



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Thursday, 20 March 1997

# Legislative Council

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

## PETITION - POLICE

### *High Speed Car Chases*

Hon J.A. Scott presented a petition, by delivery to the Clerk, from one person opposing the continued use of high speed police car chases.

[See paper No 347.]

## PETITION - URBAN DEVELOPMENT

### *Coolbellup*

Hon J.A. Scott presented a petition, by delivery to the Clerk, from one person opposing the use of remnant bushland near Coolbellup for urban development.

[See paper No 348.]

## MOTION - GOLD ROYALTY

**HON MARK NEVILL** (Mining and Pastoral) [2.31 pm]: I move -

That this House -

- (1) Calls on the Government to abandon any proposal to introduce a gold royalty on the State's gold producers only three months after promising not to impose a royalty.
- (2) Reminds the Government of the promise of the Deputy Premier to gold producers, prospectors, industry employees and mining communities, that the National Party would not be part of any Government that would introduce such a tax.
- (3) Notes that the Commonwealth Grants Commission has consistently for many years factored in the revenue forgone by WA in the absence of a gold royalty, and that there is no justification for using this body to justify this breach of pre-election commitments.
- (4) Deplores the breach of this commitment to the people of Western Australia especially in regional areas by the Government and the Deputy Premier.
- (5) Regrets the negative impact that this decision will have on the industry and the employment and business opportunities it provides to the people of Western Australia.

The first point that I want to make in this debate is why we should not have a gold royalty and why now is the worst possible time to contemplate a gold royalty. I also want to remind the House of the pledge made by the Deputy Premier to gold producers, industry employees, prospectors and the mining community in regional Western Australia before the last state election, and of the statements made by the Premier that a gold royalty was not on the agenda of the Government. There are a number of very compelling reasons that we should not have a gold tax - sorry; a gold royalty - at this stage.

Hon N.F. Moore: We already have a gold tax, brought in by your federal colleagues. I keep reminding you so that you do not forget.

Hon MARK NEVILL: I corrected myself, Minister.

The PRESIDENT: Order, Minister! Let us listen to the member. When he has finished, members who disagree can respond.

Hon MARK NEVILL: Thank you for your protection, Mr President.

Hon Bob Thomas: You do not need it.

Hon MARK NEVILL: I do in this case; it is a very sensitive issue.

Gold has been treated differently throughout the ages. Gold and silver have been known as royal minerals and have been reserved to the Crown. Gold has always been an important part of our monetary system. We have had gold reserves at the central banks, and large gold reserves have been held by the International Monetary Fund. During World War II, I think in about 1944, the Breton Woods agreement was signed in the United States. The aim of that agreement was to stabilise currencies as the war was coming to an end. The result of the Breton Woods agreement was the gold standard, where gold was set at a price of \$35 an ounce. That agreement continued through to 1971, when President Nixon scrapped the gold standard because it was clear that the United States did not have enough gold to back all the US dollars that were in circulation, or it certainly did not have enough gold to exchange that currency at \$35 an ounce. During this period in Western Australia, we had the gold bounty, which was set at various levels and was the result of Claude de Bernales in the 1930s and that bounty continued after the war. It was an important method of creating employment, particularly in regional areas, and of getting export income for the State.

Gold is not just another mineral; it is very different and has always been treated differently. After the 1971 scrapping of the gold standard, the major financial institutions in the world tried to devalue gold by talking it down and suggesting it had no place in the monetary system. We had the development of special drawing rights, which have almost faded into oblivion now, and 25 years later gold is still an essential component of the reserves of every country in the world. It is an even more important component of the reserves of those countries that have suffered hyperflation. Countries such as Germany and Russia are more reluctant to sell gold than are countries that have not suffered hyperflation.

Gold is still treated in a different manner. I want to make very clear - Hon Norman Moore will probably appreciate this - the difference between a gold royalty and a gold tax. Currently, we have a commonwealth company tax on gold. A company tax is payable on profits, so a company which makes a loss does not pay tax. A gold royalty is fundamentally different, because it is paid on every ounce of gold produced, regardless of whether the company makes a dollar out of it. It is actually added to the cost of production. If the current cost of production is \$400 an ounce and the gold royalty is \$20, the company must wipe from its ore reserve any ore in the \$20 profit gap. Anyone who knows about ore reserves in the mining industry will realise it is like a pyramid. Almost every mine in the State has a small tonnage of high grade gold ore at the top of the pyramid, and a very large tonnage of low grade gold ore at the bottom. The effect of a gold royalty will be to wipe out a large strip across the bottom of the pyramid. In some cases, a fairly small gold royalty will wipe out 30 to 50 per cent of the ore reserves. That is not an exaggeration. Without doubt, a gold royalty will result in gold being left in the ground. It will shorten the life of every mine in this State, because the companies will have to lift the cut-off grade. Every mining operation in this State will redesign its open pits in order to leave the unprofitable gold in the ground. Often the longer a mine can be kept open, the more gold is found.

Hon Graham Edwards: Is there such a thing as the average cost of extraction?

Hon MARK NEVILL: Yes, but it varies from mine to mine. I will come to that in a moment because it is very important. A gold royalty will have a dramatic effect on the industry. It is not just an abstract consideration to take some dollars from the mining companies. It will have real ramifications in the mining industry. One could close down, say, 80 per cent of the mining industry if companies did not have forward sales.

Hon N.F. Moore: Do you mean in the goldmining industry?

Hon MARK NEVILL: Yes.

Hon N.F. Moore: Regrettably many people in the mining industry do not support the goldmining industry.

Hon MARK NEVILL: They are selfish fools, and I think that the Leader of the House would probably agree with that comment.

Currently, 80 per cent of the gold mines around the State have production costs higher than the Australian dollar price they receive for gold. Last Tuesday night the price of gold hit \$US345 an ounce. That converts to \$A436 an ounce. That is \$A100 an ounce less than it was six months ago. People are already feeling the pinch and are living on forward sales which are locked in at a higher price, depending on the Australian dollar exchange rate and the contango between that and interest rates. It is becoming more difficult now to lock in gold on forward sales. That scope is diminishing, so we are returning to the hard reality of the current market or spot price.

To answer the interjection by Hon Graham Edwards regarding the average extraction cost, I will read a short extract from the "Weekly Gold Review" published by Bell Securities. The table relates to the Australian quarterly comparisons for September 1996, including the December 1996 mine costs. It lists the average costs of production for all mines in Western Australia for the last two quarters. The highlights on the side include -

Cash costs rose by over 20% to above \$500/oz at a number of mines . . . Bullabulling, GM of Coolgardie

(over \$600/oz) Mt Monger, Ora Banda, Paddington and Mt Morgans. Bellevue did not report its costs . . . as Lawlers exceeded \$700/oz and Lynas almost reached \$600/oz . . . with Telfer back over \$400/oz.

The current Australian price is \$436 an ounce. Mines would close down if they did not have forward sales. Sixteen of the top 20 producers in this State have production costs above \$A436 an ounce. To run through a few more: For Bullabulling near Coolgardie the cash cost is \$518 an ounce; Mt Monger \$519 an ounce; New Celebration, south of Kalgoorlie \$492; Laverton, Sons of Gwalia \$550; and for Bellevue it is \$800 an ounce. Bellevue is an underground mine just north of Leinster. It is a big, labour intensive underground mine, and the company would be hoping for an increase in the gold price in the next six months. The cash cost for Lawlers, in the same area, is \$725, and for Lynas Gold it is \$591 an ounce.

The costs for four major producers are less than \$436 an ounce but those producers are turning that money over, and putting it back into the ground in further exploration and development. It is not a highly profitable industry. The dividend yields outlined in *The Australian Financial Review* and *The Australian* indicate that not one mining company in Western Australia has a dividend yield above 4 per cent.

Hon B.K. Donaldson: Is that on average grades?

Hon MARK NEVILL: Average grade does not matter; it is cash cost.

Hon B.K. Donaldson: Are there are a number of low grade mines?

Hon MARK NEVILL: Most mines are low grade. The grades are usually two or three grams per tonne or two or three parts per million per tonne, or of that order.

One of the main factors which is spooking the goldmining industry is the uncertainty about the gold royalty. That is why the Government should knock the idea on the head as soon as possible. That uncertainty is making it very difficult for mining companies to plan developments because they do not know what the costs will be. At the moment they are spooked by the lower gold price; it has reached an historic low, in both Australian and US dollars.

The other uncertainty is native title. Most of the goldfields is covered by six claims. Croesus Mining was planning to start construction of its new mill in January but that proposal has been put in abeyance because of a native title claim. The producers have hit hard ore in the pit and cannot put it through the existing mill. Therefore, shares have dropped 25 per cent in the past two to three weeks. If that native title claim could be settled quickly, it would be a good buy for anyone to invest in those shares.

