WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Thursday, 31 October 1996

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

STATEMENT - LEADER OF THE HOUSE

Commission on Government Reports, Government Response

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.32 pm] - by leave: The Government established the Commission on Government in response to a recommendation of the Royal Commission into Commercial Activities of Government and Other Matters. The Commission on Government has conducted the broadest public inquiry into government and the public sector that this State has ever seen, with extensive public consultation through discussion papers, seminars and hearings. COG made 263 recommendations, with over 100 having multiple parts. The Government has already taken steps in a number of areas where COG has made recommendations and is preparing legislation in others. I will inform the House of the Government's position on some of the more significant recommendations. I will also table the Government's response to reports Nos 1 to 5 of the Commission on Government.

COG's fifth and final report presented the commission's recommendations for the prevention of corrupt, illegal or improper conduct through increasing access to information about government and fundamental changes to Western Australia's Constitution. There has been some debate about whether the events of the WA Inc era can be blamed on the people or the system. It remains this Government's view that no system can withstand those who are determined to abuse it. This view was recently supported by Professor Brian Galligan of the University of Melbourne, who is reported to have warned that the constitutional reforms recommended by COG are no guarantee against political corruption. However, the Government's view is and always has been that all Governments require checks and balances.

The Government has already undertaken significant structural reforms to improve the conduct and accountability of the public sector: For example, the establishment of COG; the implementation of the Freedom of Information Act; the Public Sector Management Act; a code of conduct for media secretaries; and strengthening the Anti-Corruption Commission. The Government endorses in principle most of COG's recommendations in report No 5, although a number of practical and legal issues require detailed consideration. The Government agrees that the state Constitution should be contained in one document. Further, any changes to the Constitution should be considered by a people's convention which, ideally, should be convened after any changes to the commonwealth Constitution stemming from the proposed commonwealth people's convention.

A number of COG's proposals relate to the Parliament. The Government considers that it is not appropriate for the Executive to decide these matters and therefore proposes that each House establish procedures to consider the recommendations and implement reform as soon as the new Parliament commences in 1997.

A number of the recommendations made by the Commission on Government concern the system for the election of members to the Legislative Assembly and Legislative Council as well as matters pertaining to political donations, disclosure of electoral expenditure and other matters relating to political finance and the disclosure of interests by members of Parliament. In report No 1, COG makes 21 recommendations in relation to the Legislative Assembly and the Legislative Council. Some of the recommendations are straightforward; others are less so. Generally, the Government supports the approach taken by the majority of the parliamentary committee. In particular, the Government agrees with the parliamentary committee that there is no need to increase the number of members in either House.

COG calls for provisions for the disclosure of political donations and electoral expenditure. Since these recommendations were made, Parliament has passed the Electoral Legislation Amendment Act, which addresses these issues by amending the Electoral Amendment (Political Finance) Act and the Electoral Act. Altogether, the amendments to the Electoral Amendment (Political Finance) Act put into effect the great majority of the 25 separate recommendations dealing with political finance. The Government has at the same time standardised disclosure requirements with the corresponding provisions of the commonwealth Electoral Act.

COG calls for the disclosure of pecuniary and other interests by members of Parliament, Ministers, elected members and senior officials of local government, senior public officials, and members and senior officials of statutory authorities and government business enterprises. In general terms, the recommendations support the status quo provided by the Members of Parliament (Financial Interests) Act and the Local Government Act. The Government

endorses the principle of disclosure of pecuniary and other interests. In particular, the Government supports the retention of the Register of Members' Financial Interests, established by the Members of Parliament (Financial Interests) Act. The Government also agrees with COG that members should disclose any conflict of interest that arises during debate in the House.

The Government supports amendments to the Members of Parliament (Financial Interests) Act to bring the disclosure provisions into line with commonwealth practice, which includes savings and investment accounts, bonds, and debentures and assets over $5 000. This removes an improper distinction between shares and other forms of investment. In the area of family interests, the Government agrees that disclosure should take place insofar as they are part of the financial arrangements of the member. The issue of a standing committee of privilege monitoring and enforcing the provisions of the Members of Parliament (Financial Interests) Act is a matter for the House to determine.

In summary, the Government has already introduced significant reforms in the area of political finance and further electoral reforms will be introduced in the new Parliament. In conclusion, COG proposes reforms to take us to the year 2001 and beyond. As COG chairman, Jack Gregor, said in *The West Australian* on 8 August 1996 at page 14 -

> Many of the things we suggest are very complicated and do require further discussion. Ultimately we don't expect things to change overnight. What we have done is crystallise the debate which should make further consideration of these issues easier and quicker.

This Government has started the reform process and expects to continue that in 1997 on, it is hoped, a bipartisan basis. I seek leave to table the Government's response to reports Nos 1 to 5 of the Commission on Government.

Leave granted. [See paper No 807.]

Consideration of the statement made an order of the day for the next sitting.

MOTION - URGENCY

Exmouth Marina Construction Contract; Transfer to Thiess Construction

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter -

> Dear Mr President
>
> At today's sitting, it is my intention to move under SO 72 that the House at its rising adjourn until 9.00 am on December 25, 1996 for the purpose of discussing the circumstances leading up to the granting of the "Exmouth Marina Construction Contract to Thiess Construction on October 2, 1996".
>
> Yours sincerely
>
> Hon Tom Stephens MLC
> Member for Mining and Pastoral Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON TOM STEPHENS (Mining and Pastoral) [2.40 pm]: I move -

> That the House at its rising adjourn until 25 December.

On a number of occasions I have asked the Minister for Transport questions about the Exmouth marina construction contract and the transfer of that contract to Thiess Construction. Last week when I asked the Minister a question he indicated he would answer. I reminded him yesterday that I had not received that answer, and he said that he would attend to it. Today the question still has not been answered.

I have been very concerned about the Minister's administration of his portfolio and the impact of that administration on this project at Exmouth. In this House we have become very accustomed to evidence of the Minister for Transport's incompetence and his mismanagement of his portfolio areas. However, this matter is more serious. Where is the Minister for Transport?

Hon Max Evans: He hopes to be back; in the meantime I will take notes.

Hon TOM STEPHENS: I regret that is the case.

Hon Max Evans: He is at an important function, but he hopes to be able to return in time.

Hon TOM STEPHENS: That is awkward, but that is the circumstance in which we are placed. It compounds the problem: We put questions to the Minister and he refuses to answer, and now he is not here to deal with this urgency motion.

Hon A.J.G. MacTiernan: This is open and accountable Government.

Hon TOM STEPHENS: He assures us of answers that never arrive, and that he will attend to matters, but he never does.

Hon P.H. Lockyer: He is out of the House on parliamentary business.

Hon TOM STEPHENS: I will bear that in mind. Nonetheless, I would appreciate hearing from the Minister if there is any way to explain or justify this litany of catastrophes with his administration of the contract associated with the project at Exmouth.

Hon A.J.G. MacTiernan: And his persistent failure to answer questions!

Hon TOM STEPHENS: We all agree that this project is important for the community at Exmouth. When the Government announced its intention to proceed with the project, it received the support of the Opposition, with the qualification that it was a pity that the Exmouth development trust fund moneys were being utilised on the project. Those funds had been set aside under an agreement that we put in place for projects that were not properly the responsibility of government departments or agencies. We had the view, and we persist with the view, that this project was the responsibility of the Department of Transport and should not have needed to draw on those trust funds. That money would be more appropriately utilised for projects which would not receive a guernsey from Treasury. This project should have, but it has proceeded with half funding being provided from the trust fund.

On 15 January this year the contract was awarded to Civcon on the basis that the quarry operations would focus on an agreed area of land on which the Department of Transport had done preliminary testing which indicated that sufficient rock would be available for that contract. Reservations were expressed by the Civcon contractor who, after discussions with the Department of Transport, had a qualification added to the tender bid stating that should a larger class of armour stone not be forthcoming in required quantities, the breakwater would be redesigned to a mass armoured configuration to suit the quarry yield. The amendment to the tender bid was agreed to by the Government, and the quarry operations commenced on 16 February 1996. Despite assurances from the Minister for Transport -

Point of Order

Hon P.H. LOCKYER: Mr President, I seek some guidance. Although I applaud the member's action in bringing this matter to the attention of the House, the matters he is now discussing are subject to litigation in the courts. For that reason, he may be treading on ground which contravenes our standing orders. I refer to the matter pertaining to the limestone. The company concerned has litigation with the Department of Transport and I understand that the matter will proceed to court.

The PRESIDENT: I am not aware that the matter being discussed by the member is before the courts. If it is, it is unfortunate that it has not been brought to my attention. The sub judice rule applied in this place is not contained in a standing order; it is a rule that applies by convention. I ask the member who is addressing the question, to advise me of the status of the project in relation to any court action that may be pending.

Hon TOM STEPHENS: I understand that a court action may eventually proceed but nothing is in process at this point. Depending on the Minister's answer, it would not surprise me if a court action is started. However, I am not aware that any action has started. Therefore, in this circumstance, I understand that I am free to proceed with the debate.

The PRESIDENT: Unless proceedings have commenced, there is no point of order.

Debate Resumed

Hon TOM STEPHENS: Despite the advice of the Minister for Transport to Civcon, the company which had been awarded the contract, it was some time before the Environmental Protection Authority gave approval for the company to move rock from the quarry into the water to start work on the construction project. A couple of weeks expired before the EPA gave approval on 13 March. On the same day, Civcon advised the department that the quarry allocated to it had significant problems and requested an extension to the quarry. The department's view was that the extension was not necessary. Civcon proceeded to work the quarry to extract the quantity of stone necessary to begin work. It managed to make some progress on the earthworks for the project. It obtained approval for advanced payments on the basis of the progress it was making. Again, the company advised that the quarry was facing serious

problems; that it was not able to yield the size and quantity of rock necessary to proceed with the completion of the project because the quarry was limited to that location.

On 24 April, on site, the Minister for Transport gave Civcon permission to quarry in the north west area of the location, where it had previously been prohibited to quarry. That was to allow the company to work a section of the quarry which would become visible from the road. The Minister said to forget that; he said to get in and get out the rock. He said not to worry whether the quarry would be visible from the road; the company should take that area of rock, if necessary. Civcon proceeded, but was still convinced that the quarry was not large enough, and pressed on with its request that the quarry area be extended. I asked the Minister in this House specifically whether Civcon was given permission to take rock from the extended quarry site that it sought. The Minister's answer was very misleading because we were left with the impression that Civcon had been granted approval on the same basis as that subsequently made available to Thiess. We know from the record that Civcon's operation had virtually drawn to a standstill because of the failure of the Government to allow the quarry site to be extended. It could not make further progress on the construction of the works involved, because the limited quarry that had been allocated would not yield the rock necessary to enable this project to proceed.

Very rapidly, because of the lack of progress payments, the work drew to a standstill. Instead of the Minister recognising the seriousness of the problem and ensuring that the Government extended the quarry to allow Civcon to get on with the project, it triggered a most extraordinary process. We understand that Civcon was the lowest tenderer in the original contract bid - some $1.2m less than Thiess. However, a third tenderer, an Adelaide based company, came in behind Civcon and in front of Thiess. Despite that, when the Civcon project came to a standstill the Government proceeded, through the Minister for Transport, to complete the project using Thiess Construction, the highest tenderer. Its tender was $1.2m more expensive than Civcon's. That was done despite the protestations of Civcon to the Minister that it could do the job at no extra cost if the Government extended the quarry. However, the Minister refused that offer and gave the contract to Thiess at a cost of an extra $1.2m to do the job and, at the same time, it gave Thiess the opportunity to work on the extended quarry site, to a point where Thiess will proceed to complete the project, drawing up to 90 per cent of its rock from the extended area of the quarry site, demonstrating to the Government that the quarry extension was necessary all the time. It was essential before the work could be done. Civcon's protestations to the department and the Minister were accurate and should have been acted upon. Instead of the Minister taking the department by the throat and insisting that the department do the right thing, the Minister allowed this mismanagement to proceed.

At a meeting on 7 August, he told the company in the presence of a number of people that he knew there was no rock in the quarry four months previously. He asked the department what it had done about it. Instead of his getting on top of the department to make sure that it sorted out this matter in the interests of everybody associated with that project, including the local community, the Minister allowed the project to grind to a standstill. That project employed a work force of about 30 people of which a quarter were recruited locally. However, as a result of this, that work force found itself unemployed. Civcon was left without adequate funds from the progress payments to pay its debts to subcontractors and other creditors around the town. It had run up debts totalling about $100 000 and it had no opportunity to pay those debts.

The Minister had an alternative. He could have given the extension of the quarry to Civcon and left the work with it, or he could have accepted another option from Civcon; that was, to take on board as a subcontractor to Civcon, Italia Limestone Co, which indicated that it could complete the project by taking the limestone out of the extended area that was made available eventually to Thiess. All this reeks of mismanagement and incompetence by Transport Minister Charlton. The original contract price from Civcon was $1.2m under the cost that is now being incurred by the Government and the Exmouth development trust fund. Presumably the trust fund's share will be $600 000 because the Minister was not able to get on top of his job and apparently was not able to convince the Minister for the Environment, Hon Peter Foss, to proceed quickly to get the approvals through the Environmental Protection Authority that would have allowed the project to be extended. When those approvals were granted, the Minister, instead of getting back to Civcon, passed the project over to Thiess.

The handling of this matter by Transport Minister Charlton is a disaster. It would not be so bad if this was a new disaster with which the Transport Minister has been associated. However, it comes at the end of a long line of similar disasters associated with his handling of his portfolio. This mismanagement will cost the Government, the people of Western Australia and in particular the people of Exmouth $1.2m more than otherwise would have been the case. I call on the Minister to explain this in a way that satisfies this House and the people of Exmouth and me, or take the honourable course of action and resign. The way he has handled this project has a whiff of something more than incompetence. It has a whiff of corruption.

HON P.H. LOCKYER (Mining and Pastoral) [2.57 pm]: Once again we have seen a remarkable outburst by my honourable colleague who shares an electorate with me, on a subject that he has some great concern about because

when he was a Minister of the Crown he was unable to deliver this project. I know that it galls him to see a coalition Government and particularly the Minister for Transport take hold of the project and get it up and running.

I want to clear up a couple of issues that Hon Tom Stephens led us to believe are facts in this matter. First he said that the moneys to be expended from the Exmouth development trust fund were only to be on projects that are not normally picked up by government departments. The very first project that he, as chairman of the committee recommended, was the construction of a canopy in the grounds of a school in Exmouth. It is therefore untrue for him to come into this House and say that is how the fund should be expended. He recommended that project and the then Minister for Education, Mrs Hallahan, backed him to make it look good for the local member. I commend the local member for persuading the Minister to do that because the project had merit. However, it is no good this fellow telling us that Exmouth development trust fund moneys are to be spent only on projects not normally picked up by government departments. If it was not for the income from the Exmouth development trust fund, this project would never have got off the ground. He knows that.

I have deep concerns for Civcon. I believe it had a tough run. However, the bottom line is that the company could not carry out the work it had been contracted to do. While I raised a point of order that this matter was in the courts, I have been assured by the Leader of the House it is not in the courts. However, the limestone project, a section of the contract, is subject to a decision by an arbitrator. Part of the contract says that if the contractor and the lead agency, which in this case is the Department of Transport, have a dispute that cannot be settled, an arbitrator must be appointed. I have been involved with this whole business from the time the difficulties commenced and have had daily contact with the contractor.

Hon Tom Stephens: That might explain it.

Hon P.H. LOCKYER: It is unfortunate that Hon Tom Stephens says that. I listened carefully in silence to him. Everything possible was done to bend over backwards to help the contractor.

Hon Tom Stephens: Can I ask you a question?

Hon P.H. LOCKYER: The member may not. He might listen in silence for a minute because he will have a chance to sum up. Many meetings were had with the Minister and the Department of Transport representatives. In the end the lead agency is legally responsible to give advice to the Government. An arbitrator has been appointed and litigation goes on with the arbitrator.

Hon A.J.G. MacTiernan: It is not litigation.

Hon P.H. LOCKYER: All right. Negotiations are going on between the parties concerned and he is arbitrating. Is that better?

Hon A.J.G. MacTiernan: No question of sub judice arises.

Hon Max Evans: We have said that all along.

Hon P.H. LOCKYER: I have already made that point. With the member's befuddled legal brain she should know that.

The PRESIDENT: Order!

Hon P.H. LOCKYER: The arbitrator is working out whether the contractor is owed more money because of the difficulties he had with the quarry. It is conceded that there were some difficulties. However, the contractor should have stopped work when the difficulties first started. He should have said that the limestone is not producible, but he did not; he chose to press on. The fact of the matter is that he had insufficient funds to be able to continue the project. As a result he started to owe money around the town of Exmouth. That is a most unfortunate matter. He was the lowest tenderer. Members must bear in mind that the Department of Transport had checked the fellow out because he had no experience in making marinas. However, he had very good experience in the goldfields. I know the chap concerned, and he has done good work in the goldfields. Unfortunately, he ran into difficulties in Exmouth. Nobody likes to see contractors go broke. This contractor has gone broke and owes money locally. I and the Premier met people of the town who were owed money. The Premier can do nothing to assist those people, even though he wants to. Does Hon Tom Stephens know why? It is because his party has ex-Premiers, Deputy Premiers and Ministers spending their time at Wooroloo, if they have not left the place at the moment.

Hon Tom Stephens: Your mate went up there too.

Hon P.H. LOCKYER: Yes.

Hon Tom Stephens: A couple of your mates.

Hon P.H. LOCKYER: That is right. A lot of people around this place think it would not be a bad place for the member to go.

Several members interjected.

The PRESIDENT: Order! Stop interjecting. The member must keep to the point.

Hon P.H. LOCKYER: This Minister will not find himself in that position. Through all the discussions he has been impeccable in the advice he has taken and the decisions he has made, even though they have been tough. Do members not think that this Minister would not have liked the contractor to carry on so that he would be able to pay his creditors in Exmouth? Of course he would. The simple fact of the matter is that one cannot send good money after bad. This Government, unlike the one the member represented, is financially responsible.

Hon Tom Stephens interjected.

Hon P.H. LOCKYER: The member will have his time in a minute. The Minister acted within his rights to appoint Thiess Contractors Pty Ltd to do the project. It was able to take over the project, get on with the job and finish it with not so much overrun. The present contractor, WA Limestone, is taking sufficient limestone from the quarry because it is a specialist.

The situation boils down to this: We had a contractor who in good faith got on with doing the job. He got himself into financial problems which were made worse because the quarry, it seems on the surface of it - the arbitrator will give the final decision - did not contain the product. There were some problems in other areas, but the responsibility rests with him. He should have stopped before he got himself into trouble. He did not want to do that because he wanted to finish the project. We all make commercially wrong decisions, as he did in this particular case. In the end he did put some proposals to the Minister. However, after the Minister had the Department of Transport and various people look at them, it was decided that the possibility of losing further funds was far too great. The people of Exmouth are absolutely delighted that Thiess has got hold of the project and that it seems to be going properly and will be finished.

Hon Tom Stephens: Not the people who have lost their jobs or the ones to whom he owes money.

Hon P.H. LOCKYER: Of course not. There are always people who get pain out of these situations. I can give the member a list as long as his arm from the time when his people were in government when thousands of people lost, not just their jobs, but their money and goodness knows what. In this case small contractors in Exmouth are out of pocket, some of whom are personal friends of mine. I hate having to go to talk to them. They were pretty blunt with the Premier the other night when giving their point of view. Although they were worried about their money, they kept saying, "Why did you give this bloke the contract? How did he get hold of the contract and then go broke?" The fact of the matter is that he was the lowest tenderer. The Department of Transport check gave him the green light. What sort of emotion would Hon Tom Stephens have had had we not given it to the lowest tenderer? I would have been able to hear the screams from about 450 miles away. He would have screamed like a stuck pig. The Minister has done a good job.

I end as I began: The Labor Government in 10 years promised the people of Exmouth year after year after year that they would have a marina. This member, when he made one of his rare visits to Exmouth as a Minister, was one of the perpetrators. His Government did not deliver and was found wanting when it came to the starter's gate. When we came into government I took the Minister for Transport there. He was the only person with the internal fortitude and guts to take the situation by the neck and shape a system together. He got the Government to put in half and a development trust fund through the Deputy Premier to put in the other half. The project will be exceptionally good for Exmouth. Unfortunately, along the line we have had a couple of hiccups. Hon Tom Stephens stands condemned for criticising the Minister for Transport when he should be commended on the great job he has done.

HON MARK NEVILL (Mining and Pastoral) [3.08 pm]: Today at a creditors' meeting Civcon was forced into liquidation, so basically that is the end of that company. Hon Phil Lockyer made a valiant but rather forlorn attempt to explain away an absolute mess that has been created at Exmouth. Quite frankly, he succeeded in putting a lot more holes in the argument that he was trying to sustain. The source of the money used in this project is irrelevant. We are more interested in the management of the project and the waste of money that occurred. I will be a bit more charitable to the Minister because I think he was kept in the dark initially by his department He was given the impression that everything was sweet from day one, when the record is quite clear that there were problems from day one. There were doubts that the rock to suit the breakwater could have been recovered from the quarry. The member said that the contractor should have stopped work. However, the simple fact is that the Department of Transport had said that it would redesign the breakwater to suit whatever the yield was from the quarry. A breakwater can have different batters depending on whether large rock or small rock is available. Therefore, that was not the major issue that the member suggested it should be. He also said that the fact of the matter is that the company could not carry

out the contract. At one stage the company had Italia Limestone Co, a very reputable company, which was willing to take on the subcontracting work. An arbitrator began operating on 4 September 1996, and I presume he still is. Subsequent to that date the Minister took the work out of Civcon's hands.

