic. This whole debate has unfortunately been centred on phallic karri trees rather than the much more threatened jarrah trees. Members of the green movement get more public attention when they talk about karri trees rather than jarrah trees.

The green movement has also made a big issue out of people knocking down trees. Hon Christine Sharp agrees that living with our environment, using timber for our own purposes and having it grow again is probably one of the most sensible environmental routes we can take. The wonderful thing about a forester is that he goes to work and knows that his work environment will not be changed when he comes back to it later. The farmer destroys his ecological system, as does the factory worker and the town dweller. Even heart surgeons destroy ecological systems. No-one, other than a forester or a fisherman, can say that if he does his job in an ecologically sustainable way he will have no impact on the environment. Scientific research has shown that the ecological status of forests that have been cut and regrown is exactly same as that of forests that have not been cut. I ask members to suggest any other worker who can say that his or her work has not destroyed a particular ecological niche.

I make no apology for the Department of Conservation and Land Management's work. In fact, I applaud it. I also applaud the work of Dr Syd Shea, for whom I have enormous respect. He has been an extremely loyal public servant. That fact did not go down well with Hon Mark Nevill's side of the House; members opposite seemed to think he was a traitor.

Hon Mark Nevill: I have never changed my opinion of him, and it is very high.

Hon PETER FOSS: I know that and I applaud the member for his honesty. Dr Shea has a tremendous love of the Western Australian environment, and the ideas he has come up with for it are fantastic. Western Shield is a prime example. As Minister for the Environment, I spoke to many environmental authorities around the world and they were mind boggled by that program. I tabled a report in this place after I visited Brazil and Argentina. I have forgotten the name of the United Nations agency I visited on that occasion, but its officers said that Western Shield was one of the most stunning and applaudable environmental measures ever implemented. I agree. However, I have never heard a word of commendation from the radical environmental movement. I remember Hon Jim Scott making rude remarks about it in this place and in the Press. He always has a critical, negative and carping attitude to these measures.

I deplore the way in which the green movement has undermined the enormous scientific contribution CALM has made. One of its so-called scientists - I cannot remember his name, but he was French -

Hon Christine Sharp: Was it Jean-Paul Orsini?

Hon PETER FOSS: I will not agree with the member because I might be condemning the wrong person.

One of CALM's most outstanding scientific achievements is the way in which the woylie has been rehabilitated.

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

Hon PETER FOSS: As I was saying, a significant achievement by CALM was the retrieval of woylie numbers, which was recognised by not only the state conservation authorities, but also national and international conservation authorities. The baiting program enabled woylies to restore their own numbers. Anyone who has been to Dryandra would be aware of the situation. I was very disappointed to hear that one of the gentlemen from the conservation movement accused the officers of CALM, particularly a scientist, of having conducted this program only to allow trees to be cut down in forests! The fact is that woylies do not get around in forest, but in woodlands.

Hon Christine Sharp: That's not true.

Hon PETER FOSS: They might get around in the forest if we retain them. The important thing was the slur on a highly respected scientist who had made a worldwide recognisable effort of excellence. All this person could do was say that it was a trick, and that it was a prostitution of science to allow the cutting of trees. It was outrageous. A problem throughout the debate is that many people on the conservation side play dirty. They criticise CALM far beyond any legitimate concern. I purposely do not include Hon Christine Sharp in that remark as she has been one of the few people in the green movement to recognise the good work of CALM; nevertheless, I do not necessarily agree with all her criticisms of CALM. There will never be a satisfactory arrangement between the green movement and those who look after the forests and Western Australian nature because some people in the green movement are unreasonable. When a concession is made for every demand, another demand is made. People are negative and will not be satisfied until nothing happens. Hon Mark Nevill referred to Dr Beth Shultz, with whom I have had many conversations. She told me she was not against forestry, but it was impossible to have any forestry if her views were applied. She is against plantations as they are a monoculture. One cannot win. I suggested that instead of growing monocultures, we could grow native trees in a normal forest. Yes, they say. However, as soon as it is done, which is what the forests department is all about, one is not allowed to cut native trees.

Hon Mark Nevill: They would claim it as old-growth forest.

Hon PETER FOSS: One can be certain of that. The question of what is old -growth forest is interesting. *The Greener Times* referred to 2000-year-old karris, and these people believed it. It is amazing.

The conservation movement comprises three groups of people. The vast majority are good, thinking and concerned people who get on with the job, many of whom work as volunteers for CALM and support CALM. I refer to people like those in the Wildflowers Society of Western Australia and the naturalist clubs. These are excellent people who have a deep and

abiding love of nature. They are positive and supportive people. The two groups I cannot stand, with whom I can never achieve any form of compromise, are those people who have lost their faith in God and instead have placed their faith in the green movement. They will believe anything - it need not be supported by fact or science. If they are told something by the green movement, they believe it. The other people are professional pessimists. Rather than saying "I'm a professional pessimist and opposed to anything good or worthwhile", they say -

Hon Mark Nevill: They have a national corporation called Greenpeace.

Hon PETER FOSS: That was unmasked by one of its founders. The professional pessimists say not that they are pessimists, but that they are greens.

Hon Norm Kelly: And you are such an optimist.

Hon PETER FOSS: There is no doubt about that.

This legislation is necessary. One of the first things I did as Minister for the Environment was to state that I believed there should be some separation. The important thing about the separation is that it be at the decision-making level. These Bills go further than I proposed originally as the Minister for the Environment. Nevertheless, they preserve the basic idea; namely, to maintain a consistency in the work done. Hon Mark Nevill said there would be firefighters for national parks and firefighters for forests. That is not correct.

Hon Mark Nevill: No. I said it will be difficult to coordinate because of the different officers.

Hon PETER FOSS: The forests will be vested.

Hon Mark Nevill: There will be less heavy earthmoving equipment because of the reduced cut, which is all part of it.

Hon PETER FOSS: That is a different problem. The reduced cut is certainly part of it. People must think this through. Hon Mark Nevill is right.

The public demand is a heritage demand, not an environmental demand. They want to keep big old trees, which is a heritage matter. The forest management plan states that we must maintain the same profile of forests in old growth, medium growth and young growth. It has always been dealt with in that way by CALM, and it is necessary for proper environmental management. That has occurred. Sustainability is also required. The desire to keep old trees in some ways is illogical, as they will die. It would be like saying, "Let's keep the old population and knock off all the young ones." Some people have said that.

Hon Derrick Tomlinson: That is what Hon Norm Kelly wants to do.

Hon PETER FOSS: He would like to knock off the old ones as well. Many people say we should keep the old trees. Unless we keep the young ones, the old trees will not be around in 100 years.

Hon Mark Nevill: I hope they can preserve the old politicians at the next election!

Hon PETER FOSS: Yes. Essentially, the desire to keep old trees is a heritage desire. It is important to consider the people who make these demands. The Liberals for Forests are a classic example. Dr Woollard makes a very good living indeed - one can hardly make more money than a heart surgeon makes. He is not a member of Liberals for Forests. He has never been a Liberal as far as I know. He might be a Labor for forests - I do not know. He is happy as he has a job, and he does not mind if what he wants will put other people out of jobs.

We want as much as possible to preserve the very effective institution of CALM, only taking off the functions which can be logically separated. It goes further than that. My original proposition was to separate the decision-making function. The Bill certainly does that but it also takes off some of those things that can easily be taken off; an easy one is plantations. Some people say that CALM should not be involved in plantations anyway and that that matter should be for commerce. The only reason that CALM is in it is that if it did not do it no-one would. One of our problems is that the Government has had to take a lead with plantations. If it had not done so, we would be nowhere. Again I refer members to my report in which I said that Brazil has three million hectares of eucalypts. That puts us to absolute shame. People may criticise Brazil for its environmental performance but if we had three million hectares of eucalypts we would be doing darn well.

Hon Kim Chance: They have a fair amount in Israel as well.

Hon PETER FOSS: That is right. All around the world we are put to absolute shame by our lack of plantations. CALM had to push those plantations to make sure they happened.

As far as the contracting for the cutting of timber is concerned, that is already contracted out. There is no real reason that CALM should continue to be the body that contracts that out, and it is easily separable. It is very hard to separate the management of a forest, and it would not be logical to separate the management of a forest from the management of a national park next door. My only concern is to ensure that there is some income for national parks. If members talk to old national park rangers, they will hear them say that once upon a time all they had was handymen. Now they can hire people with knowledge of and training in the environment. Before if people wanted barbecues in the park, the handyman went down to the local tip, got himself some scrap metal and welded it up. The professionalism that has come into national parks and wildlife conservation is superb.

I will pick up on the example of Two Peoples Bay because I went there before and after CALM did some work in the area. Some of the most exciting things it did there, one cannot see. One of the things that CALM did extremely well was the

landscaping and the setting out of the public access. Once upon a time people on the beach at Two Peoples Bay could see the pathway going up the dunes, the toilet and the car park at the top. Subtle things have been done. CALM has moved the car park, so when people are on the beach, as far as they are concerned they are on a pristine beach because they cannot see the path, toilet or car park. Any visitor who had not had that pointed out would wonder what CALM had done. Much of what CALM does is to make unobtrusive what it is doing. Everything it does is done to a very careful plan to minimise the impact on a particular environment. One of the things we can credit CALM with is the way people can visit all these wonderful places and appreciate the minimal impact that CALM has created. Members have taken the rather grand example of the Tree Top Walk, which occupies only three square metres of the forest floor.

Hon Mark Nevill: It is a gratuitous waste of money to change the name of CALM to the Department of Conservation. That brand name is known around the world.

Hon PETER FOSS: That is an interesting point. Many people would agree with the member and others would dispute the point. I hope that the logo is kept, because it is one of the best logos that has ever been devised and is an extremely good way of indicating the things that CALM does. What is in a name? I understand the member's point that some people see it as a significant change because some people in this State loathe, detest and hate the name of CALM. I do not agree with them or sympathise with them, but to them it is an important issue.