The other uncertainty for the mining industry is the diesel fuel rebate. That is sucking something like \$400m from the mining industry. Arguments are continuing about the level of the rebate. Originally the industry had an exemption because the fuel was used for off-road purposes. However, we have experienced a creep in that situation and now the rebate is even paid on fuel used on private roads. The diesel fuel rebate has been a real problem for companies whose production costs, in most cases, are above the Australian dollar price of gold today. There is no great confidence that the price will increase dramatically even though two nights ago there were some strong rumours that the Swiss were selling gold from their central bank. As soon as that happens it will depress the market.

The mining industry pays the majority of payroll tax in this State. I think the figure is around 80 per cent. A company such as Croesus Mining pays \$150 000 a year in payroll tax. With that amount the company could employ three additional people, or it could put down a few more drill holes. At the moment, the mining industry is heavily taxed,

Much of what is going on in the mining industry is a result of optimism and confidence in the future. The people in the region whom I represent only look at the bright side of things. I believe in the end they will succeed, but it will be against the odds of all these uncertainties that are occurring in the market at the moment. If those uncertainties could be removed, I have no doubt that we would have the mother of all booms in the gold industry. People are spending the money to put these holes in the ground. The first effect of a royalty is that exploration starts to grind to a halt; then the rigs close to the mines which are extending the ore reserves start to grind to a halt; and in some cases mines will shut down. These companies will look at their mine plans carefully to ensure that they are not mining gold that is costing money to take out of the ground and put through the mill.

They are fairly good, clear reasons that there should not be a royalty on gold. If the producers above, say, 20 000 ounces, are tackled, no account is made of the cost of production. People who are mining 5000 ounces may be doing very well. The biggest gold mine in this State is the Kalgoorlie super-pit run by Kalgoorlie Consolidated Gold Mines Pty Ltd. After the gold royalty is introduced, it will pay \$16m. Its cash operating costs for the September quarter were \$430 an ounce. Forward sales make that mine profitable, otherwise it would be making \$6 an ounce profit. A royalty would tip it over that threshold.

Hon B.K. Donaldson: Is there any truth that forward sales will have a dampening effect on the market?

Hon MARK NEVILL: I do not know whether that is the case, but it certainly takes the fluctuations out of the market. I am not sure whether the average market is lower, but it is possibly a factor. We can certainly say that it takes the peaks and troughs out of the market. In that sense, people can plan better and the sensitivity of the numbers that are used in planning are more accurate.

This tax is basically creating a division between the city and the bush. Already over the years we have been cleaned up by fringe benefits taxes. Despite the inquiries that have been conducted, they still sit at very high levels and make it very expensive to keep staff and their families in country areas so that the schools are viable and a range of courses are available.

It amazes me that our party with seven country members is rock solid in its opposition to a gold tax. Yet there is an ongoing debate on the government side - I know the debate has not come to a head - which has about 25 country members.

Hon N.F. Moore: We fought you guys tooth and nail, but the gold tax was brought in by your federal colleagues. We argued against it.

Hon MARK NEVILL: The Leader of the House is quite welcome to get his federal colleagues to get rid of all those taxes. We are trying to prevent the silly notion of a gold royalty getting legs.

Hon N.F. Moore: I would like them to fix up the mess that you created. The fringe benefits tax is a creature of your party.

Hon MARK NEVILL: I know the Leader of the House does not support it, and I wish him the best of luck in marshalling the numbers -

Hon N.F. Moore: I am sorry you didn't have the same amount of luck when we argued against a gold tax and a fringe benefits tax which your Government brought in.

Hon MARK NEVILL: I hope the Leader of the House wishes me luck then, because we had tremendous success in fighting off company tax for seven or eight years. The industry is very healthy today because we kept the gold tax away for seven or eight years, and we were prepared to get out in the streets and fight against it.

I have a number of other matters to cover. Basically they relate to the commitments that have been made about a gold royalty. The *Kalgoorlie Miner* dated 7 December 1996, the anniversary of the bombing of Pearl Harbour, carries an article with the headline "No gold royalty, Cowan pledges" and states -

Deputy Premier and National Party Leader Hendy Cowan has vowed that the Coalition Government will not introduce a gold royalty during its next term if re-elected on December 14.

He reinforced that commitment by saying in Kalgoorlie-Boulder yesterday that he would not be part of any government which went back on such a clear guarantee.

"I just want everyone to understand that and put it beyond any doubt whatsoever because it seems to me that people want to continually raise that issue when it is not an issue," he said. "It is not on the agenda, and when I say it is not on the agenda, I mean it is not on the agenda for the full term of the Government."

Is there anything ambiguous about that?

Hon Kim Chance: No.

Hon B.K. Donaldson: He wasn't misquoted, was he?

Hon Tom Stephens: No, he was not.

Hon MARK NEVILL: There was no quick denial the next day. In fact, large posters were put up all around Kalgoorlie reinforcing the pledge of the Deputy Premier a week before the last state election. There is a question of honour, integrity and credibility at stake here. I expect the Deputy Premier and Leader of the National Party to honour that pledge. I do not believe there is any way that can be denied or that he can walk away from that pledge in any way. There has been some sort of phoney argument put up that it had something to do with the Commonwealth Grants Commission. Nothing has changed in respect of the Commonwealth Grants Commission in the past three months.

Hon E.J. Charlton: Except that since we have been in government we are getting over \$700m less than we were when we first got into government.

Hon MARK NEVILL: The same thing happened when we were in government.

Hon E.J. Charlton: I realise that.

Hon MARK NEVILL: That funding went down year in and year out. The Grants Commission has taken the gold royalty into account for the past 15 years. The only change has been a reduction in funding of \$32m because our economy is doing well. We have always been penalised when we have done well. Nothing has changed since this pledge was given - absolutely nothing. There is no reason for the Deputy Premier to walk away from that pledge, despite his comments. I expect him to honour that unequivocal, clear pledge to the people of Kalgoorlie. In September the Premier said that a gold royalty was not on the agenda. An article in the *Kalgoorlie Miner* dated 19 September states -

PREMIER Richard Court and Resources Development Minister Colin Barnett yesterday reaffirmed assurances given earlier this year that a gold royalty was not on the State Government's agenda.

It goes on -

"The industry is perfectly safe," he said.

On a number of occasions the Premier said that it is not on the agenda. The same argument applies to this red herring about the Commonwealth Grants Commission. Nothing has changed since 19 September 1996, and I expect the Premier to honour his commitment. I understand that clear and unequivocal assurances were given to many senior people in the mining industry that it was not on the agenda; that there would not be a tax; and that the industry was perfectly safe.

On 22 October last year Hon Norman Moore made his point clearly in debate on an urgency motion that I moved on the gold royalty. He said: "I do not support a gold royalty." On page 6854 of *Hansard* in the same debate he said -

I am, presumably - for the time being at least - a senior member of the Government, and the gold royalty will be implemented "over my dead body". When it is raised in the forum of the Liberal Party, and anyone wants to change our policy, they must fight me and many of my colleagues.

I am right behind him. Hon Norman Moore has made his position clear and he has my unambiguous support. I am happy to do anything I can to help him discipline some of his less informed members.

On page 6855 of *Hansard* in the same debate our erstwhile senator, as he is known, Hon Ross Lightfoot, said -

I disagree with Hon Mark Nevill's statement that the Premier has been silent on the issue of a gold royalty. The Premier has said categorically and unambiguously that there will be no royalty on gold.

Who would doubt Hon Ross Lightfoot's words? He is very close to the ground. I am sure that assurance was given in good faith. Hon Phil Lockyer weighed into the debate with a succinct contribution on page 6858 of *Hansard*. In reference to the odds of coalition members voting for a royalty to be imposed by the Government he gave the House the following assurance: "I have the odd punt or two and the odds are about 5:1 on that a gold tax will not eventuate."

It is obvious that an attempt is being made by the deputy leader of the Parliamentary Liberal Party, Hon Colin Barnett, to foist this issue on not only the Liberal Party, but the people of Western Australia. It is about time he was pulled into line. The Deputy Premier, Hon Hendy Cowan, made his remarks on the need for a gold royalty in the safety of Port Hedland. He did not do it in Kalgoorlie. He should know better. He should have a good hard look at the industry and he will see that a gold royalty will not assist this State.

The real reason this gold tax has been suggested has nothing to do with the merits of the argument. It appears that the forces of darkness under the deputy leader of the Liberal Party are getting stronger than I would care for them to be. The Government is doing what many other Governments do in their first year of a new term in office; that is, whacking up all the taxes and charges, and then easing off, and in the last year -

Hon N.F. Moore: That didn't happen four years ago, so that is not our track record. We didn't take after you people.