The Government ended up giving the work to Thiess Contractors Pty Ltd. It is quite clear from the information provided to me by Adelaide Civil Pty Ltd - which was the second lowest tenderer, and twice faxed the Department of Transport indicating that it was keen to take on and finish the contract - was given no opportunity to come in as the second tenderer. The State Supply Commission has verified that the Department of Transport informed it that Thiess was the second initial bidder. The Minister's department was not telling the State Supply Commission who was the second tenderer. It should have gone to Adelaide Civil.

Hon E.J. Charlton: You obviously don't know all the facts.

Hon MARK NEVILL: Maybe I do not know all the facts, but the Minister's colleague did not enlighten me at all. Hon Phil Lockyer contradicted himself: He said that the Department of Transport checked out the contract and said that everything was okay, and then he said that the company did not have the money. Is it incompetent or what?

Hon P.H. Lockyer: Who knows?

Hon MARK NEVILL: What is the point of checking out the company with this result? One must be able to go through the books in making a decision.

Hon P.H. Lockyer: When they were checked out first of all, they were fine. They got into trouble later.

Hon Tom Stephens: You did not give them a proper quarry.

Hon N.F. Moore: You cannot stand us being successful.

Hon MARK NEVILL: It is not a matter of being successful. When the Minister went to Europe, he thought everything was fine with the project. When he returned and found the mess, he rightly went off his brain and banged the heads together of a few people in his department about the fact that the company could gain no extension of the quarry. After this company was taken off the contract, the quarry was allowed to be extended into an area not previously allowed. Thiess has the contract and will finish the remaining part of the contract for $4 million, when Italia Limestone Co could have done it for $2.9m.

Hon E.J. Charlton: Did you know that Italia tendered in the first place as well?

Hon MARK NEVILL: Does it matter?

Hon E.J. Charlton: Of course it does. Did you see the first tender and the difference with the second one?

Hon MARK NEVILL: It depends on the price it is quoting to Civcon as a subcontractor. The first tender does not matter. A lot of the parameters would have changed since then. The company would have known a lot more about the condition of the quarry and the redesign in the breakwater because of the materials available. It would have known that half the contract was completed by that stage. The initial tender does not matter. The Minister should explain why Adelaide Civil was not given a second offer.

Hon E.J. Charlton: I will.

Hon MARK NEVILL: It seems strange. I have two faxes to Dr Mike Paul of the Department of Transport directed to the Minister for Transport and one of his officers. I realise that Ministers do not see everything sent to their offices, but it is strange that the State Supply Commission was not aware that a tender lower than Thiess' tender was submitted. The commission was under the impression that Thiess submitted the lowest tender. The contract was a mess. I blame the department initially. The project fell in such a deep hole that the Minister said, "The only way to get ourselves out of this is to shift the contract somewhere else and pay a premium."

There is no reason that the arrangement between Civcon and Italia could not have been completed with access to the extended area, but they were not given the opportunity. The result is that a number of small businesses and many people around Exmouth and other places in the area are owed a lot of money. The contractor has gone broke. Hon Phil Lockyer said that the contractor should have finished earlier.

Hon P.H. Lockyer: I did not say that.

Hon MARK NEVILL: The member said that the contractor should have stopped work on the contract earlier.

Hon P.H. Lockyer: Yes. When he was finding problems with limestone, he should have stopped then and put it to the arbitrator.

Hon MARK NEVILL: From day one the Department of Transport was aware of the problems with the quarry.

Hon Tom Stephens: As was the Minister.

Hon MARK NEVILL: The superintendent made his first and only visit to the site in Exmouth on 24 May, some three months after the quarry commenced. The department knew that problems had arisen during that period. If that is not a problem with the department, I do not know what is. The department has not supervised this matter. The Minister fell into such a hole with this project that he and his department have tried to put this bodgie arrangement together to try to get this contract finished on time.

Hon E.J. Charlton: Do you think the people at Thiess are a bodgie group of people?

Hon MARK NEVILL: No. I referred to the bodgie contract. Thiess is quite a reputable contractor, but the Minister is probably paying a premium for its services. He is paying out $4m for the remainder of the contract.

Hon Tom Stephens: It is $300 000 in mobilisation costs.

Hon MARK NEVILL: We will hear from the Minister shortly. I dare to say that this matter will be sorted out in the courts and some of the "real" facts will come to light, and we will see whether the Minister discharged his duty properly. It took a long time for the Minister to take the matter by the throat and shake it, and in the process a lot of people have gone broke. Today, a small, competent contractor went into liquidation and will sell all his equipment. That is a tragedy which could have been avoided if the project had been managed properly by the Minister's department. I point the finger at the department initially, if not the middle stages, and at the Minister for what happened towards the end of the contract.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.17 pm]: I apologise for being late; I have been at Fremantle for the closing of an international conference which I was required to attend.

Having heard only the last part of the debate, I will start where Hon Mark Nevill left off. The last thing in the world I wanted to see was Civcon Pty Ltd and the people involved in the company get into financial difficulties and have to endure the stresses and burdens that this matter has placed on them. They and I know the truth of the whole saga from go to whoa. The department and I tried everything we could to ensure that Civcon could continue to operate. As Hon Phil Lockyer said in the interjection I heard, the tragedy of this is twofold: First, the difficult financial situation confronting the previous contractor and, second, the fact that, in retrospect, I wish that the company had stopped a lot sooner. It should have said, "We cannot get the product out of the quarry, so we cannot go on. Let's decide what to do." However, the company kept on going.

Hon Mark Nevill: Of the six drill holes in the quarry, only two of them were representative -

Hon E.J. CHARLTON: That is not what the consultants said who were paid by the department to deliver that information. That information was given to all proposed tenderers in the first place. Everybody put in tenders on the information provided. The member should not talk about people being given wrong information. Everybody had the same information.

Hon Mark Nevill: The quarry information was wrong.

Hon E.J. CHARLTON: They put in their tenders on the basis of the information. Thiess' bid did not change as a result of the information given.

Hon Tom Stephens interjected.

Hon E.J. CHARLTON: Hon Tom Stephens would not know what was going on!

Several members interjected.

The PRESIDENT: Order!

Hon E.J. CHARLTON: He is a discredited person in this place on these matters -

Several members interjected.

The PRESIDENT: Order!

Hon Graham Edwards: They have an extra $2m and an extended quarry.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! If members do not come to order, I will take some action. I called order six times and the member keeps interjecting.

Hon Graham Edwards: Are you referring to me, Mr President?

The PRESIDENT: Yes.

Hon Graham Edwards: I did not hear you.

The PRESIDENT: Order! That was because the member was busily interjecting; he was continuing to yell. When I call order, it means stop calling out.

Hon Graham Edwards: I know that.

The PRESIDENT: Incidentally, the Minister should stop encouraging people to interject. Forget what somebody else has said. He should direct his comments to me as I will not interject.

Hon E.J. CHARLTON: That is why you are a great man in that position, Mr President.

The PRESIDENT: I have been here a long time.

Hon E.J. CHARLTON: It is important that members raise this issue in this place, and that is the right thing to do, but it is also important to acknowledge the facts. The facts are that, firstly, the same information was made available to all tenderers. That information was not a guarantee that that information was to be adhered to; it was information on which they could base their tender, and everybody received it. The department gave the project to Civcon on its calculation, from its research, of Civcon's expertise and financial capacity to do the job; and I stand by the department's decision. If we had not given the contract to Civcon, which was judged to be the proponent who would deliver in the most efficient way and for the best price, we would expect people to stand in this place, quite properly, and ask why was it not given the contract. Civcon was given the contract very early in the piece. Within the first month, I was in Exmouth, and the contractor told me then that he could not get the product out of the quarry. The information that was given at that time was, again at the department's request, confirmed.

Hon Mark Nevill: You were not aware there were problems with that quarry before that, were you?

Hon E.J. CHARLTON: I was there right at the beginning of the project, about May this year, long before there was any problem. It is also true that at that time, the contractor had some financial problems in the town of Exmouth. I did everything I could to ensure that those people at that time got the funds that they justly deserved. I also advised the Chamber of Commerce and Industry and other people that they should treat this project with a very commercial, businesslike approach and that they were not dealing with the Government; the Government had a contract with the contractor, not with other people who subcontract or make credit available. I gave them a strong warning to be very careful. There is nothing more that I could do or should do. I probably even went outside the bounds of relating that comment and assistance to the people of Exmouth to ensure that there was no problem. The situation then developed where there were financial difficulties and problems with the construction of the project.

Hon Tom Stephens: Caused by your failure to give them an extension of the quarry.

Hon E.J. CHARLTON: The boundaries of the quarry are what every contractor tendered on, and if the contractor was not happy once it had started on that project, it was its right to put up its hand and say, "We will not carry on because we do not believe the product is there." However, the contractor did not say to me at any stage that it wanted to stop. In fact, it was quite the reverse; it wanted to keep on going. I have discussed the issue with the contractor, in association with the department. The department has made an independent assessment of the additional funds that were available to the contractor for additional works carried out as a consequence of the contractor's complaint about the quarry. That money, which was close to $500 000, was offered, but the contractor refused to accept it because that $500 000 was not enough to allow it to carry on financially. That is not my problem or decision; it is something I wish could have happened. The long and the short of that exercise -

Hon Mark Nevill interjected.

Hon E.J. CHARLTON: Mr Nevill does not know what he is talking about, unfortunately.

Both the contractor and the department agreed that this matter should be determined by an independent arbitrator. That process is being undertaken now. In the meantime, the contractor should have been in a position to complete the job, but it was not in a financial position to do so. The contractor made the decision not to carry on, not the department; so the department was left with no alternative but to try to find somebody else. It went then to the original people who had put in tenders, and on the evaluation that had been done by the department on the criteria, it was determined that Thiess was the second tenderer. That is a proper process. In fact, it is carried out consistently

across the board. Main Roads does all the scores on tender contracts, and has the capacity and experience to do the job properly according to the specifications. That was the proper and totally accountable process, and we stand by it. As a consequence, Thiess is now carrying out that works. Italia Limestone Co was a company that tendered originally for the total project, and it also submitted a price to Thiess for the completion of the project. Thiess accepted WA Limestone in preference to Italia, with a minimal difference in the price proposed, because it believed that WA Limestone had the experience and capacity to deliver to it the mining side of the quarry. If I wanted to suggest what should have happened, and it is easy to do that in hindsight, it is a tragedy that Civcon did not bring in someone like Italia or WA Limestone in the beginning, because it is my bet that we would then not be in this position. Unfortunately, Civcon did not have the expertise, in my opinion, to carry out the quarrying side of the contract. They are great people, and I admire them for what they have attempted to do, but -

Hon Tom Stephens interjected.

Hon E.J. CHARLTON: That is Mr Stephens' narrow-minded and unrealistic political opinion, because his business acumen is nil. Members opposite would never have had this problem because they would never have built it. They talked about how they would put railway lines around the metropolitan area, but they never did anything. The only thing they ever did was burden this State with an horrendous debt that the people of Western Australia will pay for. The people of Exmouth will have a substantial facility, and it will be finished on time. That is to the great credit of this Government and the people of Exmouth. Members opposite do not like hearing that.

HON TOM STEPHENS (Mining and Pastoral) [3.27 pm]: We are left with a small number of responses. They include: Minister, for goodness' sake, resign. This Minister is incompetent -

Hon N.F. Moore: That is pathetic!

The PRESIDENT: Order! I do not know what has gone wrong with members this afternoon. It is Thursday. I cannot understand it. As I have said so many times, members do not have to like what people say in this place and they do not have to believe it, but they do have to listen to it.

Hon E.J. Charlton: Go for something you can achieve!

Hon TOM STEPHENS: Chuck him out!

The PRESIDENT: Order! Minister, if you interject again, I will take some action. That is an absolute case of defiance.

Hon TOM STEPHENS: This Ministers should resign for his incompetence and for what I believe has been his deceit. He has deceived this House in the presentation of his defence -

Withdrawal of Remark

The PRESIDENT: Order! That is out of order.

Hon TOM STEPHENS: All right; I will find a new way of couching it.

The PRESIDENT: Order! The member may find a new way, but he must withdraw.

Hon TOM STEPHENS: I withdraw the suggestion that the Minister has deceived the House. The Minister has not presented to the House the full truth. He has not presented even half the truth.

The PRESIDENT: Order! The member cannot get around this. He has got a couple of minutes. If he wants to waste them in withdrawing -

Hon TOM STEPHENS: I withdraw.

Debate Resumed

Hon TOM STEPHENS: The Minister should resign. This is the end of a long litany of the Minister's mistakes in the handling of his portfolio. He has sent this company broke, and it looks down on him because it knows that he has done that. The Minister pledged that he would get the Minister for the Environment to approve the extension to the quarry and that he would get the EPA approvals, but he has not done that. He has led the company right down the garden path. He was not able to get the cooperation of his colleagues to ensure that that quarry could be extended in a way that would let that company do the work necessary for it to get the progress payments that would enable it to pay its creditors around that town, and that is the Minister's mistake. The Minister has done that to that company. The Minister should resign, and I call upon the Auditor General to investigate him.

[The motion lapsed, pursuant to Standing Order No 72.]

FIREARMS AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and returned to the Assembly with amendments.

STAMP AMENDMENT BILL

Second Reading

Resumed from 22 October.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [3.31 pm]: The Opposition supports this legislation. It is fair to say that it is of a somewhat urgent nature. It includes some components of which the House should be advised, and should consider very seriously. Within those issues is retrospectivity in relation to a taxation measure. Although the Opposition is prepared to support this measure, members of neither the Opposition nor Government should consider supporting the Bill without taking into account its retrospectivity. All members are philosophically opposed to the concept of retrospectivity in any legislation, but perhaps we are more sensitive to retrospectivity applying to a taxing measure, although there is no reason we should be. I do not think the concept of retrospectivity is more important when referring to taxation, than it is to any other issue. Nonetheless, it is generally in the taxation area where we run across difficulties with retrospectivity. Perhaps it is because we are most often forced to face the question of retrospectivity in this area.

There is a justification for the retrospectivity in this Bill, which I will go into in a moment. There must be a justification for it, otherwise the Opposition would not have considered supporting the Bill. If I have a criticism of the actions of the Government with respect to retrospectivity, it relates to the conditions that justify the introduction of the retrospective effect. The business community was advised of the change, which is not retrospective to a date earlier than 20 November 1995. It was not driven in a manner which I consider to be sufficiently widespread. People to whom I have spoken - not those who would generally be involved in company acquisitions, but those with a close interest in what happens in the business world; for example, people who read every word of the business section of *The Australian* and *The West Australian* on a daily basis - were unaware of the notice that was given by the State Revenue Department. Other than that, the Opposition is quite happy to support the Bill.

The second reading speech accurately describes the Bill as addressing a deficiency in the legislation which has arisen from a recent change in business practice. This legislation is responding to a climatic change in the business world. It relates particularly to the areas in which company takeovers are affected. In the normal course of events stamp duty is chargeable on any transfer of shares - it might be more accurate to say securities - in companies that are incorporated in Western Australia. The second reading speech noted that generally the issue or cancellation of shares is not a dutiable action. In other words, the transfer is dutiable, but the issue and cancellation are not.

The normally expected legal avenue for company takeovers is via the provisions of chapter 6 of the Corporations Law. I will refer to them as chapter 6 takeovers. They are affected by the buyer acquiring the shares of the target company. That seems to be a simple definition, but that is exactly what they are. In that process the transaction is visible, and upon the transfer of those shares between the buyer and the seller, stamp duty becomes payable.

In recent years company takeovers have occurred by another means; that is, by restructuring a company by way of a merger, which is known as capital reduction. Simply described it is a process by which shareholders of the target company vote, having received an offer by the potential buyer. They vote according to their views of the offer, and as a group in a shareholders' meeting. If the vote is carried by 50 per cent of the shareholders who hold 75 per cent of the capital of the target company, the takeover can proceed. The court must first ratify the decision, but the decision of that proportion of the shareholders then becomes binding on the remaining owners of the target company.

The matter then goes to court, and assuming approval is given, the company reduces its capital and cancels the outgoing share value. That is where the term "capital reduction" comes from. For example, a company with an issued capital of $5m can, subject to the decision of its directors, vote to reduce its capital from five million $1 issued shares to 10 $1 issued shares, and the transaction takes place on the value of the $10 transfer. The transaction is completed by the fulfilment of the offer, and outgoing shareholders then receive their recompense, either in cash or more commonly in stock in the acquiring company. It may be either, or a combination of those options. The buyer

then acquires the assets of the target company and the deal is concluded, in the example I gave on the exchange of $10.

This form of takeover is conducted not under chapter 6 of the Corporations Law, but chapter 5. The difficulty from a state revenue point of view arises from the fact that there is no buying and selling of shares in the target company. Therefore, the duty which would otherwise be payable to state revenue is not available to it simply because the transaction, which would be dutiable, took place because the capital was reduced. In other words no dutiable transaction took place. The outcome of that would be that under chapter 5 of the Corporations Law takeover, duty would be avoided. That therefore creates the loophole. This Bill closes that loophole retrospectively to 20 November 1995. That was the date that the Department of State Revenue said that the amendment would be made.

That takes me back to the comments I made earlier about the reason for the retrospectivity component of the Bill. Takeovers under chapter 5 of the Corporations Law or capital reduction schemes do not owe their popularity entirely to the opportunity to escape stamp duty. It was made clear to us in the briefing by state revenue, for which we are very grateful -

Hon Tom Helm: An excellent briefing.

Hon KIM CHANCE: It was an excellent briefing and it included the Commissioner of State Taxation.

Hon Max Evans: And Hon Tom Helm.

Hon KIM CHANCE: He was an enthusiastic participant. This legislation is important not simply to close the loophole, although that is an important reason, but because it is an effective way of conducting company takeovers -

Hon Max Evans: It is 75 per cent against 90 per cent.

Hon KIM CHANCE: - particularly, as I understand it, where it is of a friendly rather than a hostile nature. I cannot imagine this working in a hostile takeover, unless it involved a large block of friendly shareholders.

Hon Max Evans: It would not.

Hon KIM CHANCE: That intrigued me when I sat down with Hon John Halden and explained the basic components of it because he was unable to be at the briefing.

A scheme of arrangement - the generic term for arrangements which include capital reduction schemes - allows all the types of security held by the company to be acquired via that single mechanism of capital reduction. In other words one may have the assets of a company held in ordinary issued shares, notes, debentures, preference shares or options. There are a number of forms in which the company security may be held.

A capital reduction scheme has an inherent advantage to a takeover company and the target company, if I can call it that, simply because an offer can be made for all the securities, regardless of their form. With a company takeover under chapter 6 of the Corporations Law, each of those securities must be handled in a separate manner. Clearly that provides for additional cost and difficulty, particularly - this is perhaps more relevant to the next point - in circumstances where the company is a long established company and many of the stockholders may be deceased estates administered by lawyers which had not traded for 20 or 30 years. I am well aware of the difficulty faced by a takeover company in a chapter 6 takeover where a large number of those shareholders must be found.

The other advantage of a chapter 5 takeover via this mechanism is that there is a much greater certainty in the acquisition. A takeover under chapter 6 arrangements requires the takeover company to have the assent of 90 per cent of the shareholders.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon KIM CHANCE: I have explained that under chapter 6 takeover arrangements, the takeover company must gain the consent of the shareholders representing 90 per cent of the issued stock before compulsory acquisition can occur. That is a much more difficult proposition than a chapter 5 takeover, which requires, as a result of one meeting, the consent of shareholders representing only half of those who represent 75 per cent of the capital of the company before consent can be deemed to have been given. There are not only matters of cost savings under chapter 6 arrangements, but also significant time savings and matters of convenience, particularly in older companies, of which many of the shareholders are difficult to locate, such as in the case of deceased estates. For a number of reasons, chapter 5 takeovers will become increasingly popular, particularly in takeovers that can be described as friendly rather than

hostile. There was a need for the State Revenue Department to address the issue that arose. The climate had changed and legislation had to be put in place to address that.

The other factor that has caused that - although I have not mentioned it, which caused this legislation to be drafted - is that courts have determined that capital reduction schemes are a legal and proper way of conducting a takeover. Additionally, the Australian Securities Commission determined that shareholders could be treated fairly under chapter 5 takeovers. These determinations, particularly the ASC determination, had to be made before this legislation could be deemed to be officially necessary. If the ASC had decided that shareholders' interests could not be protected in takeovers under chapter 5, there would be no need for this legislation because the takeover would have been an illegal transaction. That posed a problem for the State Revenue Department because it is able to levy duty against only one form of takeover and not the other. This Bill sets out to address the deficiency that has arisen from that change in business practice. In one case alone the State would have lost in the order of $2m in stamp duty had this legislation not come forward.

It is worth noting the different rates of stamp duty that apply in Western Australia and why they are different. Stamp duty is now levied at two different rates. A uniform rate used to apply. The two rates are 60¢ per $100 for an unlisted company, but half of that amount, 30¢ per $100, for a listed company. I had to ask the officers of the State Revenue Department the reason for that difference. I was told that I should remember why: Queensland introduced its cut in the duty it levied on marketable securities and Western Australia, like every other State, was forced to follow that or simply face the proposition -

Hon P.R. Lightfoot: Sir Joh Bjelke-Petersen introduced that.

Hon KIM CHANCE: No, it was much more recent than that. This State put through its comparable legislation, the marketable securities legislation, at the beginning of this year. It was a clever trick on behalf of Premier Goss to introduce those cuts.

Hon Max Evans: It was a stupid trick. I will tell you why later.

Hon KIM CHANCE: I do not think it necessarily hurt us all that much.