Hon Mark Nevill interjected.

Hon PETER FOSS: I have some sympathy with that one. The essential aspect is that CALM has done a fantastic job. There was a need to change the decision-making area, for the members of CALM not to be on that decision-making body and for the decision-making body to receive some independent advice. There is no problem with the functions that are being taken up. I assure Hon Mark Nevill that the Bill would not have got here had there been a suggestion that we split the management. As I have always said, if there is a conflict, it is in the brain and not in the hands. The blue-collar worker in the truck does not have a conflict because his job is to do as he is told and to get on with the task that is given to him. The decision making matters, and that is the important part here. Hon Christine Sharp asked me about the audit function. I understand that the Conservation Commission will have its own staff and funds for contracting out auditing. Some of the other matters raised will probably be best dealt with in committee.

Hon Christine Sharp has indicated that she intends to move that this Bill be referred to the Standing Committee on Ecologically Sustainable Development. I will support that motion on a number of conditions. One is that it must have a fixed time to report, which I understand everyone agrees would be 20 June. That must be so because it is essential that this legislation be passed by the end of the financial year, and we must have enough time for it to be passed. I will support the motion because I believe it will limit the issues of debate that would otherwise come up in committee. Those issues will be able to be thrashed out in the committee and put down in writing for the benefit of members, so that when the Bill comes back to this House we will be dealing with those clauses rather than the Bill as a whole. I hope that as a result of this we will at least point up the areas of dispute, although I see little chance, other than in areas where there are clear inconsistencies in what we say we intended to achieve and what we have achieved, that others will be picked up by the committee. The main thrust of some of the points of Hon Christine Sharp I do not agree with, and I do not see the Government agreeing with them when the Bill returns to this House.

I do not agree with the Environmental Defender's Office or the remarks that have been made. I must confess that I think some of the aspects of it that I have in front of me are dishonest. The important thing about the management plan is that I hope we do not have a Government with one minister charging off and making a decision contrary to anything that the rest of the Cabinet would possibly decide. It is important, however, that there is the power to say, "I want this matter resolved by Cabinet" because that is a very important power. In the end so many things go to Cabinet. A classic example is the issues of public interest, which are plainly a matter for the Government to decide, not the Parliament or individual ministers. The Government must make a decision on those balances; that is why it is there. I know it is popular amongst greens never to trust a Government because all Governments are dishonest and terrible, but I defy them to find a better method than one of having a Government that gets on and does things. In the end the only way the State can be run is to have a Government that makes those balancing decisions. I concede that it is not easy, but it is useful to have a situation in which ministers have portfolios and things come up to Cabinet at which there will be a healthy argument with a minister putting one point of view. If that minister changes portfolios, he or she will put another point of view. The arguments will be listened to by members of Cabinet and there will be a consensus. In our Government there is consensus, and if we do not agree, something does not happen. It is essential that we have this concurrence of the minister, not because he has a veto but because it will ensure that the issue goes to Cabinet and is considered as a whole. We have already done this with the legislation relating to marine parks, and that legislation has worked well.

Hon Christine Sharp: That is why nothing has happened.

Hon PETER FOSS: That is not the reason.

Hon Christine Sharp: What is the reason?

Hon PETER FOSS: Does the member have any idea how long it takes for parks to be established? It involves a very long lead time. I hope to get this matter dealt with before 5.00 pm. I do not agree with that proposition, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*Referral to Standing Committee on Ecologically Sustainable Development*

**HON CHRISTINE SHARP** (South West) [4.51 pm]: I move -

That the Conservation and Land Management Amendment Bill 1999 be referred to the Standing Committee on Ecologically Sustainable Development for consideration and report by 20 June 2000.

In moving this motion without notice I am bearing in mind some of the things that the Attorney General has just mentioned in his summation. I agree with him on those objectives. Members will note the very short time frame for this Bill to be considered by the committee and returned to the House. However, I feel confident that the committee is already familiar with this area and that its previous work on these matters has put it and its staff in good stead to act with the speed necessitated by this deadline.

I am sure the Leader of the House will concur that anything that reduces the time taken to deal with legislation in the Chamber is to be applauded. We have many matters on the Notice Paper that must be completed before the winter recess. We will be under great pressure to complete all those matters. I am sure that the standing committee will be able to work in such a way that the time taken for the committee stage will be dramatically reduced. The amendments already on the Supplementary Notice Paper do not include those proposed by the Greens (WA) and the Australian Democrats, so the list will get longer.

Finally, and most importantly, members of the committee have worked together for a long time and have developed a good relationship that allows us to resolve difficult matters. I hope that the committee will be able to do good work on behalf of the House. I commend the motion.

**HON J.A. COWDELL** (South West) [4.52 pm]: The Australian Labor Party supports this referral. There is one key area for the committee to address; that is, the adequacy of the current formulation of the forest management plans. A range of other issues might be considered, but they are nowhere near as important as that issue. The committee would be well advised not to treat equally all the matters that may be considered. One or two matters are far more important than others. I commend the motion to the House.

**HON MARK NEVILL** (Mining and Pastoral) [4.53 pm]: I will vote against referring this Bill to the Standing Committee on Ecologically Sustainable Development. I suspect that, as happened during the second reading debate, I will be the only member to vote in the negative. I am happy to be identified as having a different view. I do not believe this committee can fix up the Bill. In addition, having been privy to the matters that the chairman of the committee wants to address, I do not believe the Bill will improve the situation. In fact, it will probably limit the capacity of these two bodies to work effectively. I cannot see myself supporting recommendations flowing from the issues that Hon Christine Sharp wishes to consider. I would prefer to debate the Bill clause by clause in the committee stage, so that we can have a decent debate about forests. I have been looking forward to that for about eight or nine months. The Government is not very committed to this legislation and this referral is a convenient way of avoiding the debate. It is what Stalin called "guided democracy". We should not refer this Bill to the committee; it is a phoney referral. We should debate it clause by clause and expose it for what it is: An appalling piece of legislation that will probably have a lifespan of five or six years. When it fails, we will go back to the integrated land management system that has served this State so well. The real challenge was to make what we had better.

**HON GREG SMITH** (Mining and Pastoral) [4.56 pm]: I do not support this Bill's referral to the Standing Committee on Ecologically Sustainable Development because I do not believe any constructive result will be produced. I could be convinced to support it if the mover were prepared to put on the record an unequivocal commitment that this process will minimise the debate on the Bill when it comes back to the House.

Several members interjected.

Hon GREG SMITH: No, she cannot, but that is her stated purpose. Like the Education Bill and the Westrail legislation, this Bill will go to a committee, consume a great deal of time and effort, and be returned to this place, where it will be debated just as fully as it would have been had it not been referred. We will simply have a committee report to debate as well. I do not support the motion.

Question put and a division taken with the following result -

## Ayes (26)

Hon Kim Chance	Hon Peter Foss	Hon Murray Montgomery	Hon Tom Stephens
Hon J.A. Cowdell	Hon G.T. Giffard	Hon N.F. Moore	Hon W.N. Stretch
Hon Cheryl Davenport	Hon N.D. Griffiths	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Dexter Davies	Hon Ray Halligan	Hon Ljilanna Ravlich	Hon Ken Travers
Hon E.R.J. Dermer	Hon Tom Helm	Hon B.M. Scott	Hon Muriel Patterson
Hon B.K. Donaldson	Hon Helen Hodgson	Hon J.A. Scott	(Teller)
Hon Max Evans	Hon Norm Kelly	Hon Christine Sharp	

## Noes (2)

Hon Greg Smith	Hon Mark Nevill (Teller)
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Question thus passed.

**RAIL FREIGHT SYSTEM BILL 1999***Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

**ADJOURNMENT OF THE HOUSE**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.02 pm]: I move -

That the House do now adjourn.

*Mrs Elizabeth Clancy Durack - Adjournment Debate*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [5.02 pm]: I hope members will not mind if I take a few moments of the time of the House to comment upon the passing a few hours ago of one of Western Australia's great artists, Mrs Elizabeth Clancy Durack. She was a woman who had won the admiration of, I am sure, an enormously broad cross-section of the Western Australian community. She was one of the State's most significant artists. With her passing, I am sure that there will be widespread expressions of sympathy for her family. She had been painting here in this State since the thirties. Her art spans nearly eight decades of painting, and in that period covered an amazing range of styles, characters and use of colours. In the display of that artistic talent, she captured the spirit of the landscape of Western Australia and the spirit of many of the people. Her art captured the lives and changing lifestyles of Aboriginal people over that period.

She first learnt to express her great talent while living with her sister, writer Dame Mary Durack, on the family properties in the north east Kimberley when she was involved in illustrating Dame Mary Durack's early works. Specifically, one of the early writings was the book *Chunuma*, which was about a young Aboriginal man, Jeff Chunuma, who is now one of the great elders of the Miriung-Gajerrong people and who has been involved in the recent litigation. Elizabeth was the illustrator of those early works, plus the early submissions of Dame Mary to the *Bulletin*. She subsequently went on to display artistic talent in the use of other media - oils and watercolours. An enormous range of artistic style and talent was put on display by this daughter of Western Australia.

She earned the warm friendship, appreciation and respect of many people, not the least of whom were the Miriung people, with whom she was most closely connected, the Gajerrong people of the nearby lands of the north east Kimberley, and other people more widely throughout the State as she captured the lives and lifestyles of so many, including the Aboriginal people. She was not simply a Western Australian artist but especially a Western Australian artist. Her works from Bougainville, Europe and various parts of Australia are in the great collections of Australia and in many art galleries scattered around our State and indeed the world. She even has a small representation of her work here in the State Parliament, with her beautiful sketch of Geraldton. She was an artist who gave particular validity to the experience of painting in the Kimberley as that special place of artistic inspiration, which paved the way for many Kimberley-based artists in later years.