Hon MARK NEVILL: It did happen. As people used to tell me, government revenues have never been higher. The Government has had the benefit of not only record tax and charge increases, but \$1b from the sale of the R & I Bank and a couple of hundred million dollars from the State Government Insurance Office.

Hon N.F. Moore: But that paid off the debt you created.

Several members interjected.

Hon MARK NEVILL: It is a myth that the level of debt in this State has been extraordinarily high. The level for

Western Australia is in the middle of the range of figures for most States, and the debt per capita and the total debt has not been out of kilter with any other State. I concede that it could be lower.

Hon N.F. Moore: It is coming down, you will be pleased to know.

Hon MARK NEVILL: That is only because of asset sales.

Hon N.F. Moore: You just said the State had the benefit of the sale of the R & I Bank. The Government used that money to pay off the debt you guys helped to create.

Hon MARK NEVILL: When the Government lowers the debt, it does not pay the same amount of interest. It has the benefit of a decrease in interest.

Hon N.F. Moore: It's not \$1b.

Hon MARK NEVILL: It is a significant amount. The Government has reduced its assets. That is by about how much debt has come down. However, in the meantime the Government's unfunded superannuation liability has increased by just over \$500m. The idea that the debt is much better is a myth.

Hon N.F. Moore: From where do you think we should get the revenue to fund the superannuation?

Hon MARK NEVILL: This is the first term of a new government tax grab. At my insistence Hon Tom Stephens will move an amendment to this motion. I hope this matter is brought to a vote to see what the views of the House are. I urge all members opposite to oppose this gold tax in their party room. It will result in less income to the State. The main aim of government is to maximise the return to the community. The community will get a far bigger return if the suggestion of a gold royalty is knocked on the head - and knocked on the head quickly to remove the extraordinary level of uncertainty plaguing the mining industry, particularly the goldmining industry, at present. I urge members to support the motion.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.08 pm]: I am pleased Hon Mark Nevill has given to the House this opportunity to debate the gold tax at this important time in the Government's consideration of this proposal. Hon Mark Nevill's contribution to the debate was interesting. He says that it would be ideal for the Government to ensure that this matter was brought to a resolution by the House today. I guess that that is an invitation to all members. Members know the processes of this Chamber, but the Opposition would be interested in taking this motion to its finality today if the Government were of such a mind. It presents an opportunity for government members to put on record for the public of Western Australia where they stand on this issue. As members on this side know, coalition members have within their party processes a live issue which has brought some of them out into the public debate through the electronic media. As parliamentarians, they have an opportunity today to record their viewpoints on a gold tax. The Opposition supports the matter being taken to a resolution today, as Hon Mark Nevill advocated.

It was not so very long ago that the people of Western Australia heard speeches in the full glare of the media by government members about the State's healthy finances. Towards the end of November and in early December, the Premier spoke about the rains arriving, the dams being filled, the crops being in and how all was right with the world: God was in heaven and a Liberal Government was in Canberra, so people had only to vote Liberal at the polls for a social dividend to arise from the hard efforts and the pain of the last four years.

Hon Derrick Tomlinson: Awesome!

Hon N.D. Griffiths: Wicked.

Hon TOM STEPHENS: It was an extraordinary con act.

Hon N.F. Moore: Are you saying that the people were conned - that they are stupid?

Hon N.D. Griffiths: The cheque bounced.

Hon TOM STEPHENS: No.

Hon N.F. Moore: Come off the grass. They tossed you out.

Hon N.D. Griffiths: You conned them.

The PRESIDENT: Order!

Hon TOM STEPHENS: They were caught twice! It is a tragedy that the people were conned, because the Government is now coming for the wallets -

Hon N.F. Moore: Good grief!

Hon TOM STEPHENS: In the other place we heard talk about a goods and services tax, an idea supported by the Deputy Leader of the Liberal Party, Colin Barnett, and the Leader of the National Party, HENDY COWAN.

Hon N.D. Griffiths: Does the Leader of the House support a GST?

Hon TOM STEPHENS: The Government is now coming for the wallet of the gold industry.

The PRESIDENT: Order! If Hon Nick Griffiths wants to stay in the Chamber this afternoon, he will not interject further. The Leader of the House should know better.

Hon TOM STEPHENS: The Government of Western Australia is at odds with its re-election commitments and its statements made in the lead-up to the election held less than three months ago.

Hon Kim Chance: It seems like 12.

Hon TOM STEPHENS: It already seems so long ago because many promises have been broken. We are about to see another promise broken. On 1 December last year government members said that the social dividend was about to be delivered - everything could happen - yet we now see the Government softening up the community of Western Australia for increased taxation in the form of a gold tax, the subject of this motion -

Hon N.F. Moore: It is a royalty. You brought in the tax; don't forget that.

Hon TOM STEPHENS: The Leader of the House is right; it is a royalty. The leader has the opportunity to adopt a bipartisan approach to this motion; that is, he should put his money where his mouth is and support the motion today and allow the House to support the industry. We will support the Minister for Mines, who is a representative of the Mining and Pastoral Region, in his efforts in the party room and Cabinet, so he need not just posture on the electronic media crying crocodile tears.

Hon N.F. Moore: That is disgraceful. At least I am consistent.

Hon TOM STEPHENS: The Leader of the House can join us as a parliamentarian and Minister by stating his view and supporting the passage of the motion today.

Hon Mark Nevill said that an addition to the motion should be considered. He has urged me to move the amendment, which I propose to do at the conclusion of my brief remarks. At the urging of Hon Mark Nevill, we ask the Government to respond positively to the call from the Opposition to support the goldmining industry specifically and the mining industry generally. No further action should be taken on this royalty until a substantial inquiry is held into its likely impact on this industry. That is the tenor of the amendment I will move shortly.

Hon N.F. Moore: You're looking for a way out of your position.

Hon TOM STEPHENS: Not at all.

Hon N.F. Moore: It sounds like it.

The PRESIDENT: Order! The Leader of the House is defying me. I have already said that he should know better. I have indicated to one honourable member that if he interjects again, he will have a lonely afternoon. If the Leader of the House thinks I should keep that commitment, I must insist that he also refrain from persistently interjecting. If he does not like what Hon Tom Stephens is saying, he should wait until he sits down and tell him so.

Hon TOM STEPHENS: An element of the motion is the Government's reference to the Commonwealth Grants Commission, as though its findings are the justification for this breach of the Government's pre-election commitment on a gold royalty. The Opposition, as does the Government, knows that the Commonwealth Grants Commission cannot be accurately blamed for somehow changing the playing field, requiring the Government to breach its pre-election commitments. The Government, the Opposition and the people of Western Australia know that for 10 years the Commonwealth Grants Commission has been factoring into its deliberations on the allocation to Western Australia the absence of a gold royalty in this State. Indeed, when pressed on this matter in the other House during recent questioning, the Premier confirmed that to be the case. He said, "Yes, for some years the Grants Commission has taken into account our royalty raising potential." Initially, the Grants Commission was the great excuse proffered to justify making the Government's pre-election commitment null and void.

Hon Mark Nevill uncovered some information only yesterday when pressing the Minister for Mines on this issue: He asked what consideration he or his department had given to the impact on the gold industry of changing the royalty regimes of Western Australia. The Opposition remembers too well the response of the Minister for Mines: "No, I have not considered that." That is evidence indeed of a very negligent Minister. I hope he has corrected that



situation. He now has the opportunity to put the Department of Mines to work to research the deleterious effects which will result from changes proposed by some of his colleagues, if not all of them, in the party room. A gold royalty is certainly supported by his leader, and now enthusiastically by the Deputy Premier.

We have learnt from sources that the Government is talking about raising through this royalty \$19m in the first financial year. It is proposed that in the second year the gold royalty would produce \$35m.

Hon Mark Nevill interjected.

Hon TOM STEPHENS: Hon Mark Nevill says that it is eventually to go to \$70m. It is a tragedy when one juxtaposes it to the promises made to the people of Western Australia prior to the election, to the goldmining industries specifically and to the small communities in the electorates that Hon Mark Nevill, the Leader of the House and others share with me in the Mining and Pastoral Region. All the little mining centres of that region, like Mt Magnet, Cue, Meekatharra, Wiluna and Paynes Find, are heavily dependent upon the health and prosperity of the goldmining industry, which will be so significantly and adversely affected by this Government moving to introduce a gold royalty of this sort.

Hon Mark Nevill interjected.