Hon P.R. Lightfoot: There was a lot of one way traffic to Queensland for a while.

Hon KIM CHANCE: It was certainly Goss's intention that there would be one way traffic. It did not cost Queensland or Western Australia a great deal of money. However, for New South Wales and Victoria the costs were horrific. It must have caused considerable angst in those two States where there is a huge trade in marketable securities, and stamp duty on the transfer of those securities is obviously a large part of state revenue. Whether it was a clever thing for Mr Goss to do is an arguable point. I am sure the Minister for Finance is about to argue that. It was one in the eye for the major finance States of Victoria and New South Wales.

I spoke earlier about the Bill retrospectively taxing transactions to 20 November 1995. It also provides for future transactions to be taxed at the same rate as if they had taken place under a chapter 6 arrangement. This will be done by the assessment of a statement that must be lodged with the commissioner by the acquiring company. That will become the document on which the stamp duty is assessed. The document must state what the transfer value is. Even though there will have been no technical transfer of shares, the directors of the target company and the directors of the takeover company will have arrived at what would be the same figure as though the takeover had occurred under chapter 6. No shareholders will accept a different value for their shares, regardless of whether the takeover was under chapter 5 or 6. It will be the same amount of money that would have been involved under a chapter 6 takeover. It is a revenue neutral situation: It does not matter whether the takeover occurs under one or the other. That seems to be an efficient way of going about it.

Although the Opposition has reservations about retrospectivity in taxation or anything else, I am sure those reservations are shared by all members. I have queried whether the notice given to the business community was of sufficient prominence. I was speaking to Hon Mark Nevill about this yesterday. He is one of those people who read the finance pages every day, and he told me he had no knowledge of that notice being given in November 1995. With that reservation, which is less about the legislation than an administrative matter, I am pleased to support the Bill on the ground of its commonsense.

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.38 pm]: I thank the Opposition for its strong support. I commend Hon Kim Chance for his clear understanding of the legislation. His speech was better than my second reading speech!

Hon Kim Chance: I was well briefed.

Hon MAX EVANS: Yes, but I commend him on his understanding of the legislation because this is a whole new ball game. About two weeks before the special meeting of Challenge Bank Ltd it came to light after some research in the Eastern States that this scheme could be avoiding stamp duty. I have never said that the cancellation of shares was done as a way to avoid stamp duty because I believed that a scheme of arrangement was an ideal way of doing it. One must get approval from the court to have a scheme of arrangement. A meeting is then held -

Hon Kim Chance: You must have the offer first, though; the offer, the scheme and then the meeting.

Hon MAX EVANS: Yes, there must be an offer first. The chairman of the meeting indicates what the voting was in respect of numbers and the value. That goes back to the court, which stamps the document to approve what has gone through. The Government knew that was going through and I had to make a decision on which way we would go. I had no hesitation in deciding that we had to bring it to light then, otherwise Hon Kim Chance or anyone else could have been critical that the Government, having known this factor, had saved Westpac Banking Corporation $1.9m. If we had not done that we would have been considered incompetent. We advised Cabinet about what had occurred.

Hon Mark Nevill spoke about the public being notified. He also said that he did not see any advertisement. I checked the second reading speech, and it did not refer to any advertisement. We contacted the companies, the sharebrokers and all the lawyers who may have been doing these deals. I understand that one or two may have been notified since then, and have become aware of the process.

With the Queensland stamp duty deal, that State was giving away about $10m, but it would cost us about $15m. New South Wales and Victoria each gave away about $215m because of the very large institutions involved in those States. The impact was enormous. All States could have kicked in $10m or $15m to make up the shortfall in Queensland. Queensland's contribution of $10m was crazy. The Northern Territory has placed a special tax of 0.5 per cent on bookmakers, which has upset the balance. The Northern Territory entered the process because it thought it would increase employment, but it would pick up only 10 or 20 people, if it was lucky. The situation created an imbalance.

Smokers can always buy cheap cigarettes in New South Wales and Victoria. Therefore, the tax was raised which bought in an extra $250m. The increase from 75 per cent to 100 per cent has rectified the situation. Governments should give some thought to the impact of their actions.

We had no alternative on the retrospectivity provisions. This Bill confirms the date that has already been set. It has annoyed me that it has taken a long time to bring this legislation forward. We had to check with the other States to discover whether the legislation would cover every expectation. Other States are moving towards similar legislation. This is a new type of takeover, and it is very commendable. As the member said, it will be 75 per cent of the value rather than 90 per cent of the shareholding. For many reasons, that will be easier. I commend the Bill to the House.

Question put and passed.

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

STATE ENTERPRISES (COMMONWEALTH TAX EQUIVALENTS) BILL

Second Reading

Resumed from 25 September.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [4.44 pm]: The fact that I am handling finance Bills for the Opposition has nothing to do with my ambitions in this area. Nevertheless I have enjoyed dabbling in them. This Bill, dealing with a taxation equivalent regime, is of course not just a finance Bill, because it is part of a trilogy of Bills relating to national competition policy. To that extent, apart from being a finance Bill it is very much an economic policy Bill, although its effect is most certainly financial.

The Opposition supports this taxation equivalent regime Bill. We have noted in debate on the two previous national competition policy Bills - both the principal Bill and the taxation Bill - that the tax equivalent regime is an important component of competition policy. The Bill puts in place the mechanism for the State to levy taxes on public enterprises or, if one prefers, government trading enterprises - generally known as GTEs - at a level equivalent to that which would otherwise be applied if such enterprises could have been taxed by the Commonwealth. The circumstances leading to the tax equivalent regime are well explained in the second reading speech, which reads -

> Under that agreement -

That is, the national competition policy agreement -

> - the Commonwealth passed legislation in 1995 formalising State and Territory government trading enterprises' exemption from its income and sales taxes, with effect from 1 July 1994. In return, the States and Territories undertook to apply tax equivalent regimes, based on the relevant commonwealth tax laws, to their government trading enterprises by March 1997.
>
> The agreement was reached at a time when the Commonwealth was seeking to subject State and Territory government trading enterprises to its own tax laws.

I was not aware of that until I read the second reading speech. I had always imagined, in the context of the tax equivalent regime, that would be a state tax. The second reading speech continues -

> By agreeing to subject its government trading enterprises to the tax equivalent regimes, Western Australia will retain control over the tax revenues that will be generated by these enterprises. These revenues will be able to be directly applied to the benefit of all Western Australians, rather than lost to Canberra.

I would not have used the word "lost", but I understand the sentiment. This week when I was speaking to the Attorney General about the national competition policy he reminded me that he had represented Western Australia in the Council of Australian Governments discussions on that matter, and that he had played some part in protecting states' rights in the national competition policy arrangements. To some extent, I agree with the Attorney General that this is one of the rare occasions when the States have clawed back power from the Commonwealth - if indeed it was the original intention of the Commonwealth to levy income tax against our government trading enterprises - and we have been able to win that back. That was a win of some substance.

The special component of the national competition policy which necessitates this legislation is the fundamental competition policy principle of competitive neutrality. Strangely, when I went through the second reading speech, I found that term "competitive neutrality" is not even mentioned. I thought that was odd because that is the very principle of the Hilmer proposals, which is the sole reason for TER, the taxation equivalent regime, and yet, for some reason, competitive neutrality as a term is not used in the second reading speech. Other terms are used which describe the principle but I was surprised it was not there.

The concept of competitive neutrality is described in the fourth paragraph of the second reading speech as being an assurance that government trading enterprises compete on an even footing with competing providers in the private sector. The objective of that is to achieve the most productive use of resources which is entirely consistent with the culture of the Hilmer principles. Three of our major government trading enterprises, Western Power, AlintaGas and the Water Corporation, because of their recently enacted enabling legislation, already pay the taxation equivalent regime. This legislation will not have an effect on them because their enabling legislation already requires them to do that.

I am in two minds about TER because I have been critical of it at times. However, in respect of those major corporations, the taxation equivalent regime is a far more equitable and sensible way of achieving an asset return on a public asset than is the way that it has been done in the past. I often go back in circumstances like these to my time on the Water Authority, when the Water Authority, which has been regarded by successive Governments as something of a cash cow, largely because it is not a high debt agency and because we had what could be called an interesting and unique means of managing our asset replacement principles -

Hon Max Evans interjected.

Hon KIM CHANCE: Yes. One of the fights we had with Treasury, apart from the ongoing fight we had about the nature of our asset replacement system, which I would defend to this day as being the only way to make that provision give both horizontal and vertical equity, was to convince it that agencies which had, relative to our cash flow, a very high capital stock, had to contribute back to the consolidated fund on the basis of their capital; that is, through any concept of real rate of return, for example, which was the concept picked up by the Burke Government. That made life very difficult for us because our assets were big. At that time they were roughly comparable with those of BHP and they were longstanding, long term assets. A number of the Water Authority's assets, as it was then, are 100 year assets and include dams and major engineering constructions of that kind. They have a very low rate of return. I remember looking at the schedule of increase of real rate of return that we would be required to meet and in one year we would be required to increase our real rate of return to the CRF by 1 per cent. It is interesting to note that to achieve a 1 per cent increase in real rate of return on the Water Authority's assets, every Water Authority employee would have been required to work for no earnings for the whole year. That is an indication of how low our cash flow was by comparison with our assets. It made life very difficult for us. We had to look at all kinds of ways of getting around that. Because of my former association with the Water Authority - at least in respect of agencies like that; but I would imagine Westrail would be in no different a position because of its big asset stock - TER makes a lot

more sense than trying to determine what an agency should return to CRF based on its asset backing. To one extent I can see some silly outcomes from TER; however, there is a fundamental sense behind the whole issue.

I have been critical of some of the outcomes, if not the principle, of the concept of the taxation equivalent regime. In my contribution to the second reading debate on the National Competition Policy Bill I referred to the imposition of a taxation equivalent regime on a regional port, which then has to be returned to that port by way of what is, I am told now, an equity injection. I am not an allowed to refer to it as a community service obligation.

Hon Max Evans: Why not?

Hon KIM CHANCE: Because it is not a community service obligation; it is equity injection. It creates all kinds of problems if it is called a community service obligation. I described that as a silly outcome and I think it is a silly outcome. However, I do not believe that one or two silly outcomes are enough to condemn the whole principle.

Above all, the taxation equivalent regime is about transparency. To turn the argument around, it is difficult to make valid judgments about that port authority's effectiveness unless it can be judged by the same standards as any other business is judged; that is, on the basis that it does not have a tax concession which might denote a competitive advantage.

The concept has rather more meaning when we apply it to an area of economic activity in which the GTE and the private sector are competing directly. We will see more and more of that situation, whether there is a continuation of a coalition Government or even if sanity returns to Western Australia and we return a Labor Government, because even Labor Governments are more ready now to accept that there is a place for competition between the private and the public sectors. If I have time, I will go into that in a moment.

Hon P.R. Lightfoot: That is the Tony Blair syndrome.

Hon KIM CHANCE: I am ready to accept that I am not in Tony Blair's school. I am also ready to accept there is room for each to compete in each other's field. That dates back to my experience in the Water Authority. I will come to that in a moment. One area in which this will happen - it is already consistent with the policies of the Government and the Opposition - is the area of power generation. It is the Opposition's view that there is no reason that private generators of power should not contribute to the grid in the future. That is part of the coalition's policy also. If we allow private and public providers to compete in that area, it would be ludicrous to allow the public provider to have a competitive advantage over the private provider. We have to look at the issue in that context; that is, competitive neutrality is about allowing the best economic use of resources by both the public and the private sector.

I said earlier, more to Hon Ross Lightfoot than anyone else, that this cuts both ways. We found in the then Water Authority during the 1980s that we were tending to do more of our work using private contractors. However, when the boot was on the other foot and we reached the level of downsizing which we felt we had to achieve - I will always defend the way in which we cut back our work force - and we became a much leaner and harder organisation, we wanted to compete in areas of work which had traditionally been in the private sector. For example, we believed we were better placed to compete for the major reticulation works in new development areas than was the private sector; we were simply better at it. Nothing prevented us from tendering for that work; however, we never did so. When the Water Corporation started to tender and, more particularly, when it started to take work off the private sector, it was as though the sky had fallen in. We backed away from that position because it caused problems for us. This legislation viewed in context with the whole national competition policy legislation would prevent the Water Corporation in similar circumstances from being embarrassed as we were. If it were able to go out into the field currently occupied by the private sector and compete on the basis of proven competitive neutrality, that must be encouraged. Contracting out may be a defensible option in some circumstances but there are two sides to the coin. The public sector must be able actively to compete with the private sector in any field it wishes. That statement might be taken as more of a long term target than a policy statement. One could then argue that there was nothing wrong with the public sector involving itself in farming. Obviously the public sector would not want to do that.

Hon P.R. Lightfoot: It does it through research.

Hon KIM CHANCE: Very much so, and that is an excellent example. In order to arrive at a position where we are able to make valid and accurate judgments about who should be competing with whom in which field, we must at least get to the position where we have provable competitive neutrality. If I may give an example on a smaller scale, I was peripherally involved in an operation using heavy mining machinery when I did some work with the operators. We had occasion to machine some very heavy machinery, such as jaw crusher crankshafts and equipment out of Jacques crushers. Our difficulty was that whenever we needed the machinery to be put on a lathe to bring it back to specification our choices were limited to Kalgoorlie or Perth. However, almost right next door in Cunderdin the Water Corporation has a very effective and well operated workshop which had a lathe capable of turning crankshafts of that weight and diameter. We were unable to take work into the workshop under the Water Corporation's rules,

which were dictated by legislation. In the same way we were unable to buy consumable items from the Water Corporation, simply because it had no means of applying sales tax. I hope that with this legislation we will achieve a more effective and sensible outcome in areas like that. I do not think the legislation will produce change over night, but it will take away some of the barriers to proper competition, which are perhaps more far reaching than any of us ever imagine. I support the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.07 pm]: I thank the Opposition for its support and commend the Leader of the Opposition for his knowledge and his reflections on the Water Corporation. He explained it very well. There have been many ways of getting returns on assets. In his time we would be looking at $3.5b and with a 5 per cent return that would give $175m as against $25m. The rental income is about $400m. A 5 per cent return on the assets was ridiculous, irrespective of replacement, depreciation and so on. The Energy Commission had a turnover of about $5b on which a 5 per cent return was a reasonable amount. However, it had a number of liabilities. The rate of return on assets was more than matched by the liabilities on the other side, which made it imbalance. Hopefully this legislation will rectify a lot of those sorts of things.

The sales tax aspect was interesting, because when the Federal Government talked about imposing a sales tax on the States and local government in respect of all their vehicles, etc, we said that we had just passed legislation for our different companies which said that they would not be paying the equivalent of sales tax and that we would have to go out and change all the legislation. It was a stupid system to adopt.

I thank members for their support. This is one step further forward. We still have some problems. I do not know with the Totalisator Agency Board and the Lotteries Commission what will be termed as profit and whether they will pay a tax equivalent. Should SGIC pay a tax equivalent, because there is no competition as it is compulsory insurance brought about by the State Government? No-one has worked out how, if we pay the tax, the money will come back or whether it will get milked out of the system. This difficult situation still has to be solved. I have found that people do not have the answers for me at this stage. I commend the Bill to the House.

Question put and passed.

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

RESERVE (No 18039) BILL

Second Reading

Resumed from 24 October.

HON MARK NEVILL (Mining and Pastoral) [5.09 pm]: The Opposition supports this reserve Bill. The Bill will change the status of a small reserve known as Market Square in the City of Subiaco. This reserve forms part of the Subiaco redevelopment project which has been in operation now for a number of years. Its planning commenced during the time of the previous Government. From my inquiries about this reserve, there seems to be a fairly common complaint that there has been a lack of consultation with people in the area over this reserve.

There are certainly mixed views regarding whether this reserve should be changed from an A class recreation reserve to a reserve used by the Subiaco Redevelopment Authority in sinking the railway. I am told by people I consulted that a town planning process involving consultation was undertaken between the City of Subiaco, the Subiaco Redevelopment Authority and the Government about the existing park area. The recommendations were open for public consultation between 3 July and 2 September, as is required under section 35 of the Subiaco Redevelopment Act. However, the day after public consultation closed, the Government revoked the order - that was on 3 September - and many people felt that their views were not taken into consideration by the Government.

That aside, the Opposition strongly supports the Subiaco Redevelopment Authority. Certainly, fears arise from such projects as they change the patterns of traffic in the areas, and this area will be much more accessible to heavier vehicles following this development. People are also concerned about the loss of this small, A class reserve and about the amount of open space and park to be incorporated in the Subiaco Redevelopment Authority proposals. I do not have a great knowledge of the plan, but I understand that it is planned that six-storey units will be built on the reserve with a change of the zoning to R100. That seems to be out of keeping with style of development in Subiaco. I am also told that the area between the high rise blocks is also counted as parkland and open space for the whole of the project. Perhaps that land will not be as accessible to everyone as it will be to the residents of those developments.

Some concern is also evident about the Moreton Bay fig trees in the area. The reserve is called Market Square and is south of the railway and immediately west of Subiaco Oval. Anyone who has travelled on the train will have seen the lovely Moreton Bay figs. I am not sure that all the trees will be destroyed, if any, but I understand that some are

under threat. The park is now a nice little area. I hope the development will result in people having some suitable areas in which to relax and for recreation purposes.

The Subiaco redevelopment project has some parallels to the East Perth redevelopment, as they both involve fairly rundown areas in the inner city with a lot of obsolete industrial land. I am not sure whether Subiaco has money from commonwealth Better Cities, a program which has ceased under the present Federal Government. These expensive projects are very important to the beautification of the city, and I am not sure whether the State has the resources to undertake such major redevelopment projects in the inner city suburbs. It is disappointing that money will not be forthcoming for similar programs in the future and that East Perth and Subiaco may be the last of these projects.

The Opposition supports this Bill. The message we are receiving is that the Government should be talking to the public, the City of Subiaco and the Town of Cambridge as part of the consultation process. These projects never finish as they start - change must be made. It is important that one ensures not only that these matters are set out for public consultation, but also that the Government seriously looks at the comments presented. Often these project end up improved. A little heartache is often involved in consulting with the public, but in the long run it is worth the effort and hard work.

HON P.R. LIGHTFOOT (North Metropolitan) [5.17 pm]: I take a few moments to support the Bill, and to qualify that support. This is the one-hundredth anniversary of the establishment of the local authority of Subiaco, which is run very efficiently by Mayor Tony Costa who keeps an eagle eye on everything that happens in Subiaco.

Hon Mark Nevill mentioned briefly the magnificent row of Moreton Bay figs in old Market Square. These trees have caused some problems to Main Roads Western Australia and other authorities which would like them removed to change the boundary of the road which runs into a bottleneck at that point. I would hate to think that any damage will occur to these trees with the relocation of the railway line. The Bill supports that development as it will change the status of the A class reserve to allow the stockpiling of sleepers, ballasts, steel and construction material on that site.

An event seems to have overtaken the Bill itself; that is, the two local authorities of the Town of Cambridge and City of Subiaco acting in concert have proposed to establish a one-kilometre buffer zone around Subiaco Oval. That will create problems which this place may need to address. The authorities do not want parking in the buffer zone on the days that Subiaco Oval is used for Australian rules football events. That proposal may create a problem for the marketplace. I would not like it to be found, after the House supported the changed status of the reserve, that the park vested in the Subiaco Redevelopment Authority was somehow turned into a carpark, multi-storey or otherwise, to support Subiaco Oval. Undoubtedly, in the documentation I have seen, the City of Subiaco holds a power of veto over whether night games are played at, or any use is made of, the oval after 6.00 pm. That is a set condition even though it is vested by the State Government in the local authority. I can see problems with the issues which have overtaken this Bill recently.

The authority and this Government should be complimented on the way they have taken up the cudgels with respect to one of the great eyesores in the heartland of the near city suburbia. The authority is right on track, and other aspects will flow from this development. I am a little concerned about the Moreton Bay fig trees, which are an important part of that landscape. The Minister may wish to assure this place and me, because Subiaco is my political heartland and I work very closely with Mayor Tony Costa, for whom I have great admiration, that during the transition period, the reserve will not be used as a car park. I note that the ultimate development of Market Square, which is this A class reserve, will be done in concert with the City of Subiaco, and I trust the Government will not hold a power of veto over that development and that both of the parties will work out a compromise if there is a conflict so that it is developed properly.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.20 pm]: I thank members for their contribution to this debate. I take on board the comment of Hon Mark Nevill about consultation and I will refer that to the Minister for Planning, but I understand that from his point of view there has been significant consultation and this Bill has the concurrence of the City of Subiaco. I am not sure of the future of the Moreton Bay fig trees, but I will refer the concerns of Hon Ross Lightfoot and Hon Mark Nevill to the appropriate Minister to ensure that whatever can be done to protect them is done. One must understand, however, that when we sink a railway line, there will be disruption to some of the existing infrastructure and the environment during that significant engineering task.

Once the railway line has been sunk and the project has been completed, the Subiaco Redevelopment Authority will consult the City of Subiaco to determine the future of the reserve. I do not know anything about the high-rise buildings that Hon Mark Nevill referred to; I will find out and let him know. Once the reserve is no longer required for the construction of the railway line, there will be consultation between the authority and the City of Subiaco about its future use. We all hope it will be used in a sensitive way.

The Mayor of Subiaco should decide whether he wants football at Subiaco. If he wants people to watch football but does not want them to park there, he will soon find the two do not go together. I suspect that if he continues to put restrictions on the use of Subiaco Oval, football will decide that it is time to go somewhere else and there will be just a big empty oval with expensive infrastructure around it that is used by under 12s, or something.

Hon Mark Nevill: Perhaps they could bury the oval and people could park on top of it, as they are doing with the railway line!