She is survived by her daughter, Perpetua Clancy Hobcroft Durack, and her son, Michael Clancy. I am sure that Elizabeth's death is deeply felt by them, and the sympathy of many people in my electorate, as well as of people throughout the State, will be with them. The family is connected to me through marriage. It has been not only that family association but also the direct association with Elizabeth as a friend, a mentor and adviser that has been a great inspiration to me during my association with many of the outback regions of this State. I will remember and treasure her art always. I am lucky enough to have some of it. I will remember her paintings of the Kimberley and places in the Pilbara like Ethel Creek, just north of Newman, and other parts of the outback, the desert regions and the goldfields. It is art of an extraordinary quality, in many different styles over many different decades.

I wanted to use my first opportunity in the House since her passing to express what I am sure will be the widespread sympathy that the people of this State will convey upon learning of the death of this great artist of Western Australia.

**HON PETER FOSS** (East Metropolitan - Attorney General) [5.07 pm]: I join with the Leader of the Opposition in paying tribute to Elizabeth Durack as an artist. If my contribution is short, it is not because of a lack of merit in her artwork but because the Leader of the Opposition has stated very well the contribution she has made. Much of her artwork in its time was quite innovative and quite shocking to people. However, it has come to be accepted and is remarkable art. Tribute was paid to her by a retrospective quite late in her life, in her eightieth year. I think that marks the position she holds in Western Australian art.

Her death is a real sense of personal loss. She was a wonderful person. I always found her a delight to talk to. She had one of the most pleasant personalities and was a wonderful person to deal with. One of the things that did mar the later years of her life was something which was a total misunderstanding of her intent, and that was her Eddie Burrup paintings. I put on the record how important they were to her, because she was always a bit puzzled by the criticism that she received over them, particularly because her very close friends from the Miriung-Gajerrong people could not see any problem at all. What she felt she was doing with her Eddie Burrup paintings was expressing an Aboriginal spirit. She felt that she was sufficiently close to Aboriginal people that she could in her painting express important Aboriginal points. That was accepted by her close Aboriginal friends. I feel that that was her statement of how close she felt to Aboriginal people. I have always regretted the controversy that followed that, and it was certainly a matter of considerable distress to her. It is important that I acknowledge and, I hope, put clearly on the record that I believe that was a very important expression of

the ties she had to the land of Western Australia, in the same way as Aboriginal people have ties to the land of Western Australia.

Hon Tom Stephens: I endorse and agree with the sentiments you have expressed so clearly.

Hon PETER FOSS: I thank the Leader of the Opposition. I know that in the final years of her life it was a matter of some distress to her. I hope it did not in any way hasten her death. I hope that with her death people will come to appreciate what an important contribution she made in every aspect of her painting, and that they also appreciate her paintings as Eddie Burrup.

*Answers from Minister for Primary Industry - Adjournment Debate*

**HON KIM CHANCE** (Agricultural) [5.10 pm]: Observers of answers that members receive from the Minister for Primary Industry via his representative minister in this House might have noted the extraordinary degree of evasion that this minister employs to avoid giving this House an answer to a reasonable question. Although I thought that the minister's earlier disgraceful examples of evasion and concealment could not be surpassed, he reached a high point in this afternoon's question time. Today I asked why he had refused an application from a dairy farmers organisation to provide a certified list of dairy farmers to the Australian Electoral Commission, so that a ballot might be conducted. If the Minister for Primary Industry had a reason to refuse that application, he had the opportunity in answering that question to give us that reason. He or his office is also alleged to have told the Australian Milk Producers Association Ltd that no list would be provided unless assent was granted by Mr Danny Harris. Mr Harris is an executive of a rival organisation that has no interest whatever in advancing another poll.

I found this allegation which was made late yesterday so extraordinary that I felt I ought to give the Minister for Primary Industry the respect that he is due as a minister and a chance, in fairness, to refute the allegation. I had intended to raise this matter on the adjournment debate yesterday, but I desisted. I thought that that would have not been fair and that I would give the minister a chance to respond. He did not take that opportunity, and I will tell members what he did. He did not even address the question. My question was a fair and precise inquiry about an allegation against the minister that he is biased, is attempting to prevent a democratic process and is using his ministerial authority improperly in order to achieve a political end. That is the allegation that has been made against the Minister for Primary Industry. It is an allegation to which I thought the minister ought to have a fair opportunity to respond without my making those allegations. Now I have to make those allegations.

I expected that the minister would take the opportunity that I provided to either refute the allegation or explain the facts that led to his decision, because the minister may not have done those things. He did not do either of those things. He did not even give this House the courtesy of a straight answer. His answer was, "A list of licensed dairy farmers was supplied to the Australian Electoral Commission on 13 March 2000." One would think from that answer that the list referred to is a list that is relevant to the question. One would think that the list is one which can be used by the Australian Electoral Commission to conduct the ballot which was requested by AMPA and which was the subject of my question. I thought so! Straight after I received that answer - just a few moments ago - I telephoned Mr Panegyres of the Australian Electoral Commission's industrial division. I asked whether the list he was given could be used by AMPA to conduct the ballot. The answer was an unqualified no; it is a list which belongs to another client. Maybe the minister does not know that. That is the one nagging doubt I have. Maybe the minister does not know that the AEC cannot use that list.

At this stage we have a valid organisation representing dairy farmers wanting to conduct a ballot through the processes that are available through the laws of this State - albeit using the Australian Electoral Commission and not the Western Australian Electoral Commission. The minister has the legal power to direct the Dairy Industry Authority, which has control of the facts. The minister has given a direction that that list shall not be provided, and a contingency which he has provided, which is the allegation, is that he has delegated his ministerial authority to an executive member of a rival organisation. Unless AMPA's rival - unless Danny Harris - says AMPA can have the list, it will not be provided. This is an improper action by the minister. The Minister for Primary Industry is setting out to nobble a democratic process. He is using authority which he is granted under the Crown for a political purpose. The minister does not want the facts to be known. He does not want the processes of democracy to be carried out.

I have had enough of this minister. One way or another over the years we have had answers from this minister which do not fit that minister to conduct his role. He has done a number of things on this issue, and on others - and I can assure members I will not be pulling any punches with this minister in the future on this matter in particular, because there are things which have gone on in this matter which are unsavoury to say the least. I am disgusted about this. I do not know what I can do about it. There is not much one can do in opposition. However, I suggest that members opposite take this minister into a place where nobody else can hear what they say to him, and give him clear instructions about the way he ought to be conducting himself. This reflects badly on every member opposite. This minister is out of control. Members opposite need to do something to fix this. Answers like that given to this place by the minister reflect badly on the Government. I can assure members opposite that every dairy farmer in Western Australia will know what he has done.

*Answers from Minister for Employment and Training - Adjournment Debate*

**HON LJILJANNA RAVLICH** (East Metropolitan) [5.16 pm]: I rise on a similar matter to that raised by Hon Kim Chance: The quality of responses that members on this side of the Chamber receive from ministers. I am totally frustrated by the extent to which agencies and ministers ensure we do not get answers to straightforward questions. A pattern has

emerged in which ministers are happy to sign off on just about anything without questioning any of the detail of their answers or without intending to provide any of the detail sought by questions posed by the Opposition.

Hon Graham Giffard asked the Leader of the House representing the Minister for Employment and Training a question with four simple parts. Part (1) reads -

How many college computer servers are due to come to the end of their service life and require replacement at the end of this year?

The response was a general paragraph about the college management information system which stated that systems are not projects but are fully operational systems. That had nothing to do with the question asked. It asked: How many college computer servers are due to come to the end of their service life and require replacement by the end of the year? The response was a total avoidance of the question asked. It happens that a number of servers are due for replacement. The minister could have responded with either zero, 48, 99, 100 or whatever as the answer. However, he chose to avoid that specific question. The second question was -

How many of these servers are used for the support of the college management information system applications?

The response referred to CMIS as the principal system that autonomous vocational education and training colleges and institutions use to manage their operations. The response was a general answer, when the question asked specifically: How many servers are used to support the college management information system application? I know that there will be at least two, and if I know that, why does the minister not know the answer and why does he attempt to conceal accurate information from this place? The third question was -

Are any CMIS servers at any colleges in need of immediate replacement? If so, which ones?

He referred to the CMIS system generally, and the fact that it managed some 127 000 clients, who enrol in over 700 000 modules and undertake almost 23 million student curriculum hours of training. That bore no relationship to the question asked, which was very specific. Are any of the servers in any of the colleges in need of immediate replacement? At least three servers need replacement to my knowledge; namely, those at Central West College, South West Regional College and Midland College. The minister was then asked -

What is the likely cost of the replacement of all CMIS servers?

Again, the response gave no figure; it was just the same bland response with no relevance to the question asked. I understand that the server replacement will cost about half a million dollars. Anyone who has followed the CMIS issue and the cost blowout in TAFE will be aware that, at the last count, the system had clocked up \$20m of taxpayers' funds. Add to that the half a million dollars proposed to replace servers related to it, and the associated hardware cost, we have another million dollars tacked onto the \$20m. There is an answer to the question.

Clearly, the minister has an agenda to point-blank conceal information from this place. The minister is not doing his job. The response I received to specific questions is appalling. It is no response. The minister should not hold his position if he cannot do his job properly. It is clear from the answers I received that the minister is out of his depth, and that he is not checking with his advisers about the accuracy of the answers provided. Even if he had not asked about accuracy, the minister should be smart enough to know that five specific questions were asked; therefore, those five specific questions needed specific answers. Giving me a general rundown on the CMIS system and the number of student hours within the TAFE colleges is not good enough. Ministers are intentionally misleading Parliament, which is a very serious matter. It happens all too frequently. We heard Hon Kim Chance refer to unacceptable responses from the Minister for Primary Industry. It is unacceptable. The information provided is often inaccurate, and delays often occur in providing answers to questions on notice, and key information is missing even when some notice is given to ministers.