Hon TOM STEPHENS: That is right: The best thing Hon Norman Moore could do would be to resign. He knows what was said in the lead-up to the election to the people of the electorates we share. By any assessment, it amounted to a fraud on those people. Effectively the seat of Ningaloo was stolen from the Labor Party. Bearing in mind only 63 voters made the difference between a win and a loss, the seat could have remained in the good hands of the then member for Northern Rivers. He would have been a solid contributor to the efforts of protecting the people of his electorate from a gold royalty. Instead we have a member in another place who has said that he has been brought up on good old-fashioned values. Apparently he has not realised that among those values are honesty and integrity. He was not able to get his party and coalition partners to display honesty in the lead-up to the election and disclose that the Government was countenancing a gold royalty of this sort. The election material circulated by the coalition parties said nothing of the sort. It led people very much to believe there was no prospect of a gold royalty.

Another honourable path to adopt, apart from the Minister for Mines resigning or the National Party getting out of the coalition, would be to ensure that a by-election were held for the seat of Ningaloo and that the member went back as a candidate for the party that wants to introduce the gold royalty. He could then say, "Our party wants to introduce a gold royalty. What do you think about me now?" I can tell members what people would think about him.

Hon N.F. Moore: You should all have resigned.

Hon TOM STEPHENS: Give the people of Ningaloo a chance. Would the people of the Murchison still vote for the National Party Trojan horse candidate who was presented to the electorate? This Government and its members will not adopt the honourable course of action which is required of them by their breach of faith with the electorate. In these circumstances I encourage the House to bring this matter to resolution and to include this amendment.

*Amendment to Motion*

Hon TOM STEPHENS: I move -

That the following words be added following clause (5) of the motion -

- (6) Recalls the Premier's statement prior to the December general election that a gold tax or royalty was not on the Government's agenda.
- (7) Condemns the Government for its decision to abruptly remove the mining industry's basis for forward planning and investment by deciding to impose a gold royalty after having consistently promised it would not.
- (8) Calls on the Government before implementing a gold royalty or doing anything in respect of implementing any tax changes, to conduct a full inquiry into the impact of any gold royalty or tax changes on the mining industry and their effect on business and employment opportunities within WA regional mining communities.

**HON GRAHAM EDWARDS** (North Metropolitan) [3.28 pm]: It was not my intention to speak at this stage of the debate. I was hoping that the Minister for Mines would speak.

Hon N.F. Moore: I cannot speak on the amendment and speak on the motion.

Hon GRAHAM EDWARDS: He is happy to sit there and interject saying that he is not the Minister who introduced fly in, fly out or fringe benefits tax.

Several members interjected.

The PRESIDENT: Order!

Hon GRAHAM EDWARDS: He is the Minister for Mines. He will sit there silently while his colleagues in another place introduce a gold royalty. It appears to us that they will do that without this Minister uttering the slightest objection.

Hon E.J. Charlton interjected.

The PRESIDENT: Order!

*Point of Order*

Hon E.J. CHARLTON: It is fair that it should be recognised by the member who is speaking that the Leader of the House wanted to speak on the motion. This is the amendment.

The PRESIDENT: Order! That is not a point of order.

*Debate Resumed*

Hon GRAHAM EDWARDS: That was a very frivolous and weak attempt to shield the Minister for Mines.

Hon E.J. Charlton interjected.

The PRESIDENT: Order!

Hon GRAHAM EDWARDS: This gold royalty flies in the face of the very strong commitments which were given by the coalition before the election and in this place that there would not be a gold royalty. What do we see? We see the election come and go and an immediate U-turn on this important issue. I was born in the goldfields, in Kalgoorlie. I lived out back in places like Mt Ida and Menzies. My father was a prospector and he worked in places like Menzies and Mt Ida, Pike's Hollow and Yundamindra. He and many other people were the backbone of this State. They joined the army in the 1914-18 war and in the 1939-45 war. They were the real pioneers of this State. They were the people who set this State on its very strong early footing. They were the foundation of all of the very good things that we enjoy in this State because the riches of this State originated in the goldfields. It is those riches on which this Government now wants to introduce a tax.

[Motion lapsed, pursuant to Standing Order No 72.]

**ADDRESS-IN-REPLY**

*Motion*

Resumed from 19 March.

**HON BOB THOMAS** (South West) [3.31 pm]: I thank His Excellency for his address on the opening of Parliament on 6 March. In my speech I will bring to the House's attention a number of issues that I feel should be considered by it. I will welcome the new members of the Council and thank members of the South West Region campaign teams who worked in contesting the 1996 election. I will also refer to the Government's decision to cease funding of the vitamin A program being conducted at Sir Charles Gairdner Hospital and alert the House to a problem with the fine defaulters register, and, if time permits, I will refer to the current debate on work for the dole programs.

Firstly, I want to welcome you back, Mr President. I know that you will be with us for only another eight weeks or so. When you reflect on these few weeks that you have had to stay in this House past the time that you had decided to officially retire, you will probably think it is an insignificant time compared with your long history of service in this House. My research indicates that you have been a member of this House for 32 years and that you have been its Presiding Officer for 23 or 24 years. I believe that is a record of some sort. Not only are you the longest serving Presiding Officer in a Westminster Parliament, but also you have served 10 years more than anybody else who has been a Presiding Officer. I am not sure whether that is correct; however, you have been in this House and given it distinguished service for a long time. I have been a member of Parliament for eight years and I am coming up for my third term. However, the prospect of being here for another 20-odd years does not fill me with any great enthusiasm. In fact, I feel flat after a very busy 1996 and a hard fought campaign in December. I am yet to make up my mind whether I will be contesting preselection next time. The electoral tide has been going against my party in my electorate - the demographic growth has been away from the Labor Party and we have lost a number of members - and my responsibilities have increased.

As a country member, I spend a lot of time on the road away from home in other towns in my electorate as well as

spending 80 or 90 days a year in Perth. That has taken its toll after eight years. It is, therefore, remarkable, Mr President, that you have retained your interest in Parliament for 33 years. I know our circumstances are different. For most of your terms, you have represented an area that supports your party, whereas my terms have been served in a quite hostile environment. All the same, 33 years of service to the Parliament is remarkable and I commend you for contributing in the manner you have.

Mr President, I know that you have the skills necessary to perform well the duties of Western Australia's Agent General in London. I wish you well in that job. If I decide to contest the next election I hope that I am a member of a Government which will have to decide whether it will renew your contract. I hope to see you before the end of your term in this place.

I welcome the three new members of Parliament to the Legislative Council. I genuinely enjoyed their maiden speeches last week. I found them different but interesting. Hon Alan Carstairs' speech was interesting in that he gave us a history of his involvement with the community in the northern suburbs. Given that record of involvement, he has excellent credentials to represent that community in this House. It behoves the Liberal Party to find more people with similar credentials to join him in this House. Perhaps then some of its policies might reflect the needs and aspirations of ordinary families in the northern suburbs. I took it on myself to find out when he was delivering his maiden speech because it is my view that one of the most important events in a member of Parliament's career is his or her maiden speech. I thank Hon Muriel Patterson for telling me when Hon Alan Carstairs would deliver his maiden speech so that I could encourage every one of my colleagues to be here as an indication of our respect for the new member, notwithstanding the fact that he let himself down when he admitted he was an East Perth supporter - I think he may have been an East Perth league player at some stage. I am an avid Perth supporter, and still remember vividly the 1978 grand final when the premiership was stolen from Perth. However, I still found his maiden speech interesting and I wish him well in his short term in this place. I hope that it whets his appetite and that he contests a future election and comes back for a full term.

Hon Paul Sulc from the Labor side of this House also gave his maiden speech but his was a completely different speech. It was just as interesting, but it followed a different format. I thought that Hon Paul Sulc gave a very well thought out analysis of some of the more polemic issues in our community. Hon Paul Sulc has also shown a willingness and enthusiasm to participate in the decision making process in the party room and to contribute in the Parliament. The alacrity with which he is prepared to work is an indication that he has a future in politics. He is only 30 years of age. I believe he is the youngest person ever to sit in this House. There will be plenty of opportunities for Hon Paul Sulc in the future. I look forward to seeing him elected for a full term.

Unlike Hon Alan Carstairs and Hon Paul Sulc, Hon Ed Dermer has won a full term in his own right. He contested the North Metropolitan Region as No 1 on the Labor ticket in the December 1996 election. He was also No 4 on that region's ticket in 1993. J.J. O'Connor was not able to fill the balance of Hon Sam Piantadosi's term; therefore, Hon Ed Dermer was sworn in as a member of this House sometime in December. He continues his parliamentary career after 22 May, having been elected in December 1996.