Hon N.F. MOORE: It would probably make a nice picnic ground when football goes somewhere else. That issue must be resolved, and when the Mayor of Subiaco talks about restricting parking, he should understand that football is important to Subiaco and he should decide whether he wants it. That is beside the point in respect of this Bill. I thank members for their support.

Question put and passed.

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

MINING AMENDMENT BILL

Second Reading

Resumed from 24 October.

HON MARK NEVILL (Mining and Pastoral) [5.25 pm]: The Opposition supports this Bill. An identical predecessor to this Bill was introduced by the former Minister for Mines, Hon George Cash, 12 or 18 months ago. It is amazing how long this Bill has taken to get through both Houses of Parliament. Of course, we had a change of Minister during that time, so the Bill was reintroduced in another place. It is now back here, and considering that the proposals are not all that contentious, it is surprising that it has taken so long.

This Bill will amend the Mining Act in three areas: To reform the provisions with regard to the registration of dealings against mining tenements; to provide that the recommendation of the Minister for the Environment is required in respect of mining activities in state forests and timber reserves outside the south west mineral field; and to incorporate changes to the special prospecting licence for gold provisions to increase the opportunity for prospectors to access small alluvial gold occurrences.

The dealings registration provisions of the Mining Act will be modernised by these amendments. Alex Gardner, a lecturer at the University of Western Australia, prepared a paper for the Australian Mining and Petroleum Law Association Ltd in 1978 that made recommendations about the way that these dealings should be dealt with in the Mining Act. Currently, they are dealt with under the regulations, and this Bill will transfer that authority to a new section of the principal Act.

The Bill introduces a number of interesting changes. It proposes that only legal interests can be registered, whereas interests such as equitable interests will be protected by caveats. Currently, there are two types of caveat: A hostile caveat, and a consent caveat where there is agreement between two parties and one registers it. This Bill will introduce a third form of caveat called a subject to claim caveat, and that will be used to register or protect interests such as royalty interests, a tribute agreement, or something of that nature. At the moment many of these titles are encumbered by joint venture arrangements and similar matters, which have long ceased to exist and have not been cleared from the title. This provision should help clear up the registration process significantly.

The second area of change relates to mining activities in state forests and timber reserves in the eastern goldfields. In recent years the Department of Conservation and Land Management put forward a goldfields regional management plan, under which it is proposed that 12 timber reserves - some of which are new, but not all - will be converted to state forests. Two pastoral leases - Juardie Hills, just out of Coolgardie, and Mount Elvire, which is just south of Sandstone, but accessed north of Southern Cross and Coolgardie - will be converted to state forests.

Mining in forests in the south west requires the concurrence of the Minister for the Environment. In the case of the goldfields, this Bill proposes that the Minister for the Environment will provide a recommendation to the Minister for Mines in relation to mining and exploration on timber reserves, with the decision of the Minister for Mines taking precedence. Obviously exploration and mining on these timber reserves will not be open slather; in a number of areas in the region mining would not be considered.

One of the myths that is often put forward is that the environment in Western Australia, particularly the goldfields area, is fragile. As I have said in this place before, I do not believe it is fragile; it is incredibly robust. We have only to look at the area between Coolgardie and Norseman to see that, notwithstanding the severe cutting that occurred in those woodlands over the past 100 years, the timber has regenerated.

It is quite compatible to mine and protect the environment at the same time. When I first went to Kalgoorlie in the early 1970s, it was a bit of a dust bowl. Goats were grazing around the town; there was a dairy as well as denuded areas. A lot of dust was in the air. Under the Tonkin Government, Minister Ron Davies set up the Goldfields Dust Abatement Committee. My colleague Julian Grill, the member for Eyre, was the first chairman of that committee. Hon Norman Moore, who has been to that area since the inception of the committee, will know the good work around the goldfields it has done. I do not think people could tell much difference between how the area looked 100 years ago and how it looks now.

Hon P.R. Lightfoot: Yet millions of tonnes of timber were taken out.

Hon MARK NEVILL: The area was heavily overcut, with between 800 000 and 900 000 cubic metres of timber a year being taken. The Department of Conservation and Land Management says that the annual sustainable yield in those areas is probably about 400 000 cu m, but I do not want to be sidetracked on that issue.

CALM does a magnificent job in the goldfields. Often, rezoning areas to reserves has the opposite effect to that which is intended. My colleague Graeme Campbell related a story to me about Nullarbor Station in South Australia being changed into a reserve. The pastoralists on that station took care of a colony of hairy-nosed wombats, and constructed a fence so that the wild dogs could not get to them. When the station was taken over by the body that controls reserves in South Australia, no money was ever spent on those fences. They deteriorated and the colony of hairy-nosed wombats was almost, if not completely, wiped out. Changing land to a reserve does not necessarily guarantee the survival of a species. It is a little more complex than that. Often the presence of people in reserves is important in keeping down the vermin and maintaining the facilities, including roads. I am a great supporter of making use of land. As a geologist, I regarded every piece of land as a reserve and a tree was never removed unless it was absolutely necessary.

The third area of change deals with special prospecting licences for gold prospectors. Over the past five or six years there have been a number of changes in this area. The legislation is evolving. The changes this year will further assist prospectors get access to land that is tied up in vast quantities by the larger mining companies. This will allow the prospectors to get some alluvial licences over some areas. The warden will determine whether those licences will be granted if there is a dispute.

There is a also change to the reporting requirements from the Geological Survey of Western Australia. They will be limited to the existing reports that are on record being provided to the warden. I have always thought those in the Geological Survey do not necessarily have the skills to do proper mine evaluations, particularly for underground mining. Geologists in the survey are always good regional mappers; however, I am not sure many would be equipped to make the sorts of comments that might be needed for a warden to carry out his duties. The provision will be limited to published reports. It also puts the onus on the primary tenement holder to disclose information that might protect his interest in an area that is being sought by a small prospector. I cannot see too many problems with that. Licences will be granted either for a lesser depth than 50 metres, as is currently provided, or, in the case of an alluvial operation, for a depth of just a few metres. Companies cannot apply for the special prospecting licences; the application must be made by a natural person. The amendments were agreed to. In his second reading speech the Minister says that the Bill was "generally supported" - I do not know what that means; it sounds as though someone had misgivings - by the Mining Industry Liaison Committee.

I commend the work done by the Australian Mining Petroleum Law Association over the past decade or so. It began in Western Australia and is very active in town. I am pleased each year to be invited to AMPLA's annual general meeting where it usually has a very good guest speaker. Its members have always been of great assistance to me with advice, particularly on matters related to the Mining Act. The reports of AMPLA's proceedings are scholarly and at the forefront of mining law in Australia. Branches are now in all the other States. The premier branch of that professional body of lawyers is in Western Australia.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.44 pm]: I thank Hon Mark Nevill for his support of the Bill. He outlined in considerable detail what the Bill entails. As we heard, it will essentially change three areas of the existing mining law. In reflecting on the bipartisan support of this Bill the 1978 parent Act was subject to a great deal of controversy and severe lack of bipartisanship.

Hon Mark Nevill: It has been fixed up a lot since then.

Hon N.F. MOORE: What was put in place in 1978 has proved to be quite successful in general terms. Like every other piece of legislation it must be amended from time to time. As Hon Mark Nevill also said, it seems to take a long time to bring on legislation. This Bill had a fairly long gestation before finally getting to Parliament. I regret to say that is the nature of things here. Since I have been in government I have discovered that it takes far longer to do anything than I could have imagined possible.

Hon Mark Nevill: In this case the Bill was given a first reading in here. I do not think it has changed much since.

Hon N.F. MOORE: All I know is that there is so much demand on the legislative schedule in Parliament that it is difficult to get a guernsey to get one's Bills through.

I agree with Hon Mark Nevill about the robust nature of the goldfields environment. I lived in Bullfinch for a number of years and returned recently to where the town used to be. It is almost impossible to tell that a town of 1 500 people existed there; the area is virtually overgrown. I remember many trees being chopped down by people in those days but they have all regrown. As a result the place is barely recognisable. The work being done by the dust abatement committee in Kalgoorlie and the generally far more sensitive understanding of the needs of the environment have led to that area being more attractive environmentally. It has overcome many of the problems to which Hon Mark Nevill referred. We must ensure that is maintained. It is the intention of this Bill to declare parts of the goldfields forests as state forests and for the Minister for the Environment to have involvement in what may happen to those forests.

By "generally supported" I am aware that we would never get everybody to support every clause in every Bill. Generally speaking it is encouraging that so many organisations involved in the mining industry have supported this Bill. I also agree with the member about AMPLA. It provides good assistance and support. Interestingly, the mining industry has got its act together with its capacity to lobby. It speaks as one voice and the organisations involved in providing advice and support to members of Parliament have been successful in at last getting the mining industry's point of view across. It has been a much maligned industry but it provides enormous benefit to Western Australia and should be supported thoroughly and strongly. It has gone about its business ensuring it is sensitive to environmental requirements and at the same time getting across the message that it is a very big industry for Western Australia. That has brought about a better attitude to the mining industry than in the past. I thank the member for his support.

Although this Bill seeks to provide assistance to prospectors, I do not feel the same way about the Federal Government's attitude to section 23PA of the Income Tax Act. I hope one day it will see commonsense in the existing provisions. However, I suspect that level of commonsense has deserted the lawmakers in Canberra and the changes will be imposed that most people do not think should happen, particularly on this side of the Nullarbor Plain.

Question put and passed.

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

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Nineteenth Report Tabling

Hon Murray Montgomery presented the Nineteenth Report of the Standing Committee on Estimates and Financial Operations for the post 30 June 1996 hearings for the 1996-97 cycle, and on his motion it was resolved -

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

Hon Murray Montgomery was granted leave to table information pertaining to questions and correspondence arising from those post 30 June 1996 hearings.

[See papers Nos 808 and 809.]

DENTAL AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.50 pm]: I move -

That the Bill be now read a second time.

At the end of 1996, 16 students will complete the Associate Diploma of Dental Hygiene at Curtin University. The current Dental Act 1939 does not provide for the registration of dental hygienists. Without amendments to the Act, these graduates will not be able to practise. The Dental Amendment Bill was drafted in response to undertakings given by both the Minister for Health and the Attorney General, when Minister for Health, to have the appropriate mechanisms in place by the end of this year.

The Bill makes two principal amendments to the Dental Act 1939: Firstly, it provides for the registration of a new class of dental auxiliary, the dental hygienist; and, secondly, it provides for an existing class of dental auxiliary,

school dental therapists, who are currently licensed under the Health Act, to be regulated under the Dental Act. These amendments will result in three classes of dental auxiliary being regulated under the Act.

The Bill specifies the qualifications and experience required for registration of dental auxiliaries; the specified acts of dentistry that dental auxiliaries may perform; and the supervision requirements. The Bill requires that persons applying for registration under each category of dental auxiliary must have completed training within five years of making an application. If an applicant has undergone training more than five years before the application, the board can require the applicant to undertake a refresher course before being registered, and must be satisfied as to possession of current skills and knowledge.

The Bill provides for dental auxiliaries to be able to perform certain acts of dentistry under the supervision of a dentist. Clause 16 of the Bill will insert a second schedule into the Dental Act. This schedule consists of seven parts describing a range of acts of dentistry: Part 1, core acts; part 2, local analgesia acts; part 3, orthodontic acts; part 4, dental therapy acts; part 5, restoration acts; part 6, root planing; and part 7, caries detection.

Dental therapists may perform the duties specified in parts 1, 2, 4, 5 and 6 and, where they satisfy the board they have the relevant prescribed qualifications, part 3. School dental therapists may perform the duties specified in parts 1, 2, 4 and 7 and, where they satisfy the board they have the relevant prescribed qualifications, part 3. Dental hygienists may perform the duties specified in parts 1 and 6 and, where they satisfy the board that they have the prescribed qualifications, either or both parts 2 and 3. The permitted acts will therefore be dependent on the training completed by the applicant.

The Bill maintains the existing supervision requirements. Currently, the Dental Act requires that the supervising dentist must be reasonably available for consultation while a dental auxiliary provides treatment to a patient. Under the Act, a dentist in the private sector will not be permitted to employ dental auxiliaries for any more than the equivalent of two full time employees. The School Dental Service, established under the Health Act and administered by the Health Department, is normally required to employ dental auxiliaries in the same ratio to dentists in the private sector, but may exceed this ratio where necessary.

Finally, the Bill repeals certain sections of the Health Act to facilitate the transfer of the regulation of school dental therapists from the Health Act to the Dental Act. Regulations concerning school dental therapists employed by the School Dental Service may still be made under the Health Act. As part of a planned integration of health services into the public hospital system, the Bill contemplates the assumption of the School Dental Service by the Perth Dental Hospital.

In summary, the Bill provides for a new class of dental auxiliary - the dental hygienist - and creates a uniform system of registration for all dental auxiliaries under the same Act. The board's power to review qualifications and experience of dental auxiliaries who have been unregistered for five or more years will permit the provision of more efficient and effective dental services for the people of Western Australia. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

MINIMUM CONDITIONS OF EMPLOYMENT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ELECTRICITY AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.55 pm]: I move -

That the Bill be now read a second time.

The Act to be amended by this Bill, the Electricity Act 1945, is the principal legislation governing the way electricity generation and supply activities are to be conducted to meet the community's expectations of service and safety. The Act also covers the requirements for electrical appliances to perform adequately to meet those same expectations. The amendments are to update this Act.

It is most important from both an economic and safety perspective that this Electricity Act be kept relevant to the changing circumstances in the electricity industry. The basis for many of these changes was the restructuring of the

State Energy Commission of Western Australia, which was undertaken in 1994. The successful outcome of that restructuring is the now separate gas and electricity businesses operated by the Electricity Corporation - Western Power Corporation - and the Gas Corporation - AlintaGas. One of the touchstones for the restructuring was that Western Power Corporation must adhere to competitive neutrality principles in the conduct of its business to ensure fair opportunity exists for private sector competitors.

Prior to 1 January 1995, there were many small private electricity generation facilities in remote areas that serviced the needs of individual users, as well as several larger private facilities servicing mining and minerals processing needs. Since 1 January 1995, two large new private generators have already been established in Western Australia - the Mission-BP cogeneration facility at Kwinana and the goldfields power station at Kalgoorlie. These new generators are to sell some of their power to other users. The competition which is now under way in this industry is needed to secure lower electricity prices, and this can be done without losing focus on safety and quality of service.

Another contemporary aspect for consumers is energy efficiency. Joint action across Australia by all jurisdictions now makes it feasible for the Australian appliance industry to implement energy efficiency labelling of household appliances. This labelling in a standardised manner will assist consumers in their choice of an appliance that best suits their needs. Consumers are interested in doing what they can to economise on energy and to contribute by their buying decisions to initiatives on abatement of greenhouse gases. Energy efficiency labelling will help them to do this. The Electricity Amendment Bill contains a number of amendments which will ensure that the Act is more relevant to today's circumstances of a restructured electricity industry and the needs of consumers. This Bill covers the following.

Part 1 of the Bill is the introduction. Part 2 of the Bill provides for a comprehensive updating of fines, penalties, damages and fees, to ensure they are relevant to today's circumstances. Some of the existing penalties have not been reviewed since 1965, others since 1979. Many are therefore very out of date. The broad principles that have been used in drafting the amendments are that penalties need to act as a deterrent; and that, where appropriate, the maximum penalty should be $5 000 for individuals and $20 000 for corporations, as was previously approved by Parliament in 1988, in respect of the regulation making powers under section 32(1)(s). This provides logical consistency for related legislation. It should be noted that all penalties are maximum amounts only, and any specific application of a penalty is at the discretion of magistrates.

Part 3 of the Bill provides an extension of existing powers in respect of the approval of electrical appliances for safety purposes. In keeping with changes planned or already implemented in the other States, certification of appliance safety will now be permitted to be carried out by approved third parties, not only other regulatory authorities. Markings on appliances will be treated similarly. This move will make the regulatory system more user friendly, by increasing the availability of certification bodies.

Part 4 of the Bill will introduce into this State certain powers to regulate energy efficiency aspects of electrical appliances. This legislation, which recognises similar requirements already in place in the other States, provides for the mandatory labelling of common household appliances, to indicate their relative energy efficiency. This scheme is already well known as the "star rating" scheme.

By passing this legislation, Western Australia will ensure that: Regulatory requirements similar to those in other States also apply to locally sold household goods, so that consumers in this State enjoy the same standards of purchasing information as those in others; the absence of such requirements in this State cannot be exploited in respect of the supply of such goods to the other States; and this State joins the others in making a commitment towards meeting greenhouse gas emission reductions by encouraging consumers to buy energy efficient appliances. This last point is further enhanced by the additional provision of powers to also introduce minimum energy efficiency standards for certain household electrical appliances. This extension of the labelling concept will allow the declaration of minimum energy efficiency standards for certain appliances such as refrigerators, freezers and the like. Articles not meeting these standards will be excluded from the market. This scheme is expected to be introduced during 1999 in concert with the other States. It has been the subject of extensive research and industry consultation culminating in accord on implementation by the Australian ANZMEC members in 1995. These requirements for appliance energy efficiency labelling, as well as later minimum energy performance standards, are significant steps in reducing per capita greenhouse gas emissions. Related regulations will be drafted to provide the detailed requirements.

Part 5 of the Bill covers a number of other regulatory matters to deal with existing provisions that are no longer appropriate, or to introduce essential new provisions. The key aspects of this part are as follows: Section 5 of the Act will be amended to provide a more meaningful definition by which persons will be recognised as a "supply authority". For example, persons authorised to sell electricity only to a neighbour will not be deemed a supply authority and will, therefore, no longer have powers and obligations that are really relevant only to a utility.

Section 7 of the Act will be amended so that the need to obtain consent for the installation of generating plant excludes those installations where the output is solely for own use, and when not operating electrically in parallel with the local supply authority's system. This will simplify procedures for industry as many such installations exist.

Section 18 of the Act will be amended to delete inappropriate technical requirements for overhead lines, and instead to rely on regulations for these matters. Section 30 of the Act is to be repealed as it has effectively been replaced by regulation 242 of the Electricity Act Regulations 1947. New section 30 will extend the powers of electrical inspectors when so authorised by the Director of Energy Safety. Firstly, it will provide the power to issue an order to require removal or dismantling of any facility or installation if it is considered dangerous. For example, this could be an antenna or shed built in such a way that it has encroached the safety zone of a nearby high voltage powerline. Presently, there is only a power to prohibit use of an electrical facility, or to disconnect it or the supply, which is rarely relevant for such safety problems.

Secondly, the amendment will also provide inspectors with powers to inspect the work practices of workers such as electricians, linespersons, cable jointers and others associated with the construction, repair, maintenance and operation of electrical facilities. It also provides for the issue of orders to correct unsafe or non-complying work practices. These inspection provisions should already be in place as they relate closely to the administration of part 9 of the Electricity Act Regulations 1947, which was drafted many years ago. This amendment will correct that earlier oversight as this function is considered important in respect of safety audits, particularly in the electricity supply industry. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

IRON ORE (YANDICOOGINA) AGREEMENT BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [6.03 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement dated 16 October 1996 between the State and Hamersley Iron-Yandi Pty Ltd, which is a subsidiary of Hamersley Holdings Ltd. Hamersley Iron Pty Ltd, which operates several iron ore mining projects in the Pilbara, is joined in the agreement as the guarantor of the performance of Hamersley Iron-Yandi Pty Ltd. The Iron Ore (Yandicoogina) Agreement has been negotiated to facilitate the development of a new iron ore project in the central Hamersley Range area, near the BHP Marillana Creek project, by Hamersley Iron-Yandi Pty Ltd, hereunder referred to as "the company".

Hamersley Iron's Yandi project will be a significant project for the State. It will have a capital cost of over $400m, a construction work force of over 400, and an operational work force of between 100 and 140 persons. Annual export earnings of around $300m are likely at a 15 million tonne per annum production rate. The State will benefit directly from the project through payroll tax and royalties, with revenue from the latter likely to be in the order of $15m per year at a 15 million tonne per annum production level. There will also be significant indirect benefits through the additional employment the project will bring, and flow-on effects to a diverse range of support industries, both during the construction and operational phases of the project. Subject to RTZ-CRA Board approval, construction of the project is likely to proceed in the second half of 1997 and production to commence during 1999.

The agreement provides, subject to the approval of detailed development proposals, for the initial production of up to 15 million tonnes per annum of iron ore, with expected increases to 30 million tonnes per annum subject to market demand. Initially, the mine work force will be accommodated in facilities to be established near the mining lease. The agreement, however, includes a framework for managing future changes to the project that will assist orderly development of the central Hamersley Range area, particularly in regard to the ultimate establishment of a new open town to serve the needs of several iron ore mining projects in that region. These requirements are contained in clause 8 of schedule 1 of the Bill.

The provisions of clause 8 require the company and the State to cooperate and consult with each other on state policies, planning and development objectives, the company's commercial requirements and any other relevant issues. If the company wishes to expand its operations beyond the 15 million tonnes per annum and 150 persons limits, it must first obtain the Minister's approval to submit proposals. The Minister's approval can be denied or given conditionally, including conditions to vary or add to the agreement. These requirements are set out in clause 10 of

schedule 1 of the Bill. These provisions provide the State and the company with the opportunity to address such issues as work force accommodation as the project grows and other developments occur in the region.

To encourage the further processing of iron ore, clause 23 of the agreement contains provisions that require the company to produce three million tonnes per annum of metallised agglomerates. Metallised agglomerates means any metallurgical process utilising heat to reduce iron ore to a minimum of 85 per cent total iron. The definition is sufficiently broad to include direct reduced iron, iron carbide, or hi-smelt products. Proposals for a two million tonnes per annum metallised agglomerates plant are required to be submitted by 10 years from first production of iron ore or 150 million tonnes of iron ore production from the mining lease, whichever occurs first.