I remind the Minister for Employment and Training, through the representing minister in this place, that it is not good form to be so sloppy in his work. He should at least ensure that the information provided to this place is correct. If he is unsure, he should double-check with the people who provide it to him. That is not happening, and it is a disgrace.

#### *Workers Compensation Amendments - Adjournment Debate*

**HON J.A. COWDELL** (South West) [5.24 pm]: Members will be aware that Parliament, at the behest of this Government, gave insurance companies substantial amendments to the workers compensation legislation last year which curtailed the rights of injured workers. I have a particular instance to relate. How do the insurance companies respond to the initiative by Parliament's acting at their behest? They attempt by various devices to further curtail the rights of and benefits available to workers beyond the legitimate legislative regime. The insurance companies want a two-lane street, not a two-way street. They are getting things through parliamentary action and through their own devices. The system must secure them, and their profit margin is never impinged upon at all. If they give massive discounts, as they did mistakenly in the mid-1980s, the system must provide recompense for their error. The system must support their profit margins.

I believe the minister is conducting an inquiry into these practices. I bring to the attention of the House a letter sent by a constituent to Mr Neesham of WorkCover. It outlines a typical situation. It is not by far and away the worst situation of which I am aware, and a number of particularly deplorable examples will be brought to Parliament's attention next week. This is a modest, but typical example. The letter from the husband to Mr Neesham reads -

I am writing to you with concern as to the way that my wife's case has been handled by AMP Insurance . . .

J . . . has worked at Aherns Karrinyup for over seven years, part-time in the cosmetic area. On the date of the accident . . . she was cleaning off shelves in the small back storeroom. Standing on a stool approx 1 metre in height, she was down to the last box on the top shelf this was a heavy box, and as the shelves were not attached to the brackets, the 3metre long shelf came away with the heavy box. She gripped the shelf as she fell backwards. Landing heavily on her left buttock and left hip, the shelf was firmly wedged under her chin causing an awkward neck extension. She landed on a hard floor with rubble of other boxes and goods all over the place. Feeling instant pain in her neck and hip area, she was ambulated to Sir Charles Gairdner hospital. Released after seven hours with a soft collar and pain killers, was the beginning of a long recovery.

These shelves were known to be not attached to their brackets and extremely insecure, as an employee had already sustained an ankle injury when a similar shelf fell on her.

Initial treatment was physiotherapy three times per week, referred by our family Doctor V . . . . After a few months she was referred to Dr F . . . for pain management and hospital treatment. He gave her three facet joint injections on two separate occasions, one in her back, two in her neck area. Referred by Dr F . . . to Dr S . . . Clinical Psychologist, who in turn eventually referred her to Dr P . . . S . . . Psychiatrist, whom she is still attending. J . . . has also seen the following (4) Doctors . . . .

J . . . is an honest forthright person and has abided by all the Insurers requests. On recommendation from Doctor V . . . , we have received home help weekly. J . . . 's injury has restricted her from most forms of housework. Vacuuming, cleaning bathrooms, making beds, grocery shopping, cleaning windows, even doing her hair when it was long . . . netball coaching, sitting for extended periods, standing for extended periods. She was once a bright energetic bubbly person who helped encouraged and laughed her way through life. The depression that has hit her because of the constant pain, has also led to panic attacks. . . . J . . . was prescribed M S Contin from Dr S . . . for pain relief, as an alternative for panadiene forte, which provided unreliable for constant pain relief. The ms contin was adjusted by Dr S . . . and Dr V . . . to a level where the pain was substantially relieved.

The problem arose when her case manager from AMP, . . . decided to withdraw their coverage of the medication, without consulting with Dr S . . . or Dr V . . . . At the same time he withdraw the home help J . . . was getting once a week, without notifying anyone. A phone call or letter to J . . . would have been courteous, as she got very upset waiting 2 weeks before calling the company.

Dr V was angry at the deterioration of J's situation. Subsequently Dr V phoned the insurance representative and expressed his concern at these decisions being made without any consultation with him. It continues -

He felt the idea to cut both the cleaning help and the coverage for ms contin, without notifying anyone (except the pharmacy), was a very dangerous position to put a very depressed and injured person in. Within 24 hours of this phone call the cleaning help and the cover of the medication were both reinstated. We were very grateful.

J . . . was in a quite severe state of depression by now, something she has never suffered from. Adding to the upset was the 'Doctor Shopping' AMP was seeing to be doing. She had to see 3 new Doctors in 3 weeks.

The Easter school holidays were beginning, when for some reason the ms contin coverage was cut again along with the cleaning home help. This proved too much for J . . . , as I received an urgent call from our 9 year old daughter to say "Mum was in the cupboard crying and crying and wouldn't come out." When I got to her she was crying so heavily, . . . you couldn't understand her.

Consultation between Dr V . . . and Dr S . . . found her in hospital within an hour, in Joondalup Phych ward. She remained here for 10 days receiving counselling, and pain management skills.

The chaos this has brought to the many lives J . . . touches is unbelievable and very painful for us all. . . . We now walk on egg shells at home, trying not to add to the pressure she feels. I handle all accounts and anything to do with the accident . . .

These weeks are going to be a very heavy for J . . . as she has more than four doctors appointments, a meeting with AMP lawyers . . . a conciliation and review at West Perth . . . and a Worksafe review . . .

We give the insurance companies the protection they want legislatively, yet they use every underhanded device to keep their profit margins up and to destroy the situation of injured workers and the family life of many families in Western Australia. This is but one example that I could bring to the attention of the House. I hope that the minister's inquiry addresses the practices of these insurance companies. We have afforded them a margin by legislative action only last year, yet they stoop to these levels even when Parliament gives them the legitimate relief for which they have asked. There needs to be some action from the Government on the matter of workers compensation insurance practices.

*BHP Dispute, Newman - Adjournment Debate*

**HON TOM HELM** (Mining and Pastoral) [5.33 pm]: The House would be aware that I missed the past two days of the sitting. If members think that it is because Newman Airport closes down on a frequent basis, I advise that Newman Airport has never been closed for two consecutive days before, even though we have had cyclones, bushfires and so on. As

members will see from weather reports, there was low cloud yesterday morning and Tuesday morning and the plane could not land, which is the reason I was late.

I attended a mass meeting of BHP workers at Newman on Monday at which they resolved to take a certain course of action. I thought it would be timely for me to bring the matter to the House's attention so there will be no confusion about the BHP dispute with the various trade unions at Newman and also at Hedland. I feel that the dispute will go down in history as one of showing management's mistakes and the ability of the union to manage well the dispute that is now at hand. Like the Maritime Union of Australia dispute before it, the management of Greg Combet, the Secretary of the Australian Council of Trade Unions, the people on site and the state and national union organisers together will bring a good outcome to this dispute.

We hear from BHP that all it wants to do is offer people a choice and have a work force that is committed to the work ethic and to what the management wants. The unions have demonstrated that that is not an outcome to which they are opposed either. That is a perfectly sensible and reasonable outcome. We need to remember that the majority of BHP workers are BHP shareholders, and they are not so stupid as to bring about a dispute that will reduce the profitability of that company. However, they are human beings and feel they have a role to play, and they are demonstrating this, despite the fact that BHP used a four-wheel drive vehicle to batter its way through a legal picket line, and despite the fact that BHP insisted upon the police using batons to charge a peaceful, legitimate and legal picket line. Despite that extreme provocation, the unions stayed disciplined, they stayed together, and they stayed focused.

The latest offer that the unions have put on the table for BHP will enable BHP to live by the statement it has made; that is, this dispute is not about BHP wanting to be an anti-union company but is about the unions playing a role in the profitability of the company and the company's ability to manage its assets in the way it sees fit.

The unions have made nine resolutions to settle the dispute. They are as follows: A collective agreement binding BHP Iron Ore and the unions and containing the same pay, benefits and terms of employment applicable under the BHP staff system - that is, the contract system; an enforceable agreement dealing with union representation and organisation; a continuation of the award as a safety net, but the collective agreement to contain all terms and conditions and exclude the operations of the award until the expiry of the agreement; the collective agreement to contain a commitment to negotiate future terms and conditions prior to the expiry of the agreement; the collective agreement to contain a provision allowing terminations of the agreement after two years if the agreement is not working to the satisfaction of either side; that there be a satisfactory method for dealing with collective and individual employee concerns about working arrangements, including reference to the commission if necessary; new employees to have a genuine choice between the individual staff contracts and the collective agreement, so that they do not need to sign a contract but can go onto the collective agreement, which is similar, but which they do not need to sign; that there be no requirement for collective agreement employees to sign individual commitments; and that any proposed settlement with BHP Iron Ore be submitted to further mass meetings for decision.

The ACTU and the unions went to great pains to let people in the work force know. There were no private, underhanded or under-the-table deals. It was a matter of great import and, in my view, a matter of people expressing the view that they did not want to go onto the same working agreement as Hamersley Iron Pty Ltd or Robe River Iron Associates, where they would work up to 30-hour stretches at a time and would be told to work in Yampi one day, Dampier the next day, Tom Price the next day, Paraburdoo the next day, and all those sorts of things. The unions want to work with BHP to maintain a successful and productive enterprise.

Nothing could be simpler than what is being proposed. BHP has put the offer on the table. The unions are anxious to pick it up, but they will pick it up only when it contains the ability for people to reserve their rights. This House should be aware that the unions agreed at the mass meetings at Hedland and Newman to settle the dispute on the basis that I have outlined. However, if that was not acceptable to BHP Iron Ore, the meetings resolved to commence a levy of \$30 a week to help finance the legal action, and, as soon as possible, to commence protracted industrial action, as determined by the delegates and officials.

The carrot is that the union and the workers will give the company everything it has been asking for. They agree that what should happen is in the best interests of the company. However, they do not agree that the unions should not have a role to play or that people will be assessed by those for whom they have no regard. If the workers sign these individual contracts, the unions will not be able to protect their interests. There will be no legitimate work for the unions to do, which is what they are asking for.