I am proud to call Hon Ed Dermer one of my colleagues. He has achieved a lot in the past and will make a huge contribution to this House. I do not think many people know that Hon Ed Dermer was the President of the Guild of Undergraduates at the University of Western Australia in 1981. He was on the guild from 1980 to 1984. As president of the guild he was on the senate of the UWA and he held various other positions on the guild. He concluded his last year on the guild as chairman of the guild which is an entirely different position from that of president.

Hon Ed Dermer is on the administrative committee of the Australian Labor Party and he does a good job. One of his redeeming features is that he has learnt his politics at the cutting edge. He worked for Kim Beazley when he was a Minister in both the Hawke and Keating Governments and for a short time when he was Leader of the Opposition in 1995. Everybody knows that Kim Beazley has been involved in a lot of very tight electoral contests. One does not come through those without learning something about politics. Hon Ed Dermer was with Kim Beazley for a long time.

Hon E.J. Charlton: Does it mean he will change seats every time the going gets tough?

Hon BOB THOMAS: I will not respond to that interjection.

Hon Ed Dermer has one of the safest seats in the Labor Party. He is No 1 on the North Metropolitan Region ticket and it will be a long time, if ever, before his position is threatened. He gave a very well thought out maiden speech which centred on the role of the family in society. Anyone who heard that speech would realise that Hon Ed Dermer will make a valuable contribution to this House. I look forward to working with him for the remainder of our careers in this place.

Since the opening of this session of Parliament this is the first opportunity I have had to congratulate the Government on its election win. It was interesting to look at the election results of December 1996. As a member of the Labor Party I knew in my heart of hearts it would not win the election. It was trailing badly in the polls, had had some problems with the leadership change in 1996 and also had the ongoing influence of the federal political climate holding it back. I firmly believe there is a very strong nexus between state and federal voting intentions. As recently as the beginning of 1996 the Howard Government was elected to power on the theme that the Australian people thought it was time for a change. It was considered that the ALP had been in power for too long and there was some antipathy towards what was perceived as Paul Keating's arrogance. In addition there was a swing away from the Labor Party, particularly in its traditional areas, towards John Howard and the Liberal Party. That political influence was evident last year and, to some extent, still is.

Going into the last state election the Labor Party had the spectre of its WA Inc past.

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

Hon BOB THOMAS: We had a change of leadership during the year, and I was quite disappointed for Jim McGinty because I felt that he had done a good job as Leader of the Labor Party in the two years that he was leader and that he had done a lot of work in developing policy papers that were excellent and second to none. He had also invested a lot of his personal political capital in recruiting quality candidates for the Labor Party to stand in marginal seats.

However, history shows that the Government was returned with an increased majority, for a number of reasons. Firstly, the Government was able to raise significantly more funds than we were able to raise. Our corporate supporters were nowhere to be seen. They could see that we were a long way behind in the polls and that it was unlikely that we would win the election, and they were not prepared to back us this time. As a consequence, the Government was able to outspend us by 10:1, both centrally and in the key marginal seats.

That was nowhere more evident than in the centralised media campaigns of both parties. The Government was able to saturate the media with its programs and to run a very effective negative campaign, relying in part on the WA Inc history. That was a very effective campaign, and it made it very difficult for us to make up the ground that we needed in order to be competitive in those marginal seats. That was evident in both country and metropolitan areas. I could not help think how paradoxical it was that the roles had been reversed. In 1986, the shoe was on the other foot. We were flush with funds and were able to saturate the media, and the then Opposition found it very difficult to get its message across. The results were the reverse: The Labor Party had a very good win in 1986. Ten years later, the situation changed dramatically: We were not able to present our policies, let alone counter the negative campaign run by the coalition; as a result, the coalition had a resounding win.

Notwithstanding this, three good things emerged for the Labor Party. The first was that whereas there had been some antipathy towards Jim McGinty as leader, our new leader, Geoff Gallop, performed exceptionally well and developed a very good rapport with the Western Australian public, and our position improved considerably. We had some polling which indicated that we would have lost a large number of seats had the election been held in October, but by December 1996 we were able to contain the damage to a loss of two or three seats. One of the reasons was that Geoff Gallop won the televised debate between him and the Premier, Hon Richard Court, and he was able to develop an image of being a competent leader and an alternative Premier. Geoff Gallop will go on to become one of the State's great leaders. He has a good grasp of policy and is in touch with the needs and aspirations of ordinary people.

One of the highlights of the campaign for Geoff Gallop was the Labor Party's official campaign launch, where he made the point very effectively that he had been unfairly targeted with the spectre of WA Inc. He illustrated that very articulately at that launch when he described his great-grandfather - I think his name was Craggy Davis - who lived in England before the turn of the century and was convicted of stealing a loaf of bread to feed his hungry family and transported to the colonies for that heinous crime. Geoff Gallop said that every night during the election campaign he watched the television news and advertisements to see whether the Liberal Party would link him with that heinous crime committed by his great-grandfather of stealing a loaf of bread, such was the tenuous nature of the Liberal Party's attempt to link him to the WA Inc era.

A ray of light for us was that the last state election was the first at either a state or federal level in Western Australia where the Labor Party's two party preferred vote increased. I alluded earlier to the reversal of roles from 1986. We were at our zenith in 1986 and we had a comfortable win at that election. However, our vote has been atrophying since that date. In 1989, we suffered the largest swing against us that I can recall and we only just snuck back; we won those five key marginal seats and had a majority of five after 1989, but our two party preferred vote was 48 per cent.

Hon Peter Foss: Ours was 52.

Hon BOB THOMAS: The Minister makes the correct point that the Liberal Party's vote was 52 per cent, but at the last state election the Liberal Party's primary vote was 39 per cent, yet it won 51 per cent of the seats. Our primary vote was 3 per cent lower, and we won 31 per cent of the seats. Therefore, it should be obvious to Hon Peter Foss that it is not always the case that if we receive a majority of the vote across the State we will win a majority of the seats. We made that point to him - I do not think he was able to understand it - in 1989 and for four years after that.

That was the beginning of the slide in the Labor vote, which continued to atrophy. I think we suffered a further 33 per cent swing against us in 1993. I think it was a 5 per cent primary swing and a 3 per cent two party preferred vote swing, and we lost that election. In Western Australia, the vote for the Labor Party also fell in subsequent federal elections. However, in 1996 there was a 0.5 per cent two party preferred swing to the Labor Party in the state election. All things being equal, one could say that was the beginning of an improvement in the electoral cycle. Politics are cyclical. At different times the Labor Party does well, and the conservative parties rate poorly. Then, the reverse can be the case - as we have seen over the past 10 years.

On the positive side, we were able to field some very high quality candidates during the election. Everyone is aware that the Labor Party vote has been deteriorating in Western Australia in the past 10 years, and that has been more pronounced in the south west, for a number of reasons, but mainly because of changing demographics. The Labor Party has lost the support of the traditional blue collar workers in the area, such as people employed on the wharves or by Westrail, and in the green chain of the timber industry. To some extent, the people employed in the green chain now tend to be farmers' sons rather than the traditional blue collar Labor supporters from the towns. Therefore, we have experienced a general diminution in support for us in the south west, and that has compounded the statewide fall in the Labor vote. As a result, at the most recent state election we lost the only seat we held in the South West Region. Of the 10 Legislative Assembly districts in the region we held one. We won the seat of Mitchell in 1993. However, we lost it in 1996. Part of the reason for that result is the redistribution of boundaries, which took it from a margin of 52.5 per cent on the 1993 figures to about 49.7 per cent in 1996. Considering the electoral changes which have occurred in the south west, it is fantastic that we were able to field a quality candidate in all seats.

I will speak briefly about some of the candidates whom I supported in the central and southern parts of the South West Region. The candidates for Bunbury and Mitchell - Barry Down and Melissa Parke - were excellent. I do not think we could have found better candidates. Barry Down is a professor of education at the Bunbury campus of Edith Cowan University. He has lived in the south west for a long time, particularly in Bunbury. He has had a long involvement in community and sporting activities, and is highly regarded in the community. Our candidate for Mitchell, Melissa Parke, was a rare candidate who comes along once in a generation. She would have the same community rapport as, say, Hon Graham Edwards or Hon Ernie Bridge. Melissa is actively involved in a large number of community and sporting organisations. She is the lawyer at the Bunbury Community Legal Centre. She deals with people who are experiencing relationship breakdowns, and she is involved with domestic violence organisations and environmental and community bodies. I undertook quite a bit of doorknocking for Melissa. I was pleasantly surprised by the number of people who either knew of her or had had some dealing with her, and held her in the highest regard. I am proud to call her a friend. I hope that her political aspirations have not been dulled by our loss in that seat. She was a quality candidate in the large field contesting the seat of Mitchell. I respect the decision of the electors; however, I firmly believe that Melissa was an excellent candidate. Had the electoral tide not been out for Labor, the result would have been very different. Melissa is a young woman of 30, and possesses the special qualities necessary to become a member of Parliament. I will give my full support to Melissa if she decides to run for Parliament in the future.