The plant is to be in production within three years of the submission of these proposals and is to be expanded to three million tonnes per annum within a further five years after that. Clause 23 is worded so that any of Hamersley's iron ore resources can be used to meet this obligation, rather than only iron ore from the agreement mine. Clause 23 also allows the company to substitute an alternative project of equal economic value to the two million tonnes per annum plant in lieu of the plant for production of metallised agglomerates.

If the company wishes to expand its operations beyond 30 million tonnes per annum, it must first have proposals approved for the production of metallised agglomerates or for an alternative project. If proposals have not been approved, the company must obtain the Minister's approval under clause 10 of the agreement to go beyond this mine limit, which he is able to withhold. This would have the effect of restricting the production of iron ore while processing obligations remain outstanding.

If the company demonstrates to the Minister's satisfaction that construction of a plant to produce metallised agglomerates is not economically viable, the requirement to submit proposals will be postponed for a period of three years. Further three year deferrals may also be granted if the company satisfies the Minister at the appropriate times that there are reasonable grounds for deferral. In the event that the company fails to demonstrate to the Minister's satisfaction that there are reasonable grounds for deferral, the company must submit proposals or have the matter decided by a tribunal that the Minister will appoint at the request of the company.

The company may, at any time before proposals for the production of metallised agglomerates are submitted, seek approval for an alternative investment. If an alternative investment is accepted and implemented, the further processing obligations are discharged.

Other important features of the agreement include -

> Provision for the grant of a mining lease following approval of proposals within the area coloured red on plan A, which is attached to the executed agreement.

I seek leave to table a copy for the information of the House.

Leave granted. [See paper No 810.]

Hon N.F. MOORE: To continue -

> The initial term of the mining lease will be 21 years, with the company having the right to two successive renewals of 21 years. Provisions relating to the grant of the mining lease are contained in clause 11 of the agreement.
>
> Rental payable on the mining lease is to be that prescribed under the Mining Act, including the additional rental of 25¢ per tonne that becomes payable on all ore transported from the mining lease 15 years after the first ore is transported from the lease.
>
> Royalty payable by the company under the provision of clause 12 will be: First, on lump ore at the rate of 7.5 per cent of the free on board value; second, on fine ore at the rate of 5.625 per cent of the f.o.b. value; third, on beneficiated ore, at the rate of 5 per cent of the f.o.b. value; and fourth, on any other ore, at the rate of 7.5 per cent of the f.o.b. value. These rates are currently applicable under the Mining Act

An important aspect of clause 12 is that after 14 years, the royalty payable becomes that prescribed from time to time under the Mining Act. The fixed royalty rate for the first 14 years will provide the company with the certainty of operating under a predictable fiscal regime for a reasonable period.

To encourage the company to undertake secondary processing of iron ore, the company will receive royalty reductions of 0.5 per cent for iron ore processed into pellets, 1 per cent for iron ore processed into metallised agglomerates and 2 per cent for iron ore processed into steel. The company is obliged to maximise local industry participation in the project in accordance with the State's local content policy that was released earlier this year. The

project is expected to have a high level of local content, as was the case with Hamersley's last mine development at Marandoo, which achieved over 80 per cent Western Australian content.

An 87 kilometre long railway will be constructed to serve the project, as set out in clause 20 of the agreement. The railway will run westward from the mine and cross Great Northern Highway to link up with the existing Marandoo-Dampier railway. The railway will be constructed within the blue corridor on plan A that has already been tabled.

I have outlined the significant features of the agreement contained in schedule 1 of the Bill before the House. Generally, the remaining provisions are similar to those of other state agreements and they do not require any additional comment. Some members of the House are no doubt aware that Western Australia is now the world's largest exporter of iron ore, and has been so for the last two years. With additional production from Hamersley's Yandi project, and from other new mines coming on-stream over the next several years, the Government expects Western Australia to continue to maintain this pre-eminent position in the world's iron ore industry well into the twenty-first century.

Hamersley Iron is, of course, one of the world's major iron ore exporters in its own right. It exported 55 million tonnes in 1995 and produced its one billionth tonne earlier this year. When we consider that its planned production rate at the start of the Hamersley project in 1966 was only five million tonnes per annum, and that 30 years later it is producing at over 10 times this rate, we can see that it has come a long way in a relatively short time. Hamersley Iron, along with the State's other major iron ore producers, has also played an important role in turning the Pilbara into a booming region with new towns, roads, railways and ports. It has also made a significant contribution to Western Australia's economy through royalty payments and flow-on effects to a diverse range of support industries. Hamersley Iron celebrated its thirtieth anniversary on Friday, 18 October and I take this opportunity to congratulate it on the great success it has had in that time. I wish it similar success in the next 30 years.

At the time of the birth of the Pilbara iron ore industry in the mid-1960s, the State saw the opportunity for iron ore mining to lead to iron and steel making, and for this to become the cornerstone for our future industrial growth. This vision was reflected in the iron ore agreements which the State negotiated with the mining companies at the time, almost all of which contained obligations for further processing. The present Government also shares this vision of iron and steel making in Western Australia and has worked hard to develop the correct business environment in which it can happen. For example, we have deregulated the energy industry, resulting in significantly lower gas and energy costs, we continue to provide support for an expanding service sector and we are now developing heavy industry estates where low cost industrial land will be available to developers. As a result of this hard work, we will soon see the vision of iron ore processing becoming a reality. A new phase of the iron ore industry is about to begin with hot briquetted iron to be produced at Port Hedland before the end of next year. Members will also be aware of a number of other iron and steel projects under serious consideration in this State. I am optimistic that at least one of these, and possibly more, will move to a construction stage during the next year.

CRA, Hamersley's parent company, is also playing its part in the further processing of the State's iron ore, with an investment of over $200m in its hi-smelt research and development facility at Kwinana. This iron ore direct smelting facility is Australia's largest research and development project and is at the forefront of a new generation of iron making. CRA is very optimistic that a commercial scale plant will be developed in the next few years. The iron ore industry is now entering a new phase of secondary processing. The Government believes processing obligations in iron ore agreements provide an important impetus for the iron ore producers to continue down this path. The Iron Ore (Yandicoogina) Agreement, with its obligation for a metallised agglomerate plant, clearly reflects the Government's intention to continue to focus on this new phase of development. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - SPECIAL

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [6.16 pm]: I move -

That the House at its rising adjourn until 10.00 am on Tuesday, 5 November.

Adjournment Debate - Anti-Asian Issue

HON SAM PIANTADOSI (North Metropolitan) [6.17 pm]: Most members will have had circulated to them yesterday a joint statement from five members of Chinese descent from Parliaments throughout Australia. With the indulgence of members, I will read the letter. Most members will have read it. However, it is very pertinent to what is occurring these days. Stemming from it, other members may have some opinions on what action we could take to lend them support. It reads -

> We, the five Members of Parliament of Chinese descent join together to denounce the Federal Member for Oxley's anti-Asian comments and the ensuing racial tensions.
>
> We support a democratic society in which each individual has the right to air their views. However free speech must be exercised with responsibility and respect to others. Abusing free speech to legitimise and perpetuate harmful myths unsupported by facts is extremely dangerous, especially when expressed by public figures such as a Member of Parliament. The escalation in racial tensions and the unnecessary fear created in recent weeks is evidence of the consequence of the irresponsible misuse of free speech. Any misleading or damaging statements which threaten our harmonious and racially tolerant society must be challenged.
>
> As Members of Parliament we believe that the recent rise in racism cannot go unchecked. We wish to reaffirm our commitment to a multicultural Australia with a non-discriminatory immigration policy.
>
> Australia's Asian community is committed to advancing Australia and have long embraced this country. Asian-Australians have participated positively and fully in Australia making a valuable contribution to all aspects of society including the arts, education, medicine, law and business. We have brought with us strong family values, work ethics and have worked hard to integrate into the wider Australian community.
>
> As acknowledged by our Prime Minister, the Hon. John Howard, Australia's cultural diversity is a rich resource and an asset to this country. All Australians regardless of their colour, race or religion should have the right to free speech as well as the equal right to a peaceful existence, free of racial taunts and vilification.
>
> In one voice across State lines, Party lines, and cultural backgrounds we express our opposition to all forms of racial intolerance and discrimination. We urge all fair minded Australians to do the same.

The statement is signed by Hon Helen Sham-Ho of the Liberal Party, New South Wales; Hon Bernice Pfitzner, MLC, of the Liberal Party, South Australia, born in Singapore; Senator Bill O'Chee, whom we all know; Dr Richard Lim, MLA, of the Country Liberal Party, Northern Territory, born in Malaysia; and Mr Hong Lim, MLA, of the Victorian Labor Party, born in Cambodia.

Members may recall an urgency motion I moved last year chastising the Prime Minister for failing to make a statement on this matter. We all know that since then the tempo seems to have picked up on this question. I urge all members and Hon Norman Moore as Leader of the Government in this House to look at an opportunity, possibly next week, to put a motion to the House similar to that moved in Canberra, that this House fully supports the joint statement of those five members of Parliament of Chinese origin. That proposition was supported by all but one member in Canberra. We must heed the comments made in Federal Parliament that people need and have the right to free expression.

This letter is correct in its comments about not allowing this debate to go unchallenged and without clarifying a number of issues. We need to participate. This House, on behalf of the Parliament of Western Australia at least, should join the debate and support these five members, of different political persuasions, and lend support to people they represent in the Australian Asian community. Many members in this House have many constituents from that background.

I urge the Leader of the House to accept that an appropriate motion should be moved in this House. I urge all members to support such a proposal. We can show the Australian Asian community that we have not neglected them and that they are not alone. We must take an interest in and support free speech, and we must be willing to participate in this debate and remove those nagging doubts about the reality of the anti-Asian sentiment, initiated by people like Pauline Hanson and Graeme Campbell.

Adjournment Debate - Select Committee on Western Australian Police Service Inquiry, Election Pressure

HON DERRICK TOMLINSON (East Metropolitan) [6.22 pm]: Before the House adjourns, I respond to a false impression which may have been established by an article in this morning's *The West Australian* under the grabline "Election pressure will halt graft inquiry: Davies" under the by-line of Rebecca Rose and Grace Meertens. The article commences with this paragraph -

> The impending State election has destroyed any chance of the police corruption inquiry finishing its task because the big parties do not want to upset the police, according to Independent MLC Reg Davies.

Three paragraphs later the article reads -

> Chairman Derrick Tomlinson - who sets the committee’s agenda - denied that he was under pressure from the State Government to ease back on the inquiry.

My recollection of my exact words to the journalist who interviewed me on the telephone is that I said that if any member of the Government tried to put pressure on me, I would tell them to take a funny run. The article further reads -

> Mr Davies, one of the five committee members, said the issue had became too political and the big parties did not want to unravel more bad news for the police before a State election.
>
> "All parties like to go to an election on law and order issues - more police, safety and security for families and homes - and they do not want to have the Police Force offside," he said.

I checked the minutes of the last meeting of the Select Committee on Western Australian Police Service held on Wednesday, 21 August 1996. At that meeting the committee had before it one Mr Frank Scott, who is represented as a police whistleblower - he is neither a policeman nor a whistleblower. I take it, Mr Deputy President, from the reaction of the Clerks that some concern is held that I may breach privilege.

The DEPUTY PRESIDENT: The member must be careful as he cannot report the proceedings of the committee until it has reported.

Hon DERRICK TOMLINSON: I thank you, Mr Deputy President. At the meeting the committee resolved that the committee prepare a final report advising that the committee cannot complete its terms of reference before the next election, and that the committee's recommendation 2 in the interim report on term of reference (3) to establish a standing committee on the WAPS be affirmed. That was moved by Hon Reg Davies. Far from me being the individual who sets the agenda for the committee, it was set by the committee on the motion of Hon Reg Davies. The decision to discontinue inquiries and prepare a report was a decision of the committee on the motion of Hon Reg Davis. As for the committee responding to pressure from the "big political parties", the only big political party in this matter holds its meetings in a telephone box.

Adjournment Debate - Mammograms, Charges Complaint

HON A.J.G. MacTIERNAN (East Metropolitan) [6.25 pm]: I raise a case affecting one of my constituents, as I am concerned that this may be a common problem which we need to address. It may well go to the question of medical ethics, and certainly to the propriety and the appropriateness of the conduct of some doctors.

My constituent has told me that she is happy to have her name revealed. Mrs Lenko, who is aged 61 years and is on the age pension, went to see her doctor who said he was concerned about the risk of breast cancer and wanted a mammogram performed. The doctor was based in a medical centre in Armadale - he is no longer at the medical centre. The doctor did not refer Mrs Lenko to one of the state clinics, although a clinic in Cannington is readily accessible from Armadale. Instead, he referred her to a private doctor in Kelmscott. She attended and the mammogram was performed. However, she has since received a bill for $40 and she was upset by the unexpected account. She was certainly upset because the doctor did not advise her that she could have free breast screening at one of the state clinics. She is refusing to pay that bill, and quite rightly so under the circumstances.

We have contacted the WA Health Consumers' Council, which has referred us to the Office of Health Review. I draw this matter to members' attention. I intend to raise this issue directly with the Minister for Health as it is a matter of great concern. When the State is providing such a screening facility, it is inappropriate for private practitioners to refer people on pensions to private practitioners and thereby have these pensioners incur considerable expense. Members will understand that $40 is a considerable sum for a person on a widow's pension. I am interested to know whether other people have had similar experiences.

Adjournment Debate - Bailey, Sir Harold Walter

HON J.A. COWDELL (South West) [6.28 pm]: If one walks down St George's Terrace, one may walk over a slab commemorating "Harold Bailey, scholar". It is one of the WAY '79 commemorative slabs that acknowledge, for the State's sesquicentennial, the contributions of significant individuals in Western Australian history. The year that commemorates Harold Bailey is, I think, 1927, the year he became the first holder of a Hackett studentship.

Harold Bailey was born in 1899 and he died earlier this year aged 96, almost forgotten in our State. He was one of the finest and most distinguished graduates of the University of Western Australia. It is fitting that the passing of Harold Bailey, scholar, be noted by this Parliament by my reading in part *The Times* obituary -

> Harold Walter Bailey was born . . . in Wiltshire. From there, when he was ten, his parents emigrated to a farm in Western Australia. The boy's schooldays were now over and he was set to work on a farm, deep in the outback 200 miles east of Perth. That he should have developed as he did in such an unpromising environment seems little short of miraculous. With no teachers and precious little encouragement from his

> family, but impelled by an overmastering passion for knowledge, he taught himself, with such meagre materials as he could lay his hands on, to read Greek, Latin, Italian, Spanish, French, German and Russian.
>
> Further, in the six years between 1913 and 1919 he acquainted himself with Arabic, Syriac, Hebrew, Turkish, Persian, Hindustani, Tamil, Sinhalese and Japanese, for the last of which the newspaper wrappings of imported goods from the local store provided reading material. When in 1919 he gained access to some Sanskrit, Pali and Avestan books he was able to lay the foundations of his life's work.
>
> In 1922 Bailey entered the University of Western Australia, where he read Classics, and later took his MA with a thesis on a study of religion in the dramas of Euripides. After a year's teaching in a school and a year as a tutor in Latin at the university, a Hackett Studentship (the first to be awarded) in 1927 brought him to Oxford. .
>
> . . . Two years later he was appointed to the newly-founded lectureship in Iranian studies in the School of Oriental Studies in London, where he continued to teach for eight years, adding also Armenian to the scope of his teaching. In 1936 he was elected to the chair of Sanskrit at Cambridge and shortly afterwards to a fellowship at Queens' College.
>
> Though faced at first with a heavy load of teaching and, during the Second World War, with years of exacting work away from Cambridge for the Foreign Office, he continued the task which, begun in London, was to be his major activity for more than 30 years. This was the decipherment and editing of a vast mass of manuscripts originating in the trackless wastes of Central Asia . . .
>
> He was elected a Fellow of the British Academy in 1944, president of the Philological Society in 1948 and knighted in 1960. He was also president of the Royal Asiatic Society, 1964-67, and was a corresponding member of the Danish, Swedish and Norwegian Academies as well as being an honorary member of many foreign oriental and linguistic societies.

Harold Bailey visited Western Australia on a number of occasions after spending his formative years in this State. He was always a great host, assisting many Western Australian students at Cambridge. I was a recipient of that hospitality in the last decade of his life. He had set up his house as a resource for the centre of the institute of the study of Indo-Iranian languages. He would take people into a particular room, explaining that in it were the Greek and Roman texts, merely an introduction which he bought in Western Australia to start his career. He would take people from room to room and each room had books from floor to ceiling and covering all four walls in Tibetan, Persian or some Hindustani language. He was a person of great learning and he invariably went out of his way to help Western Australians in Cambridge.

The Times obituary concludes -

> Admired and loved by all who came into contact with him, he was a man of surpassing modesty, and nothing surprised him more than the honours which learned bodies all over the world showered upon him. After retiring from his chair in 1967 he maintained his close ties with his college and with the university. He placed his vast library at the disposal of the Cambridge headquarters of the Ancient India and Iran Trust, of which he was chairman.

Sir Harold Bailey advanced our store of human knowledge. He reflected well upon the University of Western Australia and this State. It is fitting that the Parliament acknowledge his passing at the age of 96. I had to scour the sources to find an obituary notice; I found it in *The Times.* I am not aware that his passing has been acknowledged anywhere in the media of this State.

Question put and passed.

House adjourned at 6.36 pm

QUESTIONS ON NOTICE

ESTATE COVENANTS - NOT ENFORCED BY DEVELOPERS, OWNERS' RECOURSE

604. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Fair Trading:

(1) Can the Minister for Fair Trading advise what recourse owners have when developers choose not to enforce estate covenants?

(2) Is there any scope for the amendment to consumer laws to ensure greater protection for purchasers who pay a premium for properties covered by estate covenants only to find that the developer chooses not to enforce these covenants and attacks investment protection guidelines?

Hon MAX EVANS replied:

(1) The enforcement of restrictive covenant - or estate covenant - is a civil matter which is outside the jurisdiction of fair trading legislation.

(2) I understand that the Law Reform Commission is currently reviewing processes for enforcement of restrictive covenants.

YANCHEP INN - AND KIOSK, CONTRACT

672. Hon GRAHAM EDWARDS to the Minister for the Environment:

In relation to the article which appeared in the *Wanneroo Times* on 2 August 1996 announcing a $1.4m facelift and redevelopment of Yanchep Inn and kiosk -

(1) Can the Minister indicate when the contract to redevelop and lease Yanchep Inn and kiosk will be signed?

(2) Can the Minister indicate who the proponent is?

(3) Can the Minister also indicate how much the Department of Conservation and Land Management is paying to employ a heritage architect to prepare a conservation plan for the Yanchep Inn?

(4) Can the Minister confirm if CALM has paid, or is due to pay, any other costs towards the upgrading of the Yanchep Park facilities?

(5) Can the Minister also confirm that the restaurant and accommodation have been closed since July 1996?

(6) If yes, are there legal reasons, and what are they?

Hon PETER FOSS replied:

(1) The signing of a lease with a proponent is subject to resolution of a range of issues and will take some time. I would envisage a lease being signed some time in 1997.

(2) YNP Developments Pty Ltd.

(3) $8 700.

(4) Following storm damage to Yanchep Inn in May this year, urgent works were undertaken to prevent further ingress of water and to secure damaged areas. Since then the Department of Conservation and Land Management has, through the Department of Contract Administration and Management Service, prepared a scope of works to permanently repair and upgrade sections of Yanchep Inn as a result of the storm damage. This work is being let for tender and is estimated to cost $60 000. The cost of this work is being met by insurance. Further work, not resulting from storm damage, is included in the scope of works and is estimated to cost $40 000. This work includes maintenance and fitting out costs.

(5) Accommodation has been available as part of the Yanchep Inn licensed premises on a continuous basis and is still available. The inn kitchen and restaurant have been closed since May when storms caused serious damage to the kitchen. Tender documentation for restoration of the kitchen is part of the overall tendering process. The estimated cost is $60 000. It is expected that the inn will be closed from mid-November to allow the works to be completed.

(6) See (5).

SHARK FISHERIES - FINS CUT FROM LIVE SHARKS AND SOLD IN ASIA, MONITORING

677. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Fisheries:

(1) Is the Minister for Fisheries aware of any crews of Western Australian-managed fisheries cutting off shark fins from live animals and selling the fins in Asia?

(2) What laws are in place to prevent such activities?

(3) What penalties are available?

(4) What monitoring is carried out and by whom?

(5) How regular is this monitoring?

(6) Have there been any prosecutions?

Hon E.J. CHARLTON replied:

(1) Shark fins are retained, along with the carcass, in most fisheries where the sharks are target species for the fresh fish market.

(2) The management advisory committee for the shark fishery has recommended that the capture of sharks for the use of fins only be banned and that the possession of shark fins only on a commercial vessel be illegal. I am in full support of such a move and amendments to the appropriate legislation.

(3) The relevant penalties will be dependent on which sections of the Fish Resources Management Act 1994 or regulations are determined to be the most appropriate.

(4) Monitoring of shark fisheries managed under the Fish Resources Management Act 1994 is coordinated by the relevant Fisheries Department regional office.

(5) Regular dockside monitoring of catches is carried out in all regional areas.

(6) Not applicable.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - D'ENTRECASTEAUX NATIONAL PARK, LAND ACQUISITION EXPENDITURE

761. Hon J.A. SCOTT to the Minister for the Environment:

(1) How much money has the Department of Conservation and Land Management spent on acquiring land for inclusion in the D'Entrecasteaux National Park in each of the years from 1983 to 1996?