If BHP is genuine, it will take up this offer from the unions. If it does not, I am sure we will have industrial disputation and court cases. In this case, the appeal was against the injunction that BHP is now seeking. It could cost the unions in excess of \$1m, which will be covered by the \$30 levy. Workers are prepared to dig in, to put their money where their mouth is and to take industrial action to protect the interests of the union movement against this rather silly and mismanaged dispute that has been manufactured by BHP.

Question put and passed.

*House adjourned at 5.41 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**WESTRAIL, DIESEL EXCISE PAYMENTS**

1684. Hon J.A. SCOTT to the Minister for Transport:

- (1) How much has Westrail paid in diesel excise in each of the last five years?
- (2) For what purpose was this excise collected?

Hon M.J. CRIDDLE replied:

- (1) Westrail does not have a record of this information. Diesel fuel is purchased at a contract rate per litre which includes excise. The actual excise cost is not disclosed on the invoice. For the member's information, Westrail fuel purchases since the financial year 1994/1995 are as follows:

Financial year	Litres
1994/1995	52.1 million
1995/1996	50.5 million
1996/1997	51.9 million
1997/1998	47.6 million
1998/1999	40.1 million
1999 to 29 February 2000	31.7 million

- (2) Diesel fuel excise is a Federal Government charge administered by the Australian Taxation Office. The Honourable Member should contact that office to obtain the information he requires.

**GRAHAM FARMER FREEWAY, LAND ACQUISITION COSTS**

1765. Hon TOM STEPHENS to the Minister for Transport:

- (1) How much of the Government budgeted cost on the Graham Farmer freeway is the cost of land acquisition?
- (2) How is that figure calculated, in particular does it take into account the value of the land to be sold?
- (3) If yes, what is the projected value of land sales?

Hon M.J. CRIDDLE replied:

- (1) Of the \$374 million referred to, \$49 million is the net compensation anticipated to be paid by Main Roads for land acquired or resumed.
- (2)-(3) The gross amount for land compensation represents projected total compensation for the land acquired or resumed and includes things such as business disturbance, solatium, interest and associated costs. \$60 million has been spent to date and a further \$5 million worth of expenditure is expected. Main Roads is selling its surplus land. Part of it will be sold as individual lots and the remainder will be transferred to the East Perth Redevelopment Authority, at a value determined by the Valuer General. The estimated value of the land to be sold is \$16 million.

**AIR SERVICES, PERTH-MARGARET RIVER**

1774. Hon BOB THOMAS to the Minister for Transport:

In relation to the Minister's announcement of new air service flights between Perth and Margaret River -

- (1) Will the Government provide any financial assistance to the airline to operate this service?
- (2) If yes, what level of financial assistance will be given?
- (3) How did the Government choose the successful contractor?

Hon M.J. CRIDDLE replied:

- (1) The announcement of a daily air service to Margaret River/Busselton is an extension of the existing air service provided by Maroomba Airlines. The Government will continue to provide financial assistance to the Busselton-Margaret River Air Service in accordance with its current subsidy arrangements with the operator particularly to allow sufficient time for Margaret River passenger numbers to increase.
- (2) The Perth-Busselton-Margaret River air service operates on a shortfall subsidy basis and therefore fluctuates each month depending on patronage. Over the last two months, this has averaged \$3 800 per month.
- (3) The Perth-Busselton service was competitively tendered in 1998 and Maroomba Airlines was successful against seven other tenderers.

## WESTRAIL, MODIFICATIONS TO ROLLING STOCK

1776. Hon BOB THOMAS to the Minister for Transport:

With regard to the mention of “modifications to 600 grain wagons to transport canola on Page 8 of the 1998/99 Westrail Annual Report” -

- (1) What classes of rolling stock will be modified?
- (2) How many of them are -
  - (a) Standard Gauge; and
  - (b) Narrow Gauge?
- (3) What are the modifications?
- (4) Which firms will carry out this work and at which locations will it be undertaken?
- (5) What is the total estimated cost of the rolling stock modifications?
- (6) In the past, would this work have been carried out by staff at the Midland Junction railway/workshops?
- (7) How were the contracts allocated?

Hon M.J. CRIDDLE replied:

- (1) WW, WWA, XWB, XWBB, XV, XU, XNW and VGA.
- (2) (a) 198.  
(b) 410.
- (3) Fitting of door seals.
- (4) To minimise wagon downtime and disruption to services the modifications were mainly done in Westrail Depots at Narngulu, Avon and Forrestfield using hired staff on a needs basis. Some wagons were modified at A C Goninan and Company Limited facility at Bassendean as they passed through the facility for other contract work.
- (5) \$510 720.
- (6) No. The work would have been done at Depots.
- (7) See (4) above.

## WESTRAIL, FLOODS AND WASHAWAYS

1777. Hon BOB THOMAS to the Minister for Transport:

With regard to Page 8 of the Westrail Annual Report 1998/99 it is mentioned that “severe flooding and washaways were primary factors affecting the years performance” -

- (1) Where did these floods and washaways occur?
- (2) How long were the affected sections closed to revenue earning traffic?
- (3) What were the costs of restoring the sections mentioned?
- (4) Was the work carried out by contractors or Westrail staff members?

Hon M.J. CRIDDLE replied:

(1),(3) Section of Line	Restoration Costs
Piawaning - Miling	\$314 730
Toodyay West - Miling	\$4 310
Dongara - Three Springs	\$4 456
Three Springs - Marchagee	\$48 389
Marchagee - Moora	\$564
Narngulu - Dongara	\$32 003
Moora - Marchagee	\$968 356
Amery - Kalannie	\$2 896
Wyalkatchem - Mukinbudin	\$5 611
Amery - Wyalkatchem	\$22 283
Narngulu - Mullewa	\$7 096
Mullewa - Maya	\$261 352
Dongara - Eneabba South Mine	\$333
Trayning - West Merredin	\$10 948
Burakin - Beacon	\$43 200
Avon - Mullewa	\$6 180
Ballidu - Pithara	\$59 992
Perenjori - Morawa	\$3 664
Burakin - Kalannie	\$73 796
Kulja - Beacon	\$41 246

Gabbin - Bencubbin	\$1 090
Trayning - Kununoppin	\$49 104
Kalgoorlie - Esperance	\$210 871
Avon - Carrabin	\$365
Merredin - Koolyanobbing	\$125 779
Koolyanobbing - West Kalgoorlie	\$130 411
Hampton - Norseman	\$499 541

- (2) Up to four weeks.
- (4) Repairs were carried out by contractors under Westrail supervision.

#### WESTRAIL, CURRAMBINE-CLARKSON EXTENSION

1778. Hon BOB THOMAS to the Minister for Transport:

With regard to Page 5 of the 1998/99 Westrail Annual Report it is mentioned that "the Northern suburbs suburban line will be extended from Currambine to Clarkson and operational in 2001" -

- (1) Has work on this extension commenced yet?
- (2) If not, when will a start be made?
- (3) Which firm(s) are handling the contract?
- (4) What is the present estimated cost of the extension?
- (5) Is only one new station to be built on the extension?
- (6) What type will it be -
  - (a) "kiss and ride";
  - (b) "park and ride"; or
  - (c) "Bus feeder" type of station?
- (7) What is the estimated date of the extension being open for public usage?

Hon M.J. CRIDDLE replied:

- (1)-(7) Acting on a recommendation from the Department of Transport, the Government agreed that as a priority and before any construction was initiated, the Master Plan for the South West Metropolitan Railway (SWMR) should be prepared first and then the Master Plan to extend the railway to Clarkson. Preparation of the SWMR Master Plan commenced in late 1997 and was completed early in 1999. The Master Plan for the Clarkson extension then commenced and has been completed. I am currently looking at funding issues which will determine construction timing. The breadth of planning covered in preparing the two Master Plans showed the wisdom of addressing all the issues in an integrated manner prior to any construction.

#### WESTRAIL, BACKHAULING FROM ANACONDA MINE, MURRIN MURRIN

1779. Hon BOB THOMAS to the Minister for Transport:

With regard to the "backhauling of ammonium sulphate and nickel products to Kwinana from the Anaconda mine at Murrin Murrin" -

- (1) Has this traffic commenced yet?
- (2) If not, when will it commence?
- (3) From which Westrail siding will the backhauling be loaded?
- (4) What will be the annual tonnage when the Anaconda plant is working to total capacity?
- (5) What class of locomotives will be used on this service?
- (6) Does Westrail have sufficient locomotives for the service?
- (7) If not, will units be hired by the "Power by the hour" scheme from other entities?
- (8) If so, from whom?

Hon M.J. CRIDDLE replied:

- (1) Yes, in December 1999.
- (2) Not applicable.
- (3) The Westrail siding at Malcolm will be used to service the Murrin Murrin project.
- (4) Total annual tonnes hauled are expected to be of the order of 750 000.
- (5) Q class locomotive.

- (6) Yes.
- (7)-(8) Not applicable.

#### WESTRAIL, NEW GRAIN WAGONS AND LOCOMOTIVE REFURBISHMENT

1780. Hon BOB THOMAS to the Minister for Transport:

With regard to "New grain wagons and locomotive refurbishment worth around \$20M" reported on Page 4 of the 1998/99 Westrail Annual Report -

- (1) What classes of locomotives are being refurbished from -
  - (a) Standard Gauge; and
  - (b) Narrow Gauge?
- (2) What are the details of the new construction grain wagons for -
  - (a) Standard Gauge; and
  - (b) Narrow Gauge?
- (3) Which firms are handling the locomotive refurbishments and at what locations?
- (4) What purposes will these locomotives be used for, and which depots will they be stationed at -
  - (a) Standard Gauge; and
  - (b) Narrow Gauge?