Nick Murray, our candidate for the seat of Collie, was also an excellent choice. Nick is a very good friend of mine. He was aware that with the redistribution of the boundaries it would be very difficult for him to win the seat. However, he was prepared to fly the flag for the Labor Party. He put in a sterling effort, and he is one of my heroes. I was pleased to see that as a result of his efforts the vote for the Labor Party in Collie did not fall away.

We also had an excellent Labor Party candidate in Warren, Nick Oaks. Nick has knocked around the south west for a long time. Currently he is the convenor of the timber workers' union. Nick has never worried about getting his hands dirty. He has worked as an underground miner and as a farmhand, and has undertaken a host of other jobs. He has developed a small nursery at Bridgetown and is well known in many communities in the south west. He probably does not have the same profile in Margaret River. However, I note that in that area he achieved the strongest swing in the vote. I was very pleased to campaign with him during the election period. Closer to home, Barry Christy did a fantastic job in Stirling. He took three weeks off to campaign. Barry Christy is the manager of the Albany residential college, Amity Hostel. He has knocked around the south west for a long time. He owned a small farm at Margaret River, and developed a winery. He was a wool producer, but for the past 10 years he has run Amity Hostel. Barry and I know each other very well. We play golf together most Saturday

mornings, and I have a great respect for him. His command of the issues in the Stirling electorate was excellent, and he ran a very effective campaign. I think he achieved a 1.5 per cent swing against Hon Monty House, on a skeleton budget with very little time to campaign. Barry did very well. During the campaign, I was very pleased to see the number of people with whom Barry has a close relationship. It was also interesting to note the number of conservative voters who were willing to give Barry their first or second vote. That indicates the high esteem in which he is held in the area.

Matt Benson-Lidholm contested the seat of Albany for us. He is a local businessman who owns the Rainbow Coast Kennels, which is situated on the right-hand side of the main road driving into Albany after passing the airport. He is a member of a pioneering family from the region which settled around Bow River about 100 years ago. Bow River is near Peaceful Bay, close to Walpole, near the Valley of the Giants.

Hon Tom Stephens: There is a Bow River in the Kimberley, too, but I have never heard of the family.

Hon BOB THOMAS: I am sure it would be a pretty river, but not half as pretty and interesting as the Bow River in the south.

Hon Tom Stephens: The Bow River in the Kimberley is usually a dry river bed.

Hon BOB THOMAS: This family, which settled between the Bow River and Nornalup, has an interesting history. The great-grandfather was an illegal immigrant from somewhere in Scandinavia, who jumped ship and settled there. The Benson family has dropped the second part of its hyphenated surname, Lidholm. Matt had an extensive involvement with the community. He was a founder of the Albany Community Action and Awareness Group, which led the fight against state government cutbacks in government agencies, principally the Water Authority of Western Australia, Main Roads Western Australia and Westrail. He is also the senior master in economics at Mt Barker Senior High School. He is an interesting character and a man with a great social conscience. He has a great knowledge of wines. Every time we are at a social gathering with him it is a very informative process because he is able to educate us on wines. He is even able to take a glass of wine, taste it, and tell us the region it comes from as well as a little of the history surrounding the wine. People usually enjoy a fascinating conversation with Matt. He managed to secure a swing to the Labor Party in the last election.

Although it does not appear so on the figures, people must remember that in 1993 the seat of Albany was redistributed and took in Oyster Harbour, which was previously in the seat of Stirling. As a result the Labor Party two party preferred vote on the new boundary was 37.5 per cent, whereas on the old boundary it was a fraction over 40 per cent. After the 1996 election results were finalised, with the new boundaries we had managed to increase our two party preferred vote by about 1.5 per cent. In the climate in which we were working, that was quite a significant improvement, given that there were swings of 5 per cent, 10 per cent and even 11 per cent in the seat of Burrup. For us to achieve a small swing in the seats of Stirling, Warren and Albany was no mean feat. I attribute that in large part to the quality of the candidates we fielded and to the people who supported us; for instance, Guy Wroth, our campaign manager, and the other people who gave us support and did the unpaid work. To recap: I congratulate the Government on its win, but I have shown that there have been some positive rays of light for us coming out of the election, even though we lost a couple of seats.

Notwithstanding the Government's ability to outcampaign us in the election, some of its electoral win was based on a couple of frauds - fraud on a seat by seat level and fraud on a general state level. There can be no better example than the gold royalty, where certain assurances were given to various electorates which resulted in our loss of one of those seats. I know this is the subject of a motion on the Notice Paper and that under Standing Order No 162 I am not able to anticipate the date on that motion, and I will go no further than to say that the National Party breached the faith of a large section of the communities in the goldfields. The National Party will pay for that. When its candidates run in those seats at the next election, they will find they have no credibility, and it will be very difficult to get anybody to listen to what they have to say.

That breach of faith was fairly minor compared with the bigger breach of faith perpetrated by the coalition at a state level. The fraud on the public regarding the consolidated fund forward estimates will rebound on the Government over the next four years. I remind the House that the Government's election campaign advertising went something like this: It depicted the Premier holding up the document I have in my hand, the consolidated fund four year estimates. The Premier would say, "This has been prepared by the Treasury and it shows that we are an open and accountable Government because we are prepared to put all of the figures on the table and to open the books and show the public how responsible we are and what the financial position of this State is." As Hon Tom Stephens said earlier, it was a matter of the Premier saying, "The dams are full; the coffers are full; we have a Liberal Government in Canberra; and things are going well here in Western Australia. Trust us because we are opening the books and showing that we are good economic managers and the finances of this State are in good hands." Then the Premier would contrast that with claims about our economic management while we were in government. The Government

went so far as to say that there would be a \$60m budget surplus next year.

We found it very difficult to counter that. As a result the Government won the election convincingly. However, three months into the term of this Government we find everything is not as rosy as we were told during the state election campaign. The Premier is now crying poor, saying that it will be very difficult for him to balance the Budget, that he will have to cut back on government services and also increase taxes and charges. We are being softened up for an increase in utility charges, as well as in a whole range of other taxes, such as those on cigarettes, and franchise levies. The Premier is telling us that this will be the toughest Budget on record for his Government. The Federal Government is copping most of the flak. Those opposite are saying that it is not their fault, that the fault lies with the Federal Government because it keeps cutting back on state grants.

It was a different story in the estimates committee hearings last year when I, Hon John Cowdell and Hon Kim Chance tried to pin this Government down. We said that the Federal Government had cut \$70m of recurrent spending from the grants this year and asked how the Government would deliver on its promise that it would maintain the quality of service without increasing taxes and charges. All we copped was obfuscation from each Minister who came before those committee hearings. Each Minister said that capital works projects and the recruitment process would be deferred, that they would be managed in a certain way and would not affect the quality of services delivered by this State Government.

Some of the most vital programs run by this Government are being slashed as a result of the fraud being perpetrated by this Government. I refer specifically to the vitamin A program that is run by Dr Bill Musk and a range of dedicated people at Sir Charles Gairdner Hospital. In January this year Dr Musk was forced to write to everybody on that vitamin A program. About 2 000 people are on that program who have been exposed to asbestos, either through their vocation or through living at Wittenoom. The hospital is no longer able to provide vitamin A tablets to those people and it is unable to continue the research.

That \$250 000 a year program was started in 1990 by the former State Labor Government. It has been axed. The Minister for Health says that he has no plans to replace it. In my view this is one of the programs that has been cut because the State Government was not honest with the public of Western Australia when it brandished the consolidated fund forward estimates at the last state election and told people to trust it because it had laid out its finances in front of them. The Government did not tell us that over the next four years this document would result in \$67.8m being cut from the Health budget; \$123m from the Police budget; \$134m from the Education budget; and \$74m from the Transport budget. While government members told us to trust them because they were good economic managers and were going to balance the Budget and produce a \$60m surplus next year, maintaining the quality of services, programs such as the vitamin A program were to be axed. I will tell the House a little about that.

It is my understanding that the average life expectancy of people in Western Australia is 80 years for women and 76 for men. It is a well-known scientific fact that it is much less for anyone who has been exposed to asbestos because they have a greater incidence of cancer. Two types of cancer may result from asbestos exposure - lung cancer and mesothelioma, which is a far more pernicious cancer. I am told that mesothelioma involves a large number of tumours growing in the chest which there are no medical means of killing. Anyone who contracts mesothelioma has a maximum of nine months to live. People who know more about this than I tell me that the effect of mesothelioma is that a large number of tumours grow in the lungs, and it has the same effect as if the lungs were slowly filled with concrete, to the point that people are no longer able to breathe. It virtually asphyxiates them.