(2) How many people visited D'Entrecasteaux National Park in each year from 1992 to 1996?

Hon PETER FOSS replied:

(1) The Department of Conservation and Land Management has purchased a number of freehold locations and pastoral leases for proposed inclusion in the D'Entrecasteaux National Park. The purchase of adjacent private property with important conservation and recreation values for inclusion in the national park is a recommendation of the Shannon and D'Entrecasteaux National Park Management Plan 1987-97. Records available indicate that the following funds were spent on the purchase of these areas -

1986	$82 500
1987	$939 000
1988	$111 000
1989	$45 000

(2) Visits to D'Entrecasteaux National Park -

1991-92	19 000
1992-93	19 000
1993-94	23 000
1994-95	25 000
1995-96	27 000

HEALTH DEPARTMENT - BALGO COMMUNITIES, FUNDING

787. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) What funds have been allocated to medical services in the Balgo area for the 1996-97 financial year?

(2) Which communities are to be serviced by those funds?

(3) What funds are allocated to each of the following communities as part of, or separate to, that funding -

(a) Balgo;
(b) Billiluna;
(c) Mulan;
(d) Yagga Yagga;
(e) Ringers Soak; and
(f) other?

(4) What nursing staff does the Health Department of Western Australia believe are adequate to service the communities listed in (3) above?

Hon PETER FOSS replied:

(1) $680 000.

(2) Balgo, Billiluna, Mulan and Yagga Yagga.

(3) The payment is not divided into specific allocations for individual communities. Instead, the contract under which the payment is managed specifies health services to be delivered in each of the communities. Further payments may be made to these communities, separate to this contract, for environmental health rectification programs.

(4) The contract requires a full time nursing service at each of Balgo, Billiluna, Mulan and Yagga Yagga communities with an additional senior nurse based at Balgo, a total of five full time nursing staff. Ringers Soak receives visiting clinic services from Halls Creek hospital.

DIRECTOR OF PUBLIC PROSECUTIONS - PEOPLE IN CUSTODY AWAITING TRIAL, PILOT PROGRAM

797. Hon N.D. GRIFFITHS to the Attorney General:

I refer to people in custody awaiting trial -

(1) Is the Director of Public Prosecutions proposing to deal with the matter with a pilot program?

(2) When will the pilot program commence?

(3) How many days after a person is placed in custody will the matter come before the DPP's office for assessment under the pilot program?

(4) How many lawyers will be involved in the pilot program?

(5) What is to happen to those persons in custody not affected by the pilot program?

Hon PETER FOSS replied:

(1) No.

(2)-(5) Not applicable.

CARAVAN PARKS AND CAMPING GROUNDS BILL - PROCLAMATION DATE

806. Hon JOHN HALDEN to the Minister for Transport representing the Minister for Local Government:

When does the Minister for Local Government intend to proclaim the Caravan Parks and Camping Grounds Bill and table the associated regulations?

Hon E.J. CHARLTON replied:

The proclamation of the Bill is dependent on the completion of the drafting of the accompanying regulations by Parliamentary Counsel. This is large task and is not expected to be completed until early in the new year. Proclamation will then proceed as soon as possible.

WATER CORPORATION - WATER RESTRICTIONS; DAYTIME SPRINKLERS

822. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Water Resources:

(1) Were daytime sprinkler restrictions imposed by the Water Authority in 1994-95 and 1995-96?

(2) If so, for what period in each year?

(3) What other restrictions were imposed in the period 1994 to 1996?

Hon MAX EVANS replied:

(1) Yes.

(2) They have been continuous since 1 November 1994.

(3) Water restrictions are in place in the rural areas of Ravensthorpe, Jerramungup, Newdegate, Lake King, Newman and Nullagine.

OPEN CUT MINES - PEOPLE AFFECTED BY EXPANSION OF, DEPARTMENTAL RESPONSIBILITY

827. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines

Which government department has the responsibility for dealing with people who, due to the expansion of open cut mines -

(a) have been forced to relocate;

(b) have had their property devalued; and

(c) have had their lifestyle severely impaired?

Hon N.F. MOORE replied:

No single government department has this responsibility. Depending on the nature of the specific case, a range of government departments and local government authorities will become involved. Part VII, sections 123, 124 and 125 of the Mining Act 1978 make provision for compensation for loss or damage as a result of mining to the occupier of land or a dwelling by the mining company concerned. In the event that there is a dispute, the Mining Wardens court will make a determination.

LANDS AND FORESTS COMMISSION - MINISTERIAL ADVISORY COMMITTEE

829. Hon J.A. SCOTT to the Minister for the Environment:

(1) In correspondence to the Lands and Forests Commission in December 1995 the Minister referred to a "ministerial advisory committee" -

  (a) who was on this committee;

  (b) what was the purpose of the committee;

  (c) on what basis were the members selected; and

  (d) what were the committee's general findings in respect of the draft South West Wetlands EPP?

(2) Would the Minister table the report of this ministerial advisory committee?

(3) If not, why not?

Hon PETER FOSS replied:

(1) (a) The ministerial advisory committee comprised Mr Garry English, Mr Frank Batini and Mr John Duff.

  (b) The purpose of the committee was to report to the Minister for the Environment on the revised draft policy and advise the Minister on any changes to that policy prior to its finalisation.

  (c) At the time the EPA referred to the Minister for the Environment the revised draft EPP, the Soil and Land Conservation Council recommended that I establish a committee to undertake the required further consultation and reporting. This committee was formed as a consequence and consisted of members of the Soil and Land Conservation Council that also have an understanding of agency and landowner interests.

  (d) The committee's general findings in respect of the draft policy were that -

    (i) the committee considered that the proposed wetlands EPP would make a valuable contribution to wetland conservation and that it would provide a useful avenue for setting

priorities in addressing land conservation matters and maximising public benefit from government funding and agency programs;

(ii) it is vital that the policy is resourced and implemented by Government and that wetland conservation becomes an important feature of land care in Western Australia; and

(iii) the policy would significantly enhance the Environment portfolio's contribution to addressing wetland conservation issues across the agricultural south west.

(2)-(3) The advisory committee's report to me formed part of the deliberative process of finalising the EPP. After I have signed it, I will table the EPP approval order, which represents the result of all contributions and advice received on the draft EPP.

WETLANDS - SOUTH WEST APPROVAL ORDER, TABLING

830. Hon J.A. SCOTT to the Minister for the Environment:

(1) Would the Minister table the most recent version of the proposed South West Wetlands EPP?

(2) If not, why not?

Hon PETER FOSS replied:

(1)-(2) I will table the South West Wetlands EPP Approval Order when I have signed it.

CONSERVATION AND LAND MANAGEMENT ACT - REVIEW COMMITMENT

835. Hon J.A. SCOTT to the Minister for the Environment:

Further to question 686 of 3 September 1996 -

(1) Is the Minister for the Environment aware of the quite specific commitment made to the conservation movement by the then coalition spokesperson on the environment, Hon Phillip Pendal, regarding a review of the Conservation and Land Management Act 1984 which was published by the Conservation Council in "The Greener Times" of January 1993?

(2) Why has the Minister failed to honour this commitment which was made with the explicit approval of the then Leader of the Opposition, now Premier, Hon Richard Court MLA?

Hon PETER FOSS replied:

(1)-(2) I was not aware of Mr Pendal's comment. The coalition's environment policy was released on 13 January 1993. The policy made no such commitment although the Government has reviewed key issues relating to CALM's operations including the department's financial operations through the Commission to Review Public Sector Finances; prescribed burning policy and practices through the Fire Review Panel; the forest logging levels through the Meagher committee. These processes have resulted in changes to departmental structure and operational practices. The Government has already identified a number of changes to the Conservation and Land Management Act which will be required during its next term to improve the efficiency, operational effectiveness and accountability of the department.

CHRISTIAN BROTHERS - ELECTRICAL DEVICE USED TO CONTROL BED WETTING CLAIM

837. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Family and Children's Services:

(1) Is the Minister for Family and Children's Services aware of comments made by the Christian Brothers' WA and SA province leader on page 7 of *The Record* newspaper for 19 September 1996 indicating that an electrical device, which delivered an electrical pulse to sleeping children was used on the recommendation of the Child Welfare Department and explained by a doctor sent by that department as an attempt to control bed wetting?

(2) Was the use of such a device recommended by an officer of the Child Welfare Department?

(3) If yes -

(a) what was the name of that officer;

(b) what was the date upon which such recommendation was made;

(c) in what archival file is any documentation relating to the use of the machine kept;

(d) what was the name of the machine;

(e) how was the electrical pulse which was delivered measured;

(f) was the amount of electrical pulse delivered able to be varied;

(g) what was the minimum and maximum measure of electrical pulse able to be delivered;

(h) where on the body was the machine attached;

(i) how was the machine attached to the body;

(j) when was the machine first sent to Clontarf, and when was it returned;

(k) was any incident of electrochemical burns associated with the use of the machine reported, and, if so, how many incidents were reported;

(l) was the use of the machine approved by the Health Department;

(m) was the machine used on the person of a child migrant, as described by the Immigration (Guardianship of Children) Act 1946 of the Commonwealth of Australia and, if so, on how many such child migrants was the machine used; and

(n) was the machine used in a child care institution other than Clontarf and, if so, which institutions?

Hon E.J. CHARLTON replied:

(1)-(3) It will take considerable research to provide the information sought. An appropriate response will be provided in due course.

GWALIA CONSOLIDATED LTD - SHIRE RATES FOR GREENBUSHES MINE

841. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:

(1) Why does Gwalia Consolidated Ltd pay only $20 000 per annum shire rates for its Greenbushes mining operations when the mining company had a reported pre-tax income of $10.04m for the last financial year?

(2) Why do ratepayers in Greenbushes pay a rubbish fee of $90 per month for an ungazetted rubbish rip where Gwalia Consolidated Ltd dumps tonnes of rubbish a year?

Hon E.J. CHARLTON replied:

(1) Local government rates bear no relationship to the income of individuals or companies. The Shire of Bridgetown-Greenbushes advises that the rates raised on Gwalia Consolidated Ltd and associated companies for 1996-97 for mining operations in Greenbushes amounts to $32 422.

(2) The rubbish tip used by Greenbushes ratepayers is on Gwalia Consolidated land. The company receives mill waste from Whittakers mill and dumps it at this site as part of its obligation to rehabilitate the area. Mill waste is traditionally used in the rehabilitation of mining areas.

BRIDGETOWN-GREENBUSHES SHIRE - TOWN PLANNING SCHEME No 6

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

(1) Will the new town planning scheme No 6 presently being compiled by the Bridgetown-Greenbushes shire, supersede both the town planning scheme No 5 and town planning scheme No 4?

(2) If not, why not?

(3) If yes, will the Minister for Planning give details about the proposed zoning or rezoning for the town sites of Greenbushes and North Greenbushes?

(4) Is the Minister aware of Gwalia Consolidated Ltd's future plans to mine inside the gazetted town site boundary of Greenbushes, near Diorite Street, once the company has achieved the objective of closing the ungazetted Greenbushes rubbish tip?

(5) If yes, will the Minister give details?

Hon PETER FOSS replied:

(1) Yes.

(2) Not applicable.

(3) The Shire of Bridgetown-Greenbushes has not yet requested consent to advertise proposed town planning scheme No 6. When the scheme is advertised the details of zoning proposals will be available to the public for comment.

(4) The Ministry for Planning has been informed by the Shire of Bridgetown-Greenbushes that Gwalia Consolidated Ltd plans to expand but the shire has not received a formal proposal. The Minister for Planning does not have decision making powers over mining.

(5) Not applicable.

PORT KENNEDY SCIENTIFIC PARK - PORT KENNEDY STAGE 2 INCLUDED IN COMMITMENT

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

(1) Does the Minister for Planning intend to honour the coalition's commitment, made by Hon Phillip Pendal MLC on 14 December 1992 acting as spokesperson on environmental matters, that all of stage 2 of Port Kennedy would be included in the proposed scientific park?

(2) If not, why not?

Hon PETER FOSS replied:

(1) The Minister for Planning intends to honour the coalition's commitment in relation to the creation of a scientific park at Port Kennedy.

(2) Not applicable.

PORT KENNEDY DEVELOPMENT - GROUND WATER EXTRACTION LICENCE

845. Hon J.A. SCOTT to the Minister for the Environment:

(1) Has a ground water extraction licence been issued to Port Kennedy Resorts Ltd for ground water use at Port Kennedy?

(2) How much ground water is Port Kennedy Resorts Ltd permitted to extract from the superficial and deep aquifers?

(3) Are meters installed on the bores used by Port Kennedy Resorts Ltd?

(4) If not, why not?

(5) If yes, who monitors the bores?

(6) Are the local aquifers at Port Kennedy being monitored to ensure that salt water intrusion does not occur?

(7) If not, why not?

(8) If yes, by whom?

Hon PETER FOSS replied:

(1) Yes; to Port Kennedy Resorts Pty Ltd.

(2) 320 megalitres a year.

(3) Yes.

(4) Not applicable.

(5) The licensee who must report annually to the Water and Rivers Commission.

(6) Yes.

(7) Not applicable.

(8) The Water and Rivers Commission and licensees who draw substantial amounts of ground water, including Port Kennedy Resorts Ltd.

PORT KENNEDY LAND CONSERVATION DISTRICT COMMITTEE - ACCOMMODATION

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

(1) I refer to question 629 of 21 August 1996 and ask what arrangements the Minister for Planning has made to accommodate the Port Kennedy Land Conservation District Committee on a site close to their area of operation?

(2) If none, why not?

(3) Is the Minister aware that the coalition parties promised to maintain a seat for the Port Kennedy LCDC on the Port Kennedy Management Board?

(4) If yes, why has this promise been broken?

(5) Is the Minister aware of the coalition's commitment to give the Port Kennedy LCDC a leading role in the management of the Port Kennedy Scientific Park?

(6) If yes, has the Minister honoured this promise?

Hon PETER FOSS replied:

(1) This matter has been referred to the Western Australian Planning Commission for advice regarding possible sites and lease conditions.

(2),(4),(6) Not applicable.

(3),(5) No.

PORT KENNEDY SCIENTIFIC PARK - ESTABLISHMENT DATE

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

(1) When does the Minister for Planning intend to establish the Port Kennedy Scientific Park as promised by the coalition parties in their 1993 state election policy?

(2) Will this promise be honoured before the next state election?

(3) Which company or organisation will manage the Port Kennedy Scientific Park?

(4) Will the whole of stage 2 at Port Kennedy be included in the scientific park as promised by the coalition in 1992?

(5) If not, why not?

Hon PETER FOSS replied:

(1) In the near future.

(2) Yes.

(3) CALM.

(4) The Minister for Planning intends to honour the coalition's commitment in relation to the creation of a scientific park at Port Kennedy.

(5) Not applicable.

MINING INDUSTRY - RADIATION SAFETY

848. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines:

I refer the Minister for Mines to question 633 of 21 August 1996 and ask -

(1) Can the Minister provide me with scientific evidence to substantiate his claim that "a specialist radiation subcommittee is no longer required, given the current radiation safety performance of industry"?

(2) What evidence can the Minister provide to support this assertion?

(3) What reports are publicly available to justify this position?

(4) Does the radiological committee have an inspectorial role on mine sites and processing plants?

(5) If not, why not?

(6) What independent monitoring is carried out on radiation levels in mine sites in Western Australia, and by whom?

(7) Is the Minister aware of serious radiation problems in the Western Australian mineral sands industry during the eighties, leading to two public inquiries - the Winn and Mason inquiries?

(8) In view of this, why has the Government decided to drop the independent watchdog which reviewed radiation safety in the mineral sands industry?

(9) Who is the officer responsible for radiation safety standards in the Western Australian mining industry and what are his qualifications in this field?

Hon N.F. MOORE replied:

(1)-(2) The Mines Occupational Safety and Health Advisory Board resolved that a specialist radiation safety subcommittee was not required on the basis of radiation exposure data which indicated that over the last 10 years radiation doses in the mineral sands industry have been reduced by a factor of four and have been stable for the last five years. In reaching this position, MOSHAB considered a discussion paper titled "Future Role of the Radiation Safety Subcommittee" prepared for the occupational health standing committee. In addition, at the third meeting of MOSHAB, held on 26 September, a summary of the most recent radiation exposure data was considered. The exposure data shows that average annual radiation doses "designated" radiation workers in the industry have been reduced from 25 mSv in 1986 (when the Department of Minerals and Energy assumed primary regulatory responsibility for radiation safety on mine sites) to 6.7 mSv in 1995. Furthermore, the reduction has reached a plateau over the last five to six years with average annual doses between 6 and 8 mSv. The summary data is tabled below.

Average Annual Radiation Doses to Western Australian Mineral Sands Workers

Year	Total no of employees	No of radiation workers	Average doses to radiation workers (mSv)			
			External	Internal	Total	Revised
1986	863	266	2.4	22.0	22.4	9.4
1987	1113	287	1.7	18.0	19.7	7.4
1988	1314	301	2.1	15.0	17.1	6.8
1989	1432	331	2.0	13.0	15.0	6.1
1990	1685	287	1.4	7.2	8.6	3.8
1991	1491	194	1.3	4.6	5.9	2.8
1992	1496	212	1.5	6.3	7.8	3.5
1993	1504	217	1.3	5.2	6.5	2.9
1994	1554	179	1.0	4.8	5.8	2.5
1995	1254	137	0.7	6.0	6.7	2.6

Also shown in the above table is a revised dose estimate which is based on new international recommendations. It can be seen that the revised estimates are significantly lower than previously reported doses and they are substantially below the occupational exposure standard of a maximum of 50 mSv in any one year, or an average of 20 mSv per year over five years.

(3) The minutes and agendas of MOSHAB meetings are publicly available and reviews of radiation safety are provided in the annual report of the Department of Minerals and Energy. The Department also periodically publishes a report titled "A Review of Radiation Doses and Associated Parameters in the Western Australian Mineral Sands Industry". The most recent report is dated October 1995. In addition, radiation exposure data has been published in the scientific literature.

(4) Yes. The Radiological Council, constituted under the Radiation Safety Act 1975, is responsible for overseeing conditions related to the processing, use and storage of radioactive minerals at mining operations, particularly in relation to conditions associated with any licences and registrations required under the Radiation Safety Act. In addition, an officer of the council is gazetted as a Special Inspector of Mines and can enter a mine at any time to inspect compliance with radiation safety regulations.

(5) Not applicable.

(6) Under the Mines Safety and Inspection Regulations, the mining company (or principal employer) is responsible for carrying out radiation monitoring in accordance with a program approved by the State Mining Engineer. Employee exposure to external (or gamma) radiation is determined using a commercial service provided by the Australian Radiation Laboratory - an agency of the Commonwealth Department of Health and Human Services. Employee exposure to internal (or alpha) radiation is accomplished via a regime of personal air sampling - this program is undertaken completely by site personnel using standard sampling and analytical equipment and protocols. Three members (all physicists) of the Occupational and Radiation Health Section of the Mining Operations Division of the Department of Minerals and Energy are gazetted as Special Inspectors of Mines (Radiation) and they regularly visit mineral sands operations to inspect, discuss and audit site compliance with statutory radiation monitoring requirements. The section periodically confirms the calibration of industry monitoring equipment, requisitions industry samples for comparative radiological assessment, and electronically downloads industry monitoring data for review and analysis.

In addition to personal air sampling for assessment of internal exposure, the department and industry has commissioned various bioassay research studies and the results of these studies have been published in the scientific literature and presented at national and international conferences.

(7) The Winn Committee report was presented to the then Minister for Health in June 1984, and the Mason inquiry (referred to as the Technical Audit Team - TAT - report) was presented to the then Minister for Mines in September 1990.

(8) As indicated in my reply to question 633 of 21 August 1996, MOSHAB has determined that any further radiation safety issues which arise in the mining industry can be dealt with by its Occupational Health Standing Committee, which is authorised to second particular expertise for specific tasks as required. This was the position agreed by the social partners, namely representatives from employers, employees, union and government. MOSHAB will also continue to periodically review radiation safety in the mineral sands industry in order to assure itself of the effectiveness of current arrangements. In considering the need for a specialist committee it is instructive to review the findings of the TAT report.

The TAT, comprising three independent and highly qualified health physicists, undertook a comprehensive review of radiation safety practices in the Mineral Sands industry during 1989. The TAT report concluded that regulatory surveillance by the Department of Minerals and Energy was very effective and that significant improvements in protective measures and procedures were attributable to the drive and initiative of the department's radiation section and its ability to liaise effectively with industry. The TAT report made several recommendations to improve the performance of the Mines Radiation Safety Board as it recognised that the Board was not operating effectively. Importantly, the TAT report concluded that, in general, current (as of 1989) industry radiation safety practices were satisfactory but that the reduction of radioactive dust levels in the processing plants remained of principal concern. Given the substantial decline in radiation doses since 1989 and the current level of radiation safety performance (refer response (2)), it is apparent that the principal concern identified in the TAT report has now been addressed.

(9) Under Part 16 - Radiation Safety of the Mines Safety and Inspection Regulations 1995, the State Mining Engineer is responsible for issuing approvals and exemptions for various matters and for receiving notifications and reports. This responsibility has been formally delegated to the Principal Scientific Officer, Mr Greg Hewson, who is also head of the Occupational and Radiation Health Section. Mr Hewson has a Bachelor of Applied Science in Physics (with distinction) from Curtin University and has over 17 years experience with industries involved in the mining and processing of radioactive minerals. Mr Hewson has published numerous scientific papers on radiation protection issues related to mining and is recognised both nationally and internationally for his achievements in the Western Australian Mineral Sands industry. Mr Hewson has undertaken work for the United Nations in South East Asia and for the International Atomic Energy Agency in Vienna. He has also visited mining operations in Canada, France, South Africa and the USA.