Hon M.J. CRIDDLE replied:

- (1)
  - (a) Nil.
  - (b)
 

DA class	- seven locomotives.
D class	- one locomotive.
A class	- two locomotives.
- (2)
  - (a) Nil.
  - (b) 76 aluminium wheat hopper wagons.
- (3) A C Goninan and Company Limited has been awarded a contract for refurbishment of DA class locomotives. The work will be carried out at the company's facility at Bassendean. Refurbishment of D and A class locomotives has not yet been awarded.
- (4)
  - (a) Not applicable.
  - (b) The refurbished locomotives will predominantly be utilised on grain haulage and be stationed at Avon, Narngulu, Kwinana and Picton.

#### WESTRAIL, DIESEL ELECTRIC LOCOMOTIVES

1781. Hon BOB THOMAS to the Minister for Transport:

- (1) What classes of diesel electric locomotives does Westrail own in the Standard Gauge fleet?
- (2) What classes of diesel electric locomotives does Westrail own in the Narrow Gauge fleet?
- (3) Are any of these locomotives hired from other companies?
- (4) If so, from whom, and at what cost?
- (5) Is it on a fixed rate, or a "Power by the hour" system?

Hon M.J. CRIDDLE replied:

- (1) L and Q classes.
- (2) A, AB, D, DA, DB, P and S classes.
- (3) No.
- (4)-(5) Not applicable.

#### METROBUS, REDEPLOYMENT PROGRAM

1791. Hon LJILJANNA RAVLICH to the Minister for Transport:

With respect to the redeployment program of MetroBus/Transport -

- (1) How many full-time workers have been offered full-time permanent positions?
- (2) How many workers are still in the "twelve week" transition period?
- (3) How many of the redeployees, out of the total number, have been offered areas of employment relevant to their occupational skill base?

- (4) Which employer organisation is contributing to the employees superannuation funds?
- (5) How is this cost being defrayed by this employer organisation?
- (6) What is the cost of MetroBus redundancies paid to date?
- (7) How many bus drivers are still seeking redeployment at the present time?

Hon M.J. CRIDDLE replied:

- (1) 209.
- (2) Nil.
- (3) Through appropriate training placements 209 redeployees have made a successful transition to permanent positions in the Public Sector. Fourteen remaining redeployees (Salaried and Engineering Staff) are currently in training placements.
- (4) The employer organisation responsible for contributing to the employees superannuation fund is dependent on the method the redeployee was permanently placed, for example, Merit Selection, Substituted Severance or Two Year Funding Program.
- (5) MetroBus is only responsible for the superannuation contribution for redeployees permanently placed under the Two Year Funding Program.
- (6) Cost of the severance payment for the Financial Year 1999/2000 is \$6.425 million.
- (7) Two Bus Drivers are currently on Workers Compensation and cannot be registered for redeployment until they are medically cleared and a rehabilitation program has been completed.

#### HYDROGEN BUS TRIAL

1838. Hon TOM STEPHENS to the Minister for Transport:

I refer to the so-called hydrogen bus trial which the Premier launched on Sunday, March 19 2000 and the display of the bus at shopping centres and its giving free rides and ask -

- (1) Can the Minister describe how the trial as opposed to the public relations operated?
- (2) For how long was the trial?
- (3) What was actually being tested?
- (4) Who paid to bring the bus to WA?

Hon M.J. CRIDDLE replied:

- (1) The trial consisted of operating the Hydrogen bus in a number of different settings in Perth, as well as presenting the bus for examination and review by Department of Transport staff and staff of Transperth's contracted bus companies. This provided Transport with a much clearer view of the operating capabilities of the bus and the potential for this technology. There were also clear benefits for the public in enabling them to view the bus at various displays, and for some members of the public to travel on the bus to demonstrate tomorrow's technology.
- (2) The period of the trial activity in Perth was 19 days.
- (3) See (1) above.
- (4) The trial was co-sponsored by DaimlerChrysler Germany, DaimlerChrysler Australia Pacific and Transport.

#### JERVOISE BAY, CONSERVATION AND RECREATION ENHANCEMENT PLAN

1859. Hon J.A. SCOTT to the Leader of the House representing the Minister for Commerce and Trade:

Further to question on notice 1516 answered on April 5 2000 -

- (1) Of the \$16 000 that has been spent on the Jervoise Bay Conservation and Recreation Enhancement Plan will the Minister for Commerce and Trade detail -
  - (a) who developed the plan;
  - (b) when did the development of the plan begin and when was it completed; and
  - (c) what community representatives assisted in the development of the plan?
- (2) Of the \$32 000 that has been spent on seagrass revegetation programs will the Minister identify -
  - (a) who conducted the aerial mapping and when was it done;
  - (b) who conducted the identification of potential regrowth sites and over what period was it done;
  - (c) who drafted the seagrass management plan and over what period was it done; and
  - (d) what was the source of funding for the mapping?
- (3) What were the minor editorial changes made to the Groundwater Recovery Plan?

- (4) Will the Minister table a copy of the original Groundwater Recovery Plan submitted to the Steering Committee?
- (5) If not, why not?

Hon N.F. MOORE replied:

- (1) (a) The Department of Conservation and Land Management and the Department of Commerce and Trade.
- (b) The development of the plan commenced in April 1999 and it was completed in November 1999.
- (c) The Woodman Point and Beeliar Community Advisory Committees.
- (2) (a) The aerial mapping study was conducted by a multi disciplinary team consisting of consultants D.A. Lord & Associates Pty Ltd and Alex Wyllie & Associates Pty Ltd as well as Kevron Pty Ltd, N.G.I.S. (Australia) Pty Ltd and the University of Western Australia Botany Department. The aerial photography was carried out in the period February to April 1999 and the field work in February to July 1999. The interpretation activities commenced in July 1999 and are nearing completion.
- (b) The Murdoch University Environmental Sciences Department during the period January 1996 to December 1998.
- (c) The Preliminary Seagrass Management Plan was prepared in November and December 1999 by consultants D.A. Lord & Associates Pty Ltd, as consultants to the Jervoise Bay Project Office. An implementation plan will be prepared prior to commencing the revegetation program. The funding for the aerial mapping study was provided by Cockburn Cement Limited, the Department of Commerce and Trade, the Department of Environmental Protection, the Department of Resources Development, the Fremantle Port Authority, James Point Pty Ltd, the Kwinana Industries Council, the Royal Australian Navy, the Water Corporation and the Water and Rivers Commission. The minor editorial changes, as requested by the Groundwater Steering Committee, clarified the groundwater study methodology and recommendations.
- (4) No.
- (5) The Groundwater Recovery Plan, submitted to the Department of Environmental Protection (DEP) on 23 March 2000, was recently approved by the DEP. It is understood that the Minister for the Environment; Labour Relations, the Hon Cheryl Edwardes, MLA, will table a copy of the approved Groundwater Recovery Plan. Copies of the Groundwater Recovery Plan are available for reference purposes in the DEP Library.

#### MANJIMUP RAILWAY STATION, SPUR LINE

1867. Hon BOB THOMAS to the Minister for Transport:

- (1) What track work was undertaken at the Manjimup rail station recently?
- (2) Is it standard practice to retain a spur line at sidings?
- (3) If yes, why was a spur line not retained at Manjimup rail station?
- (4) What is the material which makes up the base of the railway line at the Manjimup station?
- (5) Does this comply with the standards required for Westrail for its tracks?

Hon M.J. CRIDDLE replied:

- (1) Removal of redundant track.
- (2) No.
- (3) Not applicable.
- (4) Timber Sleepers, rail, points and crossings sets, fastenings and gravel ballast.
- (5) Yes.

#### QUESTIONS WITHOUT NOTICE

##### CAPITAL WORKS PROJECTS, PRELIMINARY ESTIMATES

**1162. Hon TOM STEPHENS to the Attorney General representing the Treasurer:**

- (1) Does the Treasury have preliminary estimates of the capital works projects for the Health, Education and Police Departments for the year 2001-02, 2002-03, 2003-04?
- (2) If so, will the minister table these estimates?
- (3) If not, are the forward estimates for capital works indicative only, with specific allocations for capital projects not made until the budget process for the relative year?

**Hon PETER FOSS replied:**

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

STATE RECORDS LEGISLATION, SAFEGUARDS

**1163. Hon TOM STEPHENS to the Attorney General representing the Minister for the Arts:**

- (1) Under the Government's proposed state records legislation, what provisions will guard against the recent experience within government whereby Main Roads was able to lose documents during the period residents were seeking information under freedom of information and then have the documents reappear once residents had accepted minimal compensation based on the lack of those documents?
- (2) Given the minister's answer to question No 1148 yesterday that an agency may only dispose of its records "if the destruction or disposal is in accordance with a Retention and Disposal Schedule" authorised by the Library Board of Western Australia, can the minister produce a schedule relating to the once missing Main Roads documents relating to changes to the environmental management plan on the Northbridge tunnel; and, if not, why not?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) A fine of \$10 000. Under the State Records Bill, the head of a government organisation has responsibility for complying with its terms. The organisation's record-keeping plan would state how long the record is to be kept, and it will be up to the head of the organisation to ensure that the record is kept properly for the relevant period.
- (2) Under the existing legislation - the Library Board of Western Australia Act - responsibility for current records rests with the agency.

TOWN OF CAMBRIDGE, MINDARIE LAND

**1164. Hon N.D. GRIFFITHS to the Minister for Sport and Recreation:**

- (1) Is opposition to the proposal that the Town of Cambridge pay \$9m, or thereabouts, towards the move of sports facilities to Perry Lakes based on the fact that Cambridge did not receive its fair share of land at Mindarie following the break-up of the City of Perth?
- (2) Is it the case that the Town of Cambridge's share has an estimated value of \$200m?

Hon N.F. Moore: What does the \$200m relate to?

Hon N.D. GRIFFITHS: The \$200m relates to its share of the value in Mindarie.

- (3) What is the minister doing about this issue so that Cambridge can have its share and the interests of sport in Western Australia can be addressed?