The former State Labor Government set up the vitamin A program to conduct research into this area. It had been observed throughout the world that vitamin A retarded the growth of these cancers. People can take two types of vitamin A supplements that retard the growth of the tumours; namely, retinol, which comes from meat products, and beta-carotene, which comes from carrots and cabbages, for example. It was found that those who had a high intake of vitamin A in their diet were less likely to contract those cancers than those with a lower vitamin A intake. The former Labor Government, through WorkCare, set up a trial to provide people who had been exposed to asbestos at Wittenoom or vocationally with vitamin A supplements, or a placebo for cross-checking the effects, and also to record as much information as possible about those people and collate the facts so that proper ongoing research could be conducted. The trial required everybody to be interviewed and chest X-rays and blood samples to be taken. It was a thorough research program.

In 1992, before the state election, the then Leader of the Opposition, Richard Court, criticised the former Labor Government for not continuing to fund that program. The former Labor Government had arranged for the State Government Insurance Office to continue funding it, and that commenced in 1993-94. It was a five year trial. This Government, to its credit, extended that trial for another couple of years. However, this year it was arbitrarily cut because of the funding cuts the Government is making in the area of health. I remind members that \$67.8m will be cut from Health over the next four years, and axing this program is one way money will be saved.

The Minister for Health said he does not intend funding the vitamin A program in the next Budget, but that he will look at continuing the research. No research proposal has been put before Sir Charles Gairdner Hospital staff who conducted the trial. Instead, benchtop research will be carried out in which information from births, deaths and marriages will be taken and used to collate more information about vitamin A and asbestos disease. There will be no ongoing vitamin A supplement program.

It is imperative that the Government get its priorities right and go back to the drawing board. It should forget this penny pinching, nickel and dime attitude and find \$250 000 a year to re-fund that program. It is an effective program; it works. Dr Bill Musk will tell members that research from the trial has shown that people who take retinol have a significantly lower incidence of mesothelioma. A significant number of people walking around today have not contracted mesothelioma because they have been given vitamin A supplements. The program is obtaining good results. It is effective and inexpensive. It costs \$250 000 compared with a Health budget of \$1.5b. This Government has a responsibility to those on the program - only a couple of thousand people are involved - to continue the funding. If the Government wants a good reason to do it, it is that it is the right thing to do.

I am one of those who is receiving the vitamin A supplement because as a child I lived in Wittenoom for three years. I can empathise with every one of those people who received a letter saying that this program had been cut. Every time I feel a pain in my chest, I have a paranoid feeling that it is the beginning of some type of cancer. At my most morbid, I think of my family. I have 16 and 11 year old daughters of whom I am immensely proud, and I want to be around to see them grow up. They are good kids and will be fine young adults. I want to see what career they pursue, and I would like to see them go to university and see the sort of partner they choose in later life. I want to be around to enjoy my grandchildren. When I feel a pain in my chest, I think of the three years I spent in Wittenoom.

People were encouraged to move to Wittenoom as the State wanted development and the mines in the north west were not established at that time. Many of the people who moved to that area were immigrants. The Government has a duty of care to all of us who were at Wittenoom by continuing to fund the vitamin A supplement program. I am sure all people on the program feel as I do. I will be consulting my GP when the vitamin A supplement program expires and I will be obtaining the supplement as I can afford to pay for it; however, many people do not have that luxury.

Hon N.F. Moore: What sort of a money are you looking at?

Hon BOB THOMAS: I do not know, but they do not come cheaply. Just buying cough medicine for children is an impost on the budget of many parents, and they will go without the vitamin A supplement for themselves to provide something important for their children. The Government should go back to the drawing board on this program, not for me, but for all the people dependent on the program and for all the people in the future who might contract the disease. It will not be until 2010 - more than a decade away - that we will know what is the maximum number of deaths associated with asbestos in Western Australia. It is a silly, short sighted and nickel and dime pinching policy to throw away all the good work of the past by not continuing the program. During its last term, this Government made a large number of taxation concessions to businesses. The Leader of the House is aware that this House debated a number of stamp duty and land tax Bills, and the Government cut water rates and gave many concession to business worth tens of millions of dollars, yet the Government cannot find \$250 000 a year for a vital program for 2 000 people in this State. I urge the Government to rethink its policy.

I will now refer to the fine defaulter register and relate a problem brought to my attention two weeks ago, about which I have already written to the Attorney General. A person had her driver's licence cancelled. I will call her Pauline X. She went to renew her licence and was told it had been cancelled because she was a fine defaulter. She said, "I have never had a fine in my life." The courthouse officer ascertained that her licence had been cancelled because an infringement had been issued in her name by someone who had breached the Dog Act in Albany.

She rang the Ministry of Justice's fines defaulter section and was told a lengthy process was involved. She had to wait for a form in the mail, which she had to fill in and return. Once she had registered her complaint, she had to return to the court and prove she was not the Pauline Y, against whom the infringement notice was issued. Her licence was in the name of Pauline X and the record of the defaulter should have been in the name of Pauline Y. She objected and asked whether they could speed up the procedure by fax. She was not happy and contacted me.

I spoke to the fine defaulters registry and found that it was able to expedite the matter for her, and it placed a stay of proceedings on the matter and returned her licence. This was important for her because if she had been caught driving without a licence, she would have lost her licence anyway and been fined. If she had been in an accident, she would have had no third party cover and could have faced enormous debts. I convinced the fine defaulters registry of the mistake by referring to the electoral roll. A stay of proceedings was invoked while we sorted out the matter.

It appears that the fine defaulter register had the wrong date of birth and issued the suspension in the wrong person's name, which, coincidentally, was Pauline X's maiden name from 17 years prior. The Government should improve this



system so such cases do not arise in the future and innocent people are not caught in this trap. The Government should look at the operation of the registry and make it more people-friendly. When somebody telephones, the staff should check the bone fides of the caller, and if they find an element of doubt about the status of the fines, every action should be taken to return that person's licence.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

## **WESTERN AUSTRALIAN SPORTS CENTRE TRUST AMENDMENT BILL**

### *Second Reading*

Resumed from 12 March.

**HON GRAHAM EDWARDS** (North Metropolitan) [5.18 pm]: The Opposition supports the Bill. I use the Superdrome a fair amount and I am aware of some of the parking problems which have arisen there. I always considered that legislation was an option of last resort, but the Minister told me outside the Chamber that the Sports Centre Trust administration has done everything it can to address the problem. However, despite those efforts, it is felt that the legislative backing is necessary to resolve this problem.

I find it frustrating when I attend the Superdrome and find the parking bays set aside for people with disabilities full, especially when, often, the cars do not have displayed on them the Australian Council for Rehabilitation of Disabled parking sticker. If people will park in disabled bays, they will park anywhere, and I accept that we need to address this issue if that is a reflection of what is taking place.

I have a couple of questions I will put to the Minister on notice so that I will not hold up the progress of the legislation while the Minister provides the answers. The second reading speech reads -

Generally, the amendments to the Act will provide the trust with the power to issue parking infringement notices by an authorised officer . . .

I would like to know how many authorised officers it is intended to appoint and who they will be.

Secondly, the board will impose a financial penalty for parking offences. I want to know what it will equate to? The Bill gives the power for an authorised officer to remove a vehicle. I guess all an authorised officer will have to do is to call in a tow truck. There are problems associated with removing a vehicle. The Minister in his second reading speech said that any net revenue from the imposition of parking fines will go to consolidated revenue. I wonder what will happen to the gross revenue and what will be taken out. I find it hard to call the Superdrome the Challenge Stadium; in due course I suppose I will get used to it.

Hon Derrick Tomlinson: It is a challenge for you!

Hon GRAHAM EDWARDS: Yes. It is important that these parking problems be fixed, particularly as we are less than 12 months away from the eighth world swimming championships. Parking can cause security problems. The Opposition supports the legislation. If the Minister does not have an answer now, I will be happy if he could provide me with an answer by next Tuesday.

**HON N.F. MOORE** (Mining and Pastoral - Minister for Sport and Recreation) [5.23 pm]: I thank members for their support of this simple Bill. It is designed to give the Challenge Stadium board the power to regulate for parking and general traffic matters at the Challenge Stadium. I agree that it should be an option of last resort; in fact, it is. The parking problems are driving the management completely nuts. They are having difficulty in getting people to obey even the simplest rules. I have seen big signs with "no standing at any time" on them, next to which cars are standing for hour after hour. Clearly the powers available to the management of the Challenge Stadium are not adequate and so it has been necessary to proceed with this legislation.