RADIOACTIVE WASTE - STEPHENSON AND WARD INCINERATOR, WELSHPOOL; GOSNELLS CITY COUNCIL LANDFILL SITE

849. Hon J.A. SCOTT to the Minister for the Environment:

I refer to questions 434 and 625 of 1996 regarding radioactive waste from hospitals, and ask -

(1) Is any such waste material sent to the Stephenson and Ward incinerator in Welshpool?

(2) If yes, how much is sent each year?

(3) Is any radioactive waste sent to the City of Gosnells' landfill site?

(4) If yes, how much and from what sources?

Hon PETER FOSS replied:

(1) No.

(2) Not applicable.

(3) No, certain very low level radioactive wastes meeting strict criteria set by the Radiological Council are approved for disposal in lined class III landfills. Gosnells landfill is not approved for receipt of such wastes.

(4) Not applicable.

PUBLIC ADVOCATE, OFFICE OF THE - NEWSLETTER, PRINTER; COST

853. Hon N.D. GRIFFITHS to the Attorney General:

(1) Who printed the September 1996 newsletter of the Office of the Public Advocate?

(2) What was the total cost of the newsletter?

(3) What was the cost of the distribution of the newsletter?

(4) To whom was the newsletter distributed?

Hon PETER FOSS replied:

(1) Lamb Print.

(2) $1 932.

(3) $1 095.88 - joint mailout with Office of the Public Advocate promotional material.

(4) People and agencies who work with people who have decision making disabilities; people and agencies who have an interest in the rights and needs of people with decision making disabilities; people who have been appointed as guardians and/or administrators; relevant state and interstate government authorities; and members of Parliament.

PUBLIC GUARDIAN'S OFFICE - NAME CHANGE TO OFFICE OF THE PUBLIC ADVOCATE, COST

854. Hon N.D. GRIFFITHS to the Attorney General:

What was the cost of changing the name of the Public Guardian's Office to the Office of the Public Advocate?

Hon PETER FOSS replied:

$9 236.

HOSPITALS - MANDURAH

Health Solutions Pty Ltd, Lease

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

In regard to the proposed lease of the new Mandurah Hospital -

(1) Will the Minister for Health provide details to the House about the annual lease or rent to be paid to the Government by Health Solutions Pty Ltd?

(2) If not, why not?

Hon PETER FOSS replied:

(1) The detailed arrangements between Health Solutions Pty Ltd and the Government are currently being finalised. However, Health Solutions will be required to pay a periodic lease fee over the life of its contract to the Government for its access to the public component of the new facility. In addition, it will be paying a once off, up front payment to the Government for access to the private component.

(2) Once the detailed contract is finalised, it will, as in other similar arrangements, be publicly released.

LAND - COMPASS CIRCLE, YANCHEP; RESERVE 38260 COMPASS CIRCLE

860. Hon GEORGE CASH to the Attorney General representing the Minister for Planning:

(1) Does current Western Australian Planning Commission policy, as it affects Compass Circle, Yanchep, require a lot to be at least 700 square metres if it is not sewered and is to be used as a residential lot?

(2) What is the area of public recreation reserve 38260 Compass Circle, Yanchep?

(3) Is this lot the subject of a diagram or plan of survey?

(4) What are the measurements of the frontage and respective boundaries of the lot?

(5) Is the lot sewered?

(6) Given the area of this lot, and that it is not sewered, is there any prohibition to this reserve being sold as a residential lot subject to the local authority ensuring the appropriate zoning and subject to compliance with the Department of Land Administration's guidelines for the disposal of section 20A reserves?

Hon PETER FOSS replied:

(1) No. In considering applications for residential subdivision in Compass Circle, Yanchep, the commission would determine such applications on their merits and would have regard to the City of Wanneroo's town planning scheme and to the Government's sewerage policy. The subject land is coded R20 in the city's scheme which permits a minimum lot size of 450 square metres. The government sewerage policy provides for small infill subdivisions in unsewered areas where the lot sizes and land uses are consistent with the existing pattern of subdivision and development.

(2) 620 square metres.

(3) The reserve was the subject of a diagram of survey in 1973.

(4) The frontage measures 6.04 metres, the side boundaries are 41.68 and 41 metres respectively and the rear boundary is 74.79 metres.

(5)-(6) No.

LAND - LOT 27, GAVOUR ROAD, LESMURDIE, ZONED FOR PARKS AND RECREATION

861. Hon GEORGE CASH to the Attorney General representing the Minister for Planning:

(1) Is the Minister for Planning aware of the concern of the owners of Lot 27, Gavour Road, Lesmurdie, who are opposed to inclusion of this land in the Darling Range Regional park?

(2) Did the owners of Lot 27 Gavour Road or their representatives lodge a submission setting out their objection to the land being zoned for parks and recreation under metropolitan region scheme amendment No 978/33?

(3) If yes, did the submission convey in clear terms the future intentions the owners had for the land?

(4) Is it a fact that the objectives of the Darling Range Regional Park, as set out in the 1995 Ministry for Planning report, would continue to be effectively achieved with the land remaining in private ownership and be subject to development control measures available under the local town planning scheme?

(5) Will the Minister reconsider the submission made by, or on behalf of, the owners of Lot 27 Gavour Road Lesmurdie?

Hon PETER FOSS replied:

(1) The Minister for Planning is aware of the concerns of the owners of Lot 27, Hartfield Road, Wattle Grove, also called Lot 27 Gavour Road, Lesmurdie, as conveyed through the report on submission to the metropolitan region scheme amendment No 978/33, Darling Range National Park.

(2) Yes, planning consultants representing the owners lodged a submission setting out the owners' objections to the proposed amendment, and both the land owners and their planning consultants attended the hearings on the amendment.

(3) Yes, the submission did outline the owners' intentions for the land.

(4) No, the general objectives of the Darling Range National Park to ensure the protection of the environmental, landscape and heritage values of the park and in this particular area mitigation against bush fire hazard, could not be effectively achieved with this land remaining in private ownership.

(5) The Minister has noted modifications recommended by the Western Australian Ministry for Planning to the proposed amendment to the metropolitan region scheme and after carefully considering the matter has formed the opinion that the modifications are of a nature that do not warrant the amendment being deposited for further public inspection to allow for submissions. Accordingly the amendment as modified was tabled in Parliament on 16 October 1996.

LAND - LOT 31 BOUNDARY ROAD, WATTLE GROVE, ZONING; COMPENSATION FOR DISPOSAL

862. Hon GEORGE CASH to the Attorney General representing the Minister for Planning:

(1) What is the current zoning of Lot 31, Boundary Road, Wattle Grove?

(2) What procedure is required for the owners of the above land to obtain compensation should they wish to dispose of the land to -

(a) a private individual; or

(b) the State Planning Commission?

Hon PETER FOSS replied:

(1) Lot 31 Boundary Road, Wattle Grove, is reserved for parks and recreation in the metropolitan region scheme and City of Gosnells town planning scheme.

(2) The owner of a property reserved under the MRS may claim compensation for injurious affection if an application for approval to commence development is refused, or conditions are imposed unacceptable to the owners, on the ground that the land is reserved. The Western Australian Planning Commission may alternatively acquire the property in lieu of paying compensation. An owner whose property is reserved may also claim compensation if, after advising the commission of his or her intention, the owner sells the property at less than market value. The procedures for compensation and acquisition by the commission are set out in an information sheet entitled "Your Land and the Metropolitan Region Scheme" available from the Ministry for Planning.

HOSPITALS - GOLDEN STAPHYLOCOCCUS OUTBREAKS

864. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) Which public or private hospitals have had outbreaks of golden staphylococcus in -

(a) 1993-94;
(b) 1994-95;
(c) 1995-96; and
(d) since 1 July 1996?

(2) How many outbreaks have there been at each of the above hospitals in each year?

Hon PETER FOSS replied:

(1) The Health Department does not have data relating to hospitals as notifications of such cases are received by the Health Department in the name of a patient.

(2) Is not relevant.

HOSPITALS - WOODSIDE MATERNITY

Major Surgery Discontinued; Savings

868. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) What major surgery has been discontinued at Woodside Maternity Hospital?

(2) Where will the major surgery, which has been discontinued at Woodside Maternity Hospital, be undertaken?

(3) What are the projected monetary savings of this change for the financial years -

(a) 1996-97;
(b) 1997-98; and
(c) 1998-99?

Hon PETER FOSS replied:

(1) The surgery that has been discontinued at Woodside Maternity Hospital involves 31 nominated procedures which are basically those that involve an open incision into the peritoneal cavity; involve the removal of a large amount of tissue; take longer than 30 minutes on the operating table; require post-operative supervision; and involve subspecialty gynaecology work - for example, gynaeoncology. The main reason for this decision was based on the recommendations of the Professor of Surgery at Fremantle Hospital, the Professor of Obstetrics and Gynaecology at King Edward Memorial Hospital and the Director of Anaesthesia at Fremantle Hospital. They were concerned that Woodside only has one theatre which is required for emergency Caesarean sections. There were concerns that the standard of the theatre is at an unsatisfactory level, that the theatre equipment is old and the monitoring equipment not in keeping with the standards expected in the 1990s. These factors, coupled with the lack of on-site junior medical staff, laboratory services and radiology facilities, convinced the board of management that this was the appropriate decision to make in the interest of patient safety.

(2) The major surgery which had been done at Woodside Hospital has already been replaced by major gynaecological surgery being undertaken at Fremantle Hospital for the last two years. Major gynaecological surgery has only been performed at Woodside Hospital for the last three years; prior to this no major gynae surgery was done there. Some cases have been transferred from Woodside Hospital to Bentley Hospital and an offer has been extended to the doctor concerned with the major gynaecology cases to transfer his workload to Fremantle Hospital.

(3) The decision to stop major gynaecology surgery at Woodside Hospital was not predicated on monetary savings, it was based on patient safety and welfare and as such, no projected monetary savings have been calculated for this change in activity.

HOSPITALS - WOODSIDE MATERNITY
Maintenance Costs

869. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) What were the maintenance costs in each of the last three financial years at Woodside Maternity Hospital?

(2) What were the major items of maintenance in each of those years at Woodside Maternity Hospital?

Hon PETER FOSS replied:

(1)

1993-94	$31 801
1994-95	$41 420
1995-96	$67 528

(2)

Roof repairs	$2 000
Pan flusher	$8 000
Cabling and computer room upgrade	$4 000
Floor maintenance	$13 000
General painting	$3 000

HOSPITALS - WOODSIDE MATERNITY
Services Contracted Out

870. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

What services are contracted out at Woodside Maternity Hospital?

Hon PETER FOSS replied:

Gardens and grounds; pest control.

Note: A handyperson allocated to Woodside has authority to call in external contractors to undertake maintenance in electrical and plumbing repairs.

HOSPITALS - WOODSIDE MATERNITY
Capital Works Expenditure

871. Hon MARK NEVILL to the Attorney General representing the Minister for Health:

(1) What was the capital works expenditure in each of the last three financial years at Woodside Maternity Hospital?

(2) What was the expenditure on items above $5 000 and what were the items at Woodside Maternity Hospital?

Hon PETER FOSS replied:

(1)-(2)

Gluteraldehyde exhaust	$8 500
New dishwasher to kitchen	$5 000
Theatre ventilation	$21 500
Air-conditioning to delivery suite	$5 500
Fire service upgrade	$140 000

PORT KENNEDY SCIENTIFIC PARK - ROCKINGHAM LAKES REGIONAL PARK, ESTABLISHMENT DATE

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

(1) Has the planning and management study for the Rockingham Lakes and Port Kennedy Scientific Park been completed?

(2) If yes, when?

(3) If not, why not?

(4) Has the study been released for public review?

(5) If yes, when and for how long?

(6) If not, why not?

(7) When does the Minister for Planning intend to formally establish these regional parks?

(8) Which body or bodies will manage these regional parks?

Hon PETER FOSS replied:

(1) A consultant's report and recommendations for the Port Kennedy Scientific Park and Rockingham Lakes Regional Park management framework has been completed.

(2) 4 October 1996.

(3) Not applicable.

(4) Public consultation was carried out during preparation of the management framework but the final report has not yet been released for public review.

(5) Not applicable.

(6) The consultant's report is presently being considered and actioned by the Western Australian Planning Commission and further by the Port Kennedy Management Board.

(7) In the near future.

(8) CALM.

JUSTICE, MINISTRY OF - WARDEN/MAGISTRATES DECISION ON 24 FEBRUARY 1995 FOR P26/2458

877. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines:

I refer the Minister to a warden/magistrates decision delivered by Kieran Boothman SM on 24 February 1995 for P26/2458 and the manuscript of the proceedings -

(1) Can the Minister confirm that both the objector's and the defendant's counsel/solicitors commenced and completed their final closing submissions to the warden/magistrate on pages 133 through to 157 in the transcript of proceedings for the above application?

(2) If not, why not?

(3) Can the Minister also confirm that the warden/magistrate in his reasons for decision delivered on 24 February 1995 stated that "Certainly it seems to me, after having heard the evidence and re-reading the transcript that there was nothing . . .?

(4) If not, why not?

(5) Can the Minister further confirm that the warden/magistrate in his reasons for the decision delivered on 24 February 1995 stated "Essentially this issue came down to the evidence given by the two experts, Mr Scanlon for the Objector Kean and that given by Mr Keith Dyer"?

(6) If not, why not?

Hon N.F. MOORE replied:

(1)-(2) An examination of the relevant notes of evidence shows that the closing submissions commenced on page 133 and were completed on page 154 of the transcript.

(3) Yes.

(4) Not applicable.

(5) Yes.

(6) Not applicable.

ROAD FUNDING - ACCESS ROADS TO REMOTE ABORIGINAL COMMUNITIES; ABORIGINAL ROADS COMMITTEE

878. Hon MARK NEVILL to the Minister for Transport:

Further to question on notice 28 of 1996, will the Minister consider allowing the Aboriginal Roads Committee to allocate the funding for access roads to remote communities as the Aboriginal Road Committee allocates special projects - roads serving Aboriginal communities funding?

Hon E.J. CHARLTON replied:

The Aboriginal Roads Committee does not allocate funds. The committee recommends priorities for the allocation of federal and state funds, through the WA Grants Commission, for Aboriginal access roads. Western Australia's additional road funding program, which provides in excess of $400 000 each year for Aboriginal access roads, is administered by Main Roads. However, I am happy for the Aboriginal Roads Committee to provide advice to Main Roads concerning the allocation of these funds to Aboriginal access roads. This would be similar to the regional road groups that have been set up to establish priorities for the allocation of funds for local government roads in rural areas.

MINING INDUSTRY - IRON ORE MINING, WHALEBACK MINE, NEWMAN, McRAE SHALE DISPOSAL METHODS

891. Hon KIM CHANCE to the Leader of the House representing the Minister for Mines:

(1) Since the commencement of iron ore mining operations at the Whaleback Mine at Newman, what methods have been utilised to dispose of McRae shale, exposed as a result of these mining operations, and what tonnages have been disposed of by these methods?

(2) What changes, if any, have occurred in the methods of disposal of McRae shale, exposed as a result of these mining operations?

(3) When did these changes occur?

(4) What were the reasons for the changes in those methods?

(5) Is any air monitoring being carried out in the proximity of the iron ore mining operations at Mt Whaleback?

(6) If so, by whom is the monitoring carried out?

(7) Are the results of the monitoring available for inspection by the public?

(8) If so, where?

Hon N.F. MOORE replied:

(1) McRae shale is disposed of by standard shovel/truck methods, the waste dumps being constructed by end tipping. Some McRae shale has been disposed of via the shovel/truck/in-pit crushing system where the material was placed on the waste dumps by conveyor belt. An estimated 50 million tonnes of McRae shale has been disposed of.

(2) None.

(3)-(4) Not applicable.

(5) Yes.

(6) BHP Iron Ore Pty Ltd and the Department of Minerals and Energy.

(7) Yes, all results reported to the department are available under the FOI process.

(8) The Department of Minerals and Energy, Mining Operations Division, Perth and Karratha.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - SALINE WATER PIPE SPILLAGE, KALGOORLIE; SITEWIDE SALINE WATER SYSTEM REPORT

894. Hon J.A. SCOTT to the Minister for the Environment:

I refer to question on notice 562 of 2 July 1996 and the Bruce IB (1994) Sitewide Saline Water System: 15 Year Strategy Plan report -

(1) Will the Minister, or the Department of Environmental Protection, supply me with a complete copy of the above report?

(2) If not, why not?

(3) If the Minister or the DEP does not have a copy, will the Minister request a complete copy from the owner/operator and then supply me with a copy?

(4) If not, why not?

Hon PETER FOSS replied:

(1) No.

(2) The Department of Environmental Protection does not have copies.

(3) No.

(4) This is not a function of questions.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - FIMISTON I TAILINGS DAM; GUTTERIDGE HASKINS & DAVEY PTY LTD REPORT

895. Hon J.A. SCOTT to the Minister for the Environment:

I refer to question on notice 560 of 2 July 1996 and the Gutteridge Haskins & Davey Pty Ltd, 1991b, Kalgoorlie Consolidated Gold Mines Fimiston Tailings Dam, Stability Evaluation report -

(1) Will the Minister, or the Department of Environmental Protection, supply me with a complete copy of the above report?

(2) If not, why not?

(3) If the Minister or the DEP does not have a copy, will the Minister request a complete copy from the owner/operator and then supply me with a copy?

(4) If not, why not?

Hon PETER FOSS replied:

(1) No.

(2) The Department of Environmental Protection does not have copies.

(3) No.

(4) This is not a function of questions.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - KALGOORLIE-BOULDER DUST REPORTS

896. Hon J.A. SCOTT to the Minister for the Environment:

I refer to question on notice 1123 of 30 March 1995 and the Gordine R (1994) A Review of Data from Kalgoorlie-Boulder Dust Monitoring Programme - October 1990-April 1994, and the Holmes, N Associates (1994) Draft Working Paper - Review of Dust Issues in the Kalgoorlie-Boulder Area of WA reports -

(1) Will the Minister, or the Department of Environmental Protection, supply me with complete copies of the above reports?

(2) If not, why not?

(3) If the Minister or the DEP does not have copies, will the Minister request complete copies from the owner/operator and then supply me with copies?

(4) If not, why not?

Hon PETER FOSS replied:

(1) No.

(2) The Department of Environmental Protection does not have copies.

(3) No.

(4) This is not a function of questions.

MICKELBERG CASE - FINGERPRINT TESTING; FILE EX 171

897. Hon MARK NEVILL to the Attorney General:

In respect of the Mickelberg case -

(1) Is it correct that further ink testing of Raymond Mickelberg's fingerprint, file Ex 171, was carried out at the request of the previous Attorney General after advice received from Brian Marin QC?

(2) Why was this advice sought by the Attorney General and not the Director of Public Prosecutions?

(3) Why does the DPP refuse to release the results of this testing?

(4) Did the DPP carry out this testing at the request of the former Attorney General, so that the Attorney General could decide the petition of Raymond Mickelberg?

(5) Does the DPP have control over who sees the results?

(6) As the Mickelbergs have provided the Attorney General with all ink testing results, will the Attorney General release these results from Ex 171, previously not released?

Hon PETER FOSS replied:

(1) Yes.

(2) The Attorney General was considering a petition from Raymond Mickelberg.

(3) On 21 August 1995 the reports were examined by Mr Mickelberg's solicitor, Mr Gary Lawton.

(4) The DPP did not carry out any testing.

(5) No.

(6) See answer (3).

SUPPRESSION ORDERS - FOR PERSONS ACCUSED OF AN OFFENCE IN THE ABSENCE OF A CONVICTION, LEGISLATION INTRODUCTION

898. Hon N.D. GRIFFITHS to the Attorney General:

What is the Government's current position on the introduction of legislation permitting suppression orders at the instigation of, and with the consent of, a person accused of an offence in the absence of a conviction?

Hon PETER FOSS replied:

Section 399A of the Criminal Code 1913 provides for a court to restrict or prohibit the printing or publication of any particulars or account of proceedings in the court under nominated sections of the code. Section 635A of the code also provides for the court to make an order prohibiting the publication outside the courtroom or place of hearing of the whole or any part of the evidence or proceedings. The Government does not have any intention at this time to change these provisions.

COURTS - SUPPRESSION ORDERS FOR PERSONS ACCUSED OF AN OFFENCE IN THE ABSENCE OF A CONVICTION, LEGISLATION INTRODUCTION

923. Hon JOHN HALDEN to the Attorney General:

The Attorney General on the ABC recently said, "It's not every truant that ends up house-breaking . . . most of the kids who are house-breaking do truant, and they do it by truanting from school . . ." Can the Attorney General provide reports or statistical information to support the connection between truancy and house break-ins?

Hon PETER FOSS replied:

I refer the member to my answer of 17 October 1996 to this question.

WATER CORPORATION - WATER SUPPLY OUTSIDE "CONTROLLED" AREAS

924. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

(1) On what authority does the Water Corporation, or any other agency under the Minister for Water Resources' control, carry out work outside "controlled areas" in respect of water supply?

(2) Under what management is water supplied to Water Corporation customers outside controlled areas?

(3) Why is a licence not required to supply water to areas other than controlled areas?

Hon MAX EVANS replied:

(1) The Water Services Coordination Act 1995 allows water service providers, including agencies under the Minister for Water Resources' control, to provide water supply services outside controlled areas.

(2) The management of the Water Corporation is vested, by the Water Corporation Act 1995, in its board and, in turn, the chief executive officer. Water is supplied by the Water Corporation to customers outside controlled areas to a small number of communities on a contractual basis.