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

- (1)-(3) The situation of the Perry Lakes Stadium is that the Town of Cambridge has made a decision that it would like to redevelop the site. That decision was made by the Town of Cambridge with no assistance or encouragement from me or anybody else I know of. Because of that decision, the future of Perry Lakes Stadium, the rugby union ground and the basketball stadium are in some doubt. It is my view that if the Town of Cambridge wishes to close them down, it has an obligation to relocate them. It wants to redevelop the Perry Lakes area as a housing project, which would return a significant sum of dollars to the council by way of the sale of land and ongoing revenue through rates. I have been negotiating the relocation of the three sports with the Town of Cambridge. The \$9m the member refers to is the estimated cost of building a new athletics track. I am not aware that is a sticking point for anybody. The Town of Cambridge and the Ministry of Sport and Recreation put together a working party. It made a series of recommendations to the Cambridge council and the recommendations were put on hold by the Cambridge council at a meeting it held about a month ago. I have had no further negotiations since that time. I have been advised that at least one councillor has the view that the decision to relocate the sports facilities should be tied up with the question of a waste disposal facility at Mindarie.

Hon Ken Travers: More than one councillor.

Hon N.F. MOORE: I am aware of only one. I do not know the details. I am not very much aware of the situation in Mindarie.

Hon N.D. Griffiths: Weren't you in the Cabinet when that decision was decided?

Hon N.F. MOORE: I may well have been. However, I do not know whether we should be tying together a decision about the Perry Lakes Stadium and another matter which relates to waste disposal.

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers is slipping down the list.

Hon N.F. MOORE: In 40 years Hon Ken Travers can answer the question when he is on this side of the House. I do not see a relationship between the two issues, although that has been put to me as a proposition which might resolve the problem of the sporting facilities. It is a pity that that relationship was not made clear to me or even put to me by any member of the Cambridge council prior to the working party's solution, which was a very good solution to the development at Perry Lakes. I have contacted the Minister for Local Government's office to see whether a solution to the Mindarie problem can be found. It might encourage - I am told - more than one Cambridge councillor to accept the recommendations of the joint Cambridge council and Ministry of Sport and Recreation working party to the relocation of the sporting facilities and the development of Perry Lakes.

COMMITTEE FOR THE INTRODUCTION OF GENETICALLY MODIFIED AGRICULTURAL ORGANISMS,  
ESTABLISHMENT

**1165. Hon J.A. SCOTT to the minister representing the Minister for Primary Industry:**

Regarding the Stewardship Committee for the Introduction of Genetically Modified Agricultural Organisms in Western Australia agriculture -

- (1) When was it set up?
- (2) Who was on it?
- (3) What are the terms of reference?
- (4) How was it funded?

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

I thank the member for some notice of this question.

- (1) The minister announced the establishment of the Stewardship Committee on 18 May.
- (2) Membership of the Stewardship Committee will include representatives from farmer organisations, product marketers, the biotechnical industry, conservation and consumer groups and Agriculture WA. Membership is currently being finalised.
- (3) The terms of reference for the committee will be to overview the planning and assessment for the introduction of GMOs in Western Australian agriculture to ensure that the performance, environmental impact and marketing implications are fully evaluated and to provide advice to the Minister for Primary Industry and the office of gene technology regulator on issues of relevance to the release of GMOs in Western Australia.
- (4) From Agriculture Western Australia's existing budget allocation.

FORESTS, AREA WITHDRAWN FROM LOGGING

**1166. Hon NORM KELLY to the Attorney General representing the Minister for Forest Products:**

Further to the response to question on notice 1673, I ask -

- (1) How much of the 205 000 hectares given as the area of new reserves under the Regional Forest Agreement is actually forest?
- (2) If this area of actual forest is used in place of the 205 000 hectares in the calculation set out in the answer to question 1673, what is the area of actual forest that has been withdrawn from logging by the Government over the past 12 months?
- (3) If this figure is not 160 000 hectares will the minister ensure his previous misleading public statements, such as his media release of 7 March are corrected publicly?

**Hon PETER FOSS replied:**

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

SUPERANNUATION LIABILITY, UNFUNDED

**1167. Hon LJILJANNA RAVLICH to the Attorney General representing the Treasurer:**

I refer to paper No 880 tabled in Parliament on 10 May 2000 which shows that the State's unfunded superannuation liability stood at \$4 521m as at 30 June 1999.

- (1) Why does this figure differ from the figure of \$4 945m shown as the stock of unfunded superannuation liabilities as at 30 June 1999 on page 12 of *2000-01 Economic and Fiscal Outlook*?
- (2) What amounts are included in the state budget papers that are not included in the figure in the tabled document?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The source for the figures in paper No 880 is the 1999 annual report of the Government Employees Superannuation Board. They are different from the figures published in the state budget for the following reasons: The liability shown in the budget papers is calculated in accordance with accounting methodology, whereby the liability equals the current value of a future liability based on various assumptions by actuaries as to inflation, investment returns and retirement rates; the liability shown in paper No 880, which is taken from GESB's annual report, represents the vested benefits, or in simple terms, the total dollar value of members' account balances. Therefore different methodologies are the reason for the amounts not being the same.
- (2) The composition of members and schemes is the same for both assessments.

**MOWEN ROAD, AUGUSTA-MARGARET RIVER SHIRE**

**1168. Hon MURIEL PATTERSON to the Minister for Transport:**

Can the minister confirm that agreements are in place to deal with the upgrade of Mowen Road in the Shire of Augusta-Margaret River?

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

I thank the member for some notice of this question.

Yes. The upgrading of Mowen Road in the Augusta-Margaret River Shire Council and the Nannup Shire Council is covered in a single agreement that has been signed by all parties. As the member may be aware the upgrading of Mowen Road is part of the TransformWA initiative announced in 1998. This project is only one of the many major works that highlight this Government's commitment to improving vital transport routes around the State.

For the benefit of members opposite I point out that in 1992-93, the last year of the Labor Government, around \$370m was spent on roads. As a result of this level of funding and years of neglect the State's road network was in a deplorable condition with roads either breaking up or unable to cater for the increase in traffic and freight task. The result was inconvenience to motorists, serious impediments to economic development and implications for road safety. Rather than perpetuating the previous Government's strategy and ignoring the road infrastructure crisis the Government tackled the problem head on and made a strong commitment to improving our roads for the benefit of all Western Australians and our economic development. The commitment is clearly reflected in the fact that the State's road program in the current financial year of 1999-2000 stands at around \$806m.

**AUSTRALIAN HEALTH CARE AGREEMENT, WA'S SHARE**

**1169. Hon J.A. COWDELL to the Attorney General representing the Minister for Health:**

I refer to the Australian Health Care Agreement signed by the State and Commonwealth Governments last year.

- (1) How much money was provided to Western Australia under that agreement?
- (2) Did this include an amount to improve the quality assurance standards in the health system?
- (3) If yes, what was the amount provided for this purpose?
- (4) Has the money been expended; and if so, for what specific purpose?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question. I also thank Hon John Cowdell for the way in which he introduced the question. It is easier if members refer to the minister to whom they are directing questions, because then ministers can start to look for the question. Sometimes the last thing we hear is which minister is being asked the question.

- (1) Western Australia will receive \$568m in 1990-2000 under the Australian Health Care Agreement.
- (2) Yes. A portion of this money was provided for quality improvement and enhancement in public hospitals.
- (3) \$9.6m in 1999-2000 was for quality improvement and enhancement in public hospitals.
- (4) The funds received from the Commonwealth have built on an ongoing state effort to improve the quality of hospital service provision. Some of the key state initiatives being developed or already under way include the development of an incident reporting and management system for public hospitals; development of clinical standards to be used in public hospitals; development of clinical practice guidelines incorporating evidence-based practice guidelines; benchmarking processes so service delivery meets best practice benchmarks; support for the Collaborative Training and Education Centre to improve the surgical and procedural skills of doctors; increasing patient involvement in the evaluation of care and services; the establishment of key performance indicators to measure the quality of services; and investment in continuing professional development for medical, nursing and allied health staff to ensure competency to meet professional demands.

**DEATHS IN CUSTODY, OMBUDSMAN'S REPORT**

**1170. Hon GIZ WATSON to the Attorney General:**

With respect to the deaths of three prisoners in custody in the past two weeks, and the Ombudsman's report into deaths in custody which I understand was completed in September 1998 -

- (1) Has the minister received this report?
- (2) If yes to (1), when was this report received?
- (3) Does the minister intend to make this report public?
- (4) If yes to (3), when?
- (5) If no to (3), why not?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) I am advised that when completed, the report is to be tabled in Parliament.
- (4)-(5) See (3).

#### DAIRY INDUSTRY, LIST OF DAIRY FARMERS FOR POLL ON DEREGULATION

**1171. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:**

- (1) Has the Australian Milk Producers Association approached the Dairy Industry Authority of Western Australia with a request for a certified list of dairy farmers for the purpose of conducting a poll of those farmers on their attitude to dairy deregulation?
- (2) Did the Dairy Industry Authority refer that request to the Minister for Primary Industry?
- (3) Did the minister's office then refuse that request?
- (4) If so, was AMPA advised that Mr Danny Harris, an office bearer of a rival organisation, would have to approve the provision of the list?
- (5) If not, will the Minister for Primary Industry now authorise the Dairy Industry Authority to release a certified list of farmers as requested to the Australian Electoral Commission to allow the new ballot to proceed?
- (6) If the minister will not authorise the release of this list, what are the grounds for his refusal?

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

I thank the member for some notice of this question. I have the following answer.

- (1)-(6) A list of licensed dairy farmers was supplied to the Australian Electoral Commission on 13 March 2000.

#### NORTHBRIDGE TUNNEL, DAMAGE COMPLAINTS

**1172. Hon TOM STEPHENS to the Minister for Transport:**

- (1) When were the first complaints received by Main Roads from residents of Northbridge concerning damage to their homes following the commencement of the construction of the Northbridge tunnel?
- (2) When were those complaints first referred to the Boulderstone Clough Joint Venture?