I will draw to the management's attention the matter of disability bays which was raised by Hon Graham Edwards. It is appalling when unauthorised people park in them. It must be one of those areas to which the management pays particular attention. I will have to take on notice how many officers they will have and who they will be. I guess that they will be persons engaged for the task and I suspect at the beginning management will need a few more than later on when it starts to get the message through to people that they cannot do as they please. The penalties will be set by regulation. I do not know what they will be but the rates will be available to the member. I guess they will need a tow truck to remove vehicles. The Bill will give the board the power to engage somebody to remove the vehicles, as happens with other parking regulations where that power is available to the authority.

The net revenue of the fines will be the amount of money received after paying the cost of ensuring that the fines are paid, I guess, and because it was a Treasury initiative I hope the net revenue to the consolidated fund will be what is left after all the costs of managing the parking are deducted. I hope the amount going to the consolidated fund will

be the least amount possible, bearing in mind the cost of ensuring that parking is managed properly.

As for the name of the stadium, it does take a time to get used to the new name. Like the member, I still call it the Superdrome. The naming rights with the Challenge Bank have been very helpful indeed in enabling us to upgrade the stadium for the world swimming championships early next year. If you go to the stadium, Mr Deputy President, you will see a significant improvement in the landscaping and general appearance. That has been accomplished partly from the revenue coming to the stadium as a result of the naming rights given to the Challenge Bank. Challenge is a good name for a stadium because it relates to competitive activities. One can think of various entities which might want to name a facility but they would not be appropriate sponsors because of the activity that goes on there. Challenge has been helpful in providing \$1m to upgrade the stadium.

I am often critical of the previous Government, but on this occasion I must say that whoever decided to build the Superdrome, as it was then called, made a very wise decision. The facility is excellent. It has given us, as a relatively small part of the world in terms of population, the capacity to host the sixth world swimming championships and to be successful in gaining the eighth. We are the only city in the world that has been able to host two world swimming championships. Hon Graham Edwards will be pleased to hear that we are making the point to FINA that because we are so good at it, FINA should consider having them here all the time. FINA, as members may know, has an unusual attitude towards things, like many other international sporting bodies. However, it has not completely dismissed the proposition, because its members quite like coming to Perth; in fact, they quite like travelling, full stop. It is the sort of thing that members should do when they retire from Parliament: Members should either become a member of FINA or the International Olympic Committee. They are all about very pleasurable travel and the benefits that go with it. We put that proposition to FINA because we have such an excellent facility in Perth. As I say, I congratulate whoever the Minister was at the time and the previous Government for having the fortitude and vision to build that facility. We have extended it in recent times to give the Western Australian Institute of Sport some extra space and a facility for elite athletes to use. The whole sporting facility is now quite magnificent. Next week we are opening a building for the Royal Lifesaving Society on the same site. I thank the Opposition for its support of this legislation.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and transmitted to the Assembly.

#### **ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [5.29 pm]: I move -

That the House do now adjourn.

#### *Adjournment Debate - Members of Parliament, Computers*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [5.30 pm]: Some members who have been here a long time will know that many years ago I was the first to bring into the Chamber a small laptop computer, something which provided me with the opportunity of doing the work that one does regularly in the Chamber. Over the years the use of computers in the Chamber has spread to other members. Hon Peter Foss uses a computer regularly in this Chamber, as does Hon Jim Scott. Recently I came into possession of a decent laptop computer again and have brought it into the House. The procedures table has a computer which I have envied for some time. I have also noticed that, from time to time, there is a computer on the Clerk's table. In fact even the President has used a computer to access information relating to the procedures - specifically for accessing the standing orders for assistance in managing the House.

I asked my office today to check on something that was drawn to my attention; that is, that apparently there is a ruling that computers cannot to be used in the Chamber. *Hansard* - at least those on which I have been able to put my hands - indicates there is no ruling on this issue. When I first arrived here, which is a while ago -

Hon Derrick Tomlinson: Before computers.

Hon TOM STEPHENS: It was not before computers. However, when I first arrived I was shown a manual typewriter and told that was available. I thought it must be a joke until I found out that it was not even available for my use; it was for my electorate secretary! I was told that I should be grateful because it was an innovation. Apparently, secretaries were new, manual typewriters were the thing, and members had to make do with pencils or quill pens. I had come from a federal member's office and was used to a more sophisticated form of technology, specifically computer technology. I was stunned by the way we were dealt with at that time.

I was delighted that, in the last two Budgets, funds were made available by this Government to equip members of

Parliament with notebook computers. I asked the Leader of the Government how much of those funds have been spent. I was told that it was not a matter for the Government to deal with; it was a matter for the Joint House Committee. I have been a member of that committee for some time. I was staggered to find that this is a matter that I have discretion over, because it has never been discussed by that committee. However, I will discuss that matter with that committee at the earliest opportunity.

Hon Derrick Tomlinson: I am pleased to hear that because I thought you were denying me a computer!

Hon TOM STEPHENS: I assure the member that I am not. I understand that the budget is in something called the Printing Committee or the Library Committee or somewhere. However, it is lost and members will not be able to access it until we take some sort of collective action to ensure that these funds are extricated from wherever they are being held so that members can be equipped with the tools of a contemporary working environment.

I understand that, under these desks, there are leads and wires that allow us to be connected to a computer network. To find today that there is some prospect of members not being able to use contemporary technology is something the House should discuss at the earliest opportunity. I would like feedback from other members on this question -

Hon Derrick Tomlinson: There is nothing to discuss. Just do it.

Hon TOM STEPHENS: Okay. Encouraged by members, I will test the House at the earliest opportunity by moving a motion that computer technology be available to members who want to use it on their desks and that the House give to the Presiding Officer some guidance on this matter so that the Presiding Officer understands that members are interested in utilising contemporary technology.

I do not want to go back to the charcoal and scroll days. I hope there are no Luddites among us who are opposed to new technology. I have been inspired by the leadership of our Presiding Officer, who has made a computer available to himself. I would be concerned if the House were denying the rest of us access to that technology. I have heard that a member who was recently looking for a bookcase in the Parliament was told that there were no funds for bookcases and that if he wanted one he would have to bring in his own. He did.

Hon Derrick Tomlinson: Why would he want a bookcase when there are no books?

Hon TOM STEPHENS: He might want to read a book! We cannot have members reading books! Books are dangerous! They have been responsible for ideas creeping through society! I have heard that someone responsible for these funds for computers has said that funds cannot be allocated to members of Parliament for computers because the members who know how to use them will have an advantage over those who do not.

Hon Graham Edwards: On that basis, I think we should get rid of all our foot heaters!

Hon TOM STEPHENS: We should give a lead to indicate that we do not share those antediluvian ideas on computer technology. We have an opportunity to advance the procedures of this place by ensuring that members have this technology available to them. Members know that I am not the best on standing orders because I breach them regularly. If I have the opportunity of having them in front of me on a computer, I will be able to access them very quickly and will be aware when I am breaking them!

Hon Graham Edwards: We would also be able to access amendments and things like that.

Hon TOM STEPHENS: Indeed. I would be delighted if we could access amendments on the Notice Paper. It would speed up the processes of this place.

Hon N.F. Moore: We could probably all stay home and do it on the Internet.

Hon TOM STEPHENS: I will not be too radical. I know that the Leader of the House would be radical in the way he would handle the affairs of state. All I can say is that I commend the Government for allocating the funds for this technology. It does not bring with it any great virus that will affect the running of the Chamber. I would like members to let me know whether they find the laptop computer in front of me offensive or disruptive. If they do not, I am keen for the House Committee to meet for the first time since I have been here. I have been on the House Committee for a long while and it has never been convened in the time I have been on it.

The Government seems to want to make this technology available to members. All we have to do is ensure that the Parliament, which has within its bowels somewhere these funds, releases them and makes them available for the purchase of this technology for use by members who want it. I hope then it will be connected to these leads under our desks which otherwise are useless and we can get on with doing our jobs.

*Adjournment Debate - Woodchip Industry*

**HON J.A. SCOTT** (South Metropolitan) [5.39 pm]: While I agree with the sentiments expressed by the Leader of

the Opposition I have not stood for that purpose. I want to inform members of an article which appeared in *The West Australian* on Thursday, 20 March - today. It is an article headed "Fears held for woodchip jobs" by Geraldine Capp. It states -

A Wesfarmers report claims WA's \$70 million woodchip industry and 20,000 jobs would be at risk if the State Government does not renew the company's woodchip industry agreement Act.

This article is extremely interesting because