(3) Section 18(1) of the Water Services Coordination Act 1995 only requires a water services operating licence to be held by providers in a controlled area or part of a controlled area.

WATER SERVICES COORDINATOR - MINISTERIAL DIRECTIONS TO

925. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

(1) How many ministerial directions have been given to the Coordinator of Water Services since the commencement of the Water Services Coordination Act 1995?

(2) If any, will the Minister for Water Resources table a copy of all ministerial directions which have been given to the Coordinator of Water Services?

Hon MAX EVANS replied:

(1) Nil.

(2) Not applicable.

POLICE SERVICE - BRENNAN CAR/DRUGS CASE

933. Hon MARK NEVILL to the Attorney General:

I refer to the Brennan car/drugs case -

(1) Who made the decision to drop charges against Neil Hunter over the sale of the Mazda for $14 500?

(2) Did the Director of Public Prosecutions view the police video tape of evidence given by Neil Hunter when interviewed by Detective K. Walters, in which Neil Hunter said he received the Mazda in payment for a gambling debt?

Hon PETER FOSS replied:

(1) The police make decisions on charges.

(2) Yes.

QUESTIONS WITHOUT NOTICE

MEAT INSPECTION - PIGS; TUBERCULOSIS DETECTION

1067. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

(1) Is it correct that the current Australian standard for hygienic production of meat for human consumption provides for the following post mortem inspection procedures in pigs: Head inspection, with the option of disposing of the head without incision of the lymph nodes; viscera inspection; kidney inspection; and carcase inspection?

(2) If so can the Minister advise how tuberculosis is to be detected if the operator has the option of disposing of the head and of only observing the viscera and kidneys and if no incision of the lymph nodes is carried out?

(3) Does the Minister believe that consumers would find it acceptable if they could not be assured that the meat they are eating is not infected with tuberculosis?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The Australian standard specified only the minimum requirements for inspection. Where there is evidence of generalised or systemic infection, the meat inspector would carry out further inspection including the incision of lymph nodes. If this were the case correlation with the head would be possible.

(3) No.

PAPOTTO, SAMUEL JOHN - DISTRICT COURT CASE

1068. Hon SAM PIANTADOSI to the Attorney General:

I ask the Attorney General the following questions about the case of Samuel John Papotto who pleaded guilty in the District Court of Western Australia on 20 June 1996 to a charge of threatening with intent to cause detriment -

(1) Has a warrant been issued for his arrest?

(2) If so, has it been executed?

(3) If it has not been executed, why not?

(4) Are there any existing warrants outstanding?

(5 If so, what are the dates of these warrants?

(6) Why have they not been executed?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) A warrant was issued and collected by police on 15 October 1996.

(2) The court advises that it is still outstanding, according to itsrecords.

(3)-(6) These questions should be directed to the police.

FRETTING MORTAR - TECHNICAL WORKING GROUP REPORT

1069. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Fair Trading:

On 28 November 1995, the then Minister for Fair Trading indicated he would table the final report of the technical working group into fretting mortar when it was completed.

(1) Has the report of the technical working group now been completed?

(2) If yes, when was it completed and will the Minister now table the document?

(3) Who were the members of the technical working group and what were their relevant qualifications?

(4) What further work is being undertaken by any agency under the Minister for Fair Trading's control in respect to the problem of fretting mortar?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The report was completed in February 1996 and will be tabled either by six 'clock this evening or on Tuesday.

(3) Mr B. Elkins, Fair Trading officer, registered builder; Mr C. Stretton, Chief Building Inspector, Builders Registration Board; Mr E. Tovey, chartered chemist, Manager, CBM Laboratory; Mr A. Young, senior structural engineer, Department of Control and Management Services; Mr D. Sandford, Construction Manager, Collier Homes Pty Ltd, registered builder, building industry representative; Mr D. Retallack, registered builder, Manager Profile Homes, building industry representative; Mr U. Remund, representative of the Cement and Concrete Association, Manager, Technical Services, Swan Portland Cement Ltd; Dr P. Evans, Lecturer, School of Architecture and Planning, Curtin University of Technology; Mr P. Fyfe, lawyer, Jackson and McDonald; Mr F. McCardell, architect; Mr G. Ledsham, consulting chemist, Managing Director, Calmarc Chemicals, nominee of the Fretting Mortar Action Group; Ms M. Kennedy, secretary of the group, employee of the Builders Registration Board; Mr B. Swerlowycz, Technical Manager, Midland Brick Company Ltd; Mr D. Bolton, Technical Services Manager, Cockburn Cement Ltd, representative of the Cement and Concrete Association; and Mr P. Dawson, Regional Director, Australian Competition and Consumer Commission.

(4) The proposed testing program in the report is currently being assessed as to its feasibility and likely effectiveness. Meetings have also been held with the Minister and the Fretting Mortar Action Group. A decision will then be made on funding a further testing program.

WATER SUPPLY - NORTHERN SUBURBS; POLLUTED DITCH, PINJAR ROAD, WANNEROO, TESTS TABLING

1070. Hon SAM PIANTADOSI to the Minister representing the Minister for Water Resources:

(1) Can the Minister please table results of tests taken from the polluted ditch in Pinjar Road, Wanneroo?

(2) Is the pollution directly attributed to the piggery?

(3) What effect does the massive horticulture industry place on the Gnangara mound through the use of nitrogen elements?

(4) What higher levels of chemicals would need to be used to neutralise the above pollution?

(5) Why do the northern suburbs not receive the same quality water as the southern suburbs?

(6) Why do the northern suburbs have more chemicals in their supply as against the southern suburbs?

(7) When will the Government address this inequality?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(4) These questions are outside the portfolio of the Minister for Water Resources. They should be directed to the Minister for the Environment.

(5) Perth's water supplies consist of approximately 40 per cent treated ground water, which predominantly comes from the north west of the metropolitan area, and 60 per cent surface water from hills catchments, which predominantly comes from the south east of the metropolitan area. All suburbs receive water which meets drinking water guideline criteria. It is logical that the water be consumed in the areas closest to the sources, hence, the difference in water characteristics.

(6) The ground water is treated to remove colour, iron and turbidity. In addition, ground water has a marginally different composition to surface water. Both sources meet drinking water criteria after treatment.

(7) The Government has no plans to change the water source distribution system, except to say that, as more ground water sources are developed, the percentages will change.

ALINTAGAS - WESTERN POWER, ADVERTISING EXPENDITURE

1071. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

How much was spent by AlintaGas and Western Power during the 1995-96 financial year on newspaper, radio and television advertising?

Hon N.F. MOORE replied:

As the answer will take some considerable time to collate, I ask the member to put the question on notice.

CONTRACT AND MANAGEMENT SERVICES, DEPARTMENT OF - CONTRACTORS, EMPLOYMENT OF APPRENTICES COMPLIANCE

1072. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Works:

(1) What steps are being taken by the Department of Contract and Management Services to ensure that contractors who have been awarded government tenders on the condition that they employ a specified number of apprentices during the life of the project are meeting their obligations?

(2) What action is taken against contractors who do not fulfil such a condition?

(3) How often has such action been taken in the past 12 months?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The responsibility for compliance on contracts let by the Department of Contract and Management Services is shared by the department and the Western Australian Department of Training. Employment of apprentices, within the provisions of specific contracts, is monitored by the Western Australian Department of Training and/or the relevant group training scheme, and breaches are reported to the Department of Contract and Management Services.

(2) Employment of apprentices is a condition of contract and reported breaches are handled within the contract. Contractors who fail to remedy a breach of the condition may have the contract terminated.

(3) There have been approximately six reported breaches which have been handled contractually. In each case the breach was remedied without a requirement to terminate the contract.

HEALTH DEPARTMENT - MEAT INSPECTION SERVICES, SOUTH AUSTRALIA; QUALIFICATIONS

1073. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

(1) Is it correct that two officers of the Health Department of Western Australia were sent to South Australia to inspect the meat inspection services provided by that State and that during this visit they observed company employed persons undertaking meat inspection duties while they were not properly trained as meat inspectors to a standard which is acceptable in Western Australia?

(2) If so, can the Minister advise what is the level of training given to those inspectors and does he believe it is acceptable to the department?

(3) In reply to question without notice No 829 on 19 September, the Minister advised that Western Australia has been pressing for uniform qualifications for meat inspectors throughout Australia. Can the Minister give an assurance that Western Australia will not accept qualifications which are not of as high a standard as currently required in this State?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(2) Yes. Two officers of the Health Department of Western Australia did travel to South Australia to inspect the meat inspection systems in a particular premises. They observed a company employed person

undertaking meat inspection duties. This person did not have qualifications which would be acceptable in Western Australia.

(3) Western Australia has established meat inspection qualifications and it is not envisaged that this should be changed. The department has released a draft policy on meat inspection which sets out the current qualifications for a meat inspector to be the minimum in Western Australia. I do not know whether this takes into account the effect of mutual recognition.

SCHOOLS - BUNBURY CENTRAL PRIMARY

Closure Plans

1074. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

Some notice of this question has been given by Hon Doug Wenn.

(1) Was the Bunbury Central Primary School included on the list of schools being considered for closure or amalgamation?

(2) If yes, is this school still on the list?

(3) Is the Minister prepared to give an assurance to the parents and staff that this school will not be forced to close or amalgamate?

Hon N.F. MOORE replied:

(1) Since the inception of the current policy on rationalisation of schools in 1994, the Bunbury Central Primary School has not met the selection criteria to warrant a closure review.

(2) Not applicable.

(3) Should the viability of the Bunbury Central Primary School be brought into question in the future there will be full consultation with parents and staff.

MANDURAH - PROMOTIONS FUNDING

1075. Hon J.A. COWDELL to the Leader of the House representing the Premier:

(1) How much money has the Government allocated for the promotional events associated with the opening of the East Bank of the Boardwalk, Mandurah on Sunday 3 November 1996?

(2) How much money has the Government allocated for promotional activities within the city of Mandurah in November?

(3) What events will these funds be used for?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) $4 059 for outgoings.

(2)-(3) I request that these questions be put on notice. A significant number of projects are being undertaken in the city of Mandurah to benefit the people of the region and it will be necessary to check with all agencies to ensure the accuracy of the answers requested by the member.

WATER CORPORATION - MUNSTER PUMP STATION ODOUR PROBLEM

1076. Hon SAM PIANTADOSI to the Minister representing the Minister for Water Resources:

(1) Why has the Government failed to act on the Department of Environmental Protection's warning some six months ago that the Water Corporation was in breach of the Act by allowing a bad odour to be emitted from the sewer in Mayor Road, Munster?

(2) What action does the Government propose to eliminate the problem?

(3) Has the Government considered harnessing the methane gas and utilising it to service the needs of the Henderson industrial area?

(4) What other long term proposal does the Government have to harness, utilise or disperse the gas?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The Department of Environmental Protection's letter of 22 March 1996 did not advise the Water Corporation that it was in breach of the Act.

(2) The Water Corporation is continuing to work to neutralise the odour problem over the next month.

(3) No. The gas causing odour at Munster pump station is hydrogen sulphide and cannot be used for energy.

(4) The Water Corporation is developing options to eliminate the odour problems for the long term. These will be identified by 31 December 1996.

FAMILY AND CHILDREN'S SERVICES - MINNAWARRA HOUSE, ARMADALE, FOUR YEAR OLDS PROGRAM, FUNDING

1077. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Family and Children's Services:

(1) Will Minnawarra House, Armadale be given funding to continue its four year old program in 1997?

(2) If the funding has been cut or discontinued, what alternative arrangements have been made for children who are booked into Minnawarra House for 1997?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) The management committee of Minnawarra House, Armadale has decided not to continue with a program for four year olds in 1997. The service will close voluntarily.

(2) No enrolments have been taken for 1997. Parents of four year olds will have the option of enrolling children in existing programs including the Armadale Community and Family Centre, Kelmscott Play Group 4's program or St Francis Xavier School's supplementary program.

SCHOOLS - AUSTRALIND HIGH

TEE Students Exams in Bunbury

1078. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

Some notice of this question has been given by Hon Doug Wenn.

(1) Can the Minister confirm that TEE students at Australind High School have to travel to Bunbury and Newton Moore Senior High Schools to sit for some of their exams?

(2) Given that on previous occasions Australind TEE students sat for exams in Australind, why are they being forced to travel?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes, some of the Australind High School students will have to travel to Bunbury for some of their TEE examinations. The exams which will be held at Bunbury Senior High School are English Literature, Human Biology, French, History, Economics and Accounting.

(2) In 1995, 17 subjects were examined in Australind. In 1996, nine subjects will be examined in Australind. The main reason for the students having to travel to Bunbury in 1996 is that the number of examination candidates has decreased in some subjects. For example -

	1995	1996
English Literature	15	9
Calculus	18	10
History	17	12

It is the practice of the Secondary Education Authority to consider collapsing examination centres when student numbers fall below 15. When this occurs, the students are placed in other examination centres in the area. This procedure is followed for country and metropolitan schools. Australind High School was advised in August that the reallocation would occur.

INDUSTRY ASSISTANCE PACKAGES - FLETCHER GROUP FOR NARRIKUP ABATTOIR; SOUTH AUSTRALIA MEAT EXPORTING GROUP

1079. Hon KIM CHANCE to the Leader of the House representing the Minister for Commerce and Trade:

(1) What financial assistance, if any, has the Government given to the Fletcher Group in relation to the Narrikup abattoir?

(2) What financial assistance, if any, has the Government given to the South Australian Meat Exporting Group in relation to its operations in Western Australia?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(2) None.

WESTRAIL - LOCOMOTIVE OPERATORS, LEVEL 5, WORKPLACE AGREEMENTS

1080. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Given that the workplace agreements system is justified by the Government on the ground that it gives choice of industrial relations systems to employees, why has Westrail, on the Minister's advice, offered employment to only those locomotive operators, level 5, in Kalgoorlie who are employed on workplace agreements?

Hon E.J. CHARLTON replied:

Because it was considered to be in the best interests of Westrail.

WESTRAIL - LOCOMOTIVE OPERATORS, LEVEL 5, WORKPLACE AGREEMENTS

1081. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Why is that so?

Hon E.J. CHARLTON replied:

With the changes that have been made Westrail has improved its efficiency and there has been a $70m reduction in its operating costs. It is all about rewarding people on an individual basis rather than their being part of a regime that would have eventuated in the gradual demise of Westrail had there not been any changes.

HOSPITALS - GERALDTON REGIONAL

Kidney Dialysis Machine

1082. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

(1) Is a kidney dialysis machine available for people in the mid west region through the Geraldton Regional Hospital?

(2) If not, where is the closest available dialysis machine for Geraldton residents?

(3) Is it intended to make dialysis facilities available in the mid west?

(4) If so, where will it be located?

(5) When will it be available?

(6) What is the projected cost of the facility?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) No.

(2) Perth.

(3) Yes.

(4) Geraldton Regional Hospital.

(5) As soon as a dialysis unit is available and nurses are trained.

(6) $25 000 for the dialysis machine; $260 per occasion of a visit; and a total projected cost of $105 000.

PUBLIC TRUSTEE - ANNUAL REPORT, TABLING DELAY

1083. Hon KIM CHANCE to the Minister for Justice:

(1) Is the Minister aware that the Public Trustee is yet to table its annual report for 1995-96?

(2) What are the reasons for this delay?

(3) Does the lateness in presentation of this report contravene any government guidelines or an Act of Parliament?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) Awaiting the Auditor General's opinion.

(3) No.

MINING INDUSTRY - CHINOCUP "A" CLASS NATURE RESERVE, GYPSUM MINING LEASE

1084. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines:

(1) Does the Minister intend using a mechanism other than a reserves Bill to fast track parliamentary approval for the excision of the Lake Chinocup gypsum mining lease recently approved by the Minister for the Environment, and, if so, what mechanism is to be used?

(2) Is the Minister aware of any family relationship between the proponent, Mr Patterson, and the President of the National Party, Mr John Patterson, and, if so, what is the relationship?

(3) Is the Shire President, Barbara Morrell, a promoter of the project, a candidate for the coalition in the forthcoming state election?

(4) Is the Leader of the House satisfied that this project and the processes being used for its furtherance meet the Government's accountability standards?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Section 24(4) of the Mining Act 1978 provides that with the consent of both Houses of Parliament by resolution a mining lease may be granted over an A class nature reserve.

(2)-(3) No. Family relationships and political affiliations have no relevance to the independent assessment of projects undertaken by the Department of Minerals and Energy.

(4) The project, and the processes under which it is proceeding, meet all statutory requirements.

APPEALS - ON REZONING APPLICATIONS; AGAINST DEVELOPMENT APPLICATIONS

1085. Hon JOHN HALDEN to the Attorney General representing the Minister for Planning:

Does the Minister now have the answer to the question I asked about rezoning applications? If so, will he now provide that answer? For the Minister's benefit, the question was -

In the period from January 1995 to October 1996 -

(1) How many appeals were made to the Minister following rejection of development or rezoning applications by local government authorities?

(2) Of these appeals, how many did the Minister uphold?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) No appeals were made on rezoning applications and 673 were made against development applications.

(2) 249 appeals were upheld and 51 were upheld in part.

TEACHERS - SHORTAGE BY THE YEAR 2000; UNEMPLOYMENT

1086. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

Does the Minister now have the question I asked regarding a possible shortage of teachers in Western Australia by the year 2000? If so, will he now provide the answer? For the Minister's benefit, the question was -

> ABC television on Wednesday, 23 October stated that Australia could face a severe shortage of teachers by the year 2000. This was put down to a number of factors: the ageing teacher population; the fact that 6 000 teachers were made redundant in Victoria; and many recently graduated teachers leave the profession for less stressful, more highly paid jobs in their first five years of service. I ask -
>
> (1) How many qualified teacher graduates are currently not employed as teachers in Western Australia?
>
> (2) Does the Minister have any projection of how many there will be in the year 2000?
>
> (3) Does the Minister expect there to be a teacher shortage in Western Australia in the year 2000, particularly as many graduates may well be offered employment in the Eastern States to alleviate the chronic shortage anticipated there?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The answer is -

(1) There are 600 qualified teacher graduates who have indicated that they are available for employment but who have not yet been employed.

(2) There is not expected to be a significant pool of qualified teachers seeking employment by the year 2000.

(3) On current projections, there may be a shortage of teachers in the year 2000 in this State in certain disciplines. The situation is being closely monitored.

WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - CONTRACTORS, EMPLOYMENT OF APPRENTICES COMPLIANCE

1087. Hon A.J.G. MacTIERNAN to the Minister for Training:

The Minister for Finance has just advised that the responsibility for compliance with contracts let by the Department of Contract and Management Services is shared by the Western Australian Department of Training.

(1) Will the Minister advise the House what steps are taken by the Department of Training to ensure compliance by these contractors with the provisions in their contracts to employ apprentices?

(2) Is the Minister aware that his department has that responsibility?

Hon N.F. MOORE replied:

(1) I would appreciate some notice of this question so that I can provide the exact details.

(2) I am aware of the department's obligations in respect of apprenticeships. The member will also be aware of the amendments to the vocational education and training legislation that were passed by this House recently. She should be a full bottle on the relevant legislation.

NATIONAL PARKS - CONSERVATION RESERVES, FREE OF MINING OR EXPLORATION PERMITS

1088. Hon J.A. SCOTT to the Leader of the House representing the Minister for Mines:

Some notice of this question has been given.

(1) Are there any national parks or conservation reserves in Western Australia that do not have some form of mining or exploration permit on their ground?

(2) If yes, which national parks or conservation reserves?

(3) Are any reserves set aside for recreation free of mining or exploration permits?

(4) If yes, which reserves?

Hon N.F. MOORE replied:

(1)-(4) It will take some time to extract the required information from the data base of the Department of Minerals and Energy. I therefore request that the question be placed on notice.

SPEED LIMITS - GREAT EASTERN HIGHWAY BETWEEN WOOROLOO-CHIDLOW TURNOFFS, REDUCTION

1089. Hon KIM CHANCE to the Minister for Transport:

Can the Minister explain why, after the expenditure of several millions of dollars of roadworks on Great Eastern Highway between the Wooroloo turnoff and the Chidlow turnoff, the speed limit has been substantially reduced?

Hon E.J. CHARLTON replied:

I do not know whether the honourable member has driven in that area recently.

Hon Kim Chance: On Sunday.

Hon E.J. CHARLTON: The speed limit in that area was recently increased from 80 kmh to 90 kmh.

Hon Mark Nevill: So that you can get home more quickly.

Hon E.J. CHARLTON: Unfortunately I do not go home as often as I would like.

The honourable member will probably agree that the limit is now what it was previously. Some time ago the speed limit was 100 kmh in sections. The roadworks have not yet been completed. As the honourable member would know, some of the work was done at the beginning of winter and some remedial work is now required. That has led to the retention of the limit. The whole process will now be completed during summer.

I recommended to Main Roads that it review the 80 kmh speed limit west of El Caballo Blanco, and I am advised that that limit was increased to 90 kmh this week.

EDUCATION DEPARTMENT - VIP TRUANCY PROGRAM

1090. Hon KIM CHANCE to the Leader of the House representing Minister for Education:

(1) Has the Government given a commitment to implementing the VIP truancy program?

(2) If so, when does it expect that the program will commence?

(3) What is the expected cost of implementing the program?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The Government has not given a commitment to implement the VIP program. The submission for funding was presented to the State Crime Prevention Advisory Committee on 15 October 1996. However, no decision will be made until the committee completes its assessment of funding applications on 1 November 1996.

(2) Not applicable.

(3) The cost estimated by the VIP proponents is $36 000 per term.