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

I thank the member for some notice of this question.

- (1)-(2) I assume that the member is referring to complaints relating to properties in Moir and Brookman Streets in Northbridge. The first complaint was received by Main Roads on 28 July 1997 from a Ms Christoffanini, which was forwarded to the contractor on the same date. Main Roads received a complaint from Mark Butler via the minister's office on 5 August 1997 and this was also referred to the contractor on the same day.

#### PLANNING APPEAL No AP737/12/98S

**1173. Hon HELEN HODGSON to the Attorney General representing the Minister for Planning:**

- (1) Have conditions been attached to the planning appeal granted by the minister that emanated from the City of Swan with appeal No AP 737/12/98S?
- (2) If so, what were those conditions, and will the minister table a copy?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The Minister for Planning upheld the appeal and in accordance with the usual practice the Ministry for Planning

was asked to provide a list of appropriate conditions. The minister has reserved the right to act as arbiter in the event of any dispute between the subdivider and the commission as to the reasonableness of any of these conditions.

- (2) I table the Western Australian Planning Commission's letter of 18 April 2000 to the applicants which sets out the conditions.

[See paper No 1002.]

#### CROSS ROADS COMMUNITY PROGRAM

**1174. Hon RAY HALLIGAN to the Attorney General representing the Minister for Police:**

Has the Government been involved in the Cross Roads community program dealing with treating drug addicts? If so, what is its level of involvement?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

Cross Roads is a community organisation in Fremantle. When the WA Drug Abuse Strategy Office became aware of its formation it contacted and met with Father Paul Bazynski, who initiated the group, at its premises. Cross Roads has been provided with information about the WA Strategy Against Drug Abuse and about contacts with services and organisations in the Fremantle region with a view to the group being able to access support. Key organisations with which Cross Roads should link are the South Metropolitan Community Drug Service Team and its parent program, the Fremantle Local Drug Action Group, and the Parent Telephone Support Network, comprising volunteers who provide parent-to-parent support through the Parent Drug Information Service.

The group was also invited to contribute to the community consultation on "Intensive Support and Compulsory Intervention for Young People with Serious Drug Abuse Problems", which it did. The WA Drug Abuse Strategy Office is available to Cross Roads to provide continuing information and linkage to organisations pursuing strategies against drug abuse.

#### PERTH CITY COUNCIL, PRIDE PARADE CONSULTATION

**1175. Hon CHERYL DAVENPORT to the minister representing the Minister for Local Government:**

I refer to the 1995 Local Government Act brought in by the minister that requires local councils to make informed decisions for the "persons in the district". Given the high proportion of "persons in the district" within the City of Perth, including some 100 000 visitors daily who are not among the 5 000 eligible electors, does the minister agree that, as far as a survey on the Pride Parade is concerned, the PCC ought to consult beyond immediate electors and ratepayers?

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

I thank the member for some notice of this question.

The Minister for Local Government neither agrees nor disagrees. The Local Government Act of 1995 refers in some parts to "in the district", but the extent and nature of consultation undertaken by a council is a matter for it to determine.

#### BUSSELTON BYPASS, NAMING

**1176. Hon BOB THOMAS to the Minister for Transport:**

- (1) Has the minister received submissions from Liberal members of Parliament calling for the Busselton bypass to be named after Alfred Pickmore Bussell, who was a nominated member of this Chamber between 1872 and 1874?
- (2) If yes, does the minister intend to accede to the request?
- (3) If not, will the minister consider naming the bypass after Ms Darcy Bussell, one of the world's leading ballerinas?

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

- (1)-(3) I have had some suggestions as to the name of the highway but we have made no decision. I assure members that it will be a very good piece of road and infrastructure.

#### SHELL ANNEXE, MIDLAND RAILWAY WORKSHOPS

**1177. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Planning:**

- (1) Is the Shell annexe at the Midland railway workshops proposed to be demolished in order to construct a road to service a new police facility being built on the site?
- (2) If so, is there any reason why the police facility cannot be built a few hundred metres eastward in order to protect the Shell annexe?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The Shell annexe is to be demolished to allow the development of the operations support facility.
- (2) The demolition of the Shell annexe has been approved formally by the Heritage Council of Western Australia.

#### HOMESWEST, NEW LIVING STRATEGY

**1178. Hon E.R.J. DERMER to the minister representing the Minister for Housing:**

- (1) Has Homeswest determined to include in the New Living strategy upgrade of Homeswest homes, the provision of information technology hardware and tuition to the tenants of the upgraded homes?
- (2) If yes, when will this provision commence, what is the estimated expenditure for this provision in 2000-01, and under which budget statement line item is this estimated expenditure included?

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

I thank the member for some notice of this question.

- (1)-(2) The ministry is considering several options to provide information technology for the benefit of the community and its tenants in New Living areas. Negotiations have commenced with project managers and the local community to determine the best manner this medium can be provided to the local community.

#### DEPARTMENT OF TRAINING AND EMPLOYMENT, TRAINING RECORDS SYSTEM

**1179. Hon G.T. GIFFARD to the Leader of the House representing the Minister for Employment and Training:**

I refer to the Department of Training and Employment's recent decision to yet again redevelop the training records system.

- (1) How many times has the training records system been redeveloped to date?
- (2) What has been the cost of the redevelopment to date?
- (3) What assurances can the minister give to technical and further education students that their records are accurate?

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

I thank the member for some notice of this question.

- (1) One ongoing development has been undertaken to improve training outcomes for apprentices and trainees.
- (2) The estimated cost is \$340 000.
- (3) The minister assures all apprentices and trainees that the training records system enables their records to be accurately managed.

#### NORTHBRIDGE TUNNEL, BAULDERSTONE CLOUGH JOINT VENTURE CONTRACT

**1180. Hon KEN TRAVERS to the Minister for Transport:**

I refer to the request by Baulderstone Clough Joint Venture in August 1997 to alter the environment management plan that formed part of the contract for the construction of the Northbridge tunnel.

- (1) Had Main Roads WA and BCJV discussed the proposed changes before the formal request was received? If so, could the minister please detail those discussions.
- (2) What processes did Main Roads follow before approving the change?
- (3) Under what section of the contract were the changes permitted?
- (4) When were the changes approved and will the minister table the document which records the approval?

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

I thank the member for some notice of this question.

- (1) Main Roads is not aware of any discussions relating to the proposed changes to the environmental management plan prior to the receipt of the revised plan in August 1997.
- (2) The revised plan forwarded to Main Roads was reviewed internally and comments forwarded to Baulderstone Clough Joint Venture in November 1997. The contractor's response received on 3 March 1998 was also reviewed.
- (3) Exhibit E of the contract provides for review of the environmental management plan. Appendix A of this exhibit documents the procedure for controlling amendments.
- (4) Following the internal review of the contractor's comments, which included the letter from the Department of Environmental Protection indicating satisfaction with the plan, Main Roads accepted the revised plan. There was

no formal advice to the contractor.

**DIRECTOR OF PUBLIC PROSECUTIONS PROSECUTORS, DEALINGS WITH POLICE**

**1181. Hon MARK NEVILL to the Attorney General:**

- (1) Is the Attorney General aware that Director of Public Prosecutions prosecutors have daily dealings with police officers in prosecution matters?
- (2) Is the minister aware that very junior prosecutors are handling the case against Ibbotson, Mann and three other police officers as well as the Brennan car drugs scam case?
- (3) Has the Attorney General given consideration to asking the Crown Solicitor's Office to prosecute matters arising from Anti-Corruption Commission investigations?

**Hon PETER FOSS replied:**

- (1)-(2) I certainly am aware that DPP officers have daily dealings with police officers as a matter of necessity in the course of their work. I am not aware of the particular officers who are dealing with the cases mentioned by the member, but I can certainly take that on notice. The constitutional position as far as the DPP is concerned is that I am entitled to information but I am not entitled to direct.
- (3) With respect to the third point, I have made the offer to the Chairman of the ACC that if there were any case in which he thought it would be better for the Crown Solicitor to conduct prosecutions on behalf of the ACC, he would do so.

That offer remains open and available to the ACC if it wishes to avail itself of it. One of my other problems is that I do not have the details of those matters from the ACC. It is for the ACC to take up the offer if it is not happy. It has been arranged with the DPP and the Crown Solicitor that it can happen if needed.

**NUGENT INQUIRY RECOMMENDATIONS, FUNDING**

**1182. Hon TOM STEPHENS to the Attorney General representing the Treasurer:**

In answer to question without notice 1143 yesterday, it was stated that the Ministry of Culture and the Arts has negotiated additional funding with Treasury to meet the implementation of the Nugent inquiry recommendation of \$4.4m.

- (1) Will the Government's budget surplus be used to fund these commitments?
- (2) If not, from where will the extra state funds be sourced?
- (3) On what date will the first instalment of these funds be available to WA's major arts companies?

**Hon PETER FOSS replied:**

- (1)-(2) At the time the 2000-01 budget was being prepared, the proposal was not sufficiently developed to warrant consideration for funding. In this regard, the Ministry for Culture and the Arts is working with Treasury to finalise its submission for funding. The source of any additional funding that may be provided towards the implementation of the Nugent inquiry recommendations will be determined by the Government in due course.
- (3) The first payment to the major arts companies is expected to be ready for January 2001.

**WATER CORPORATION, JOINT VENTURES**

**1183. Hon LJILJANNA RAVLICH to the minister representing the Minister for Water Resources:**

- (1) Can the minister advise the number of joint ventures entered into by the Water Corporation since 1996?
- (2) Can the minister advise the names of the companies with which the Water Corporation has entered into joint ventures, and the nature of the work carried out by the joint ventures?
- (3) How much money has the Water Corporation put into each of the joint ventures to date?

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

I thank the member for some notice of this question.

- (1)-(3) Nil.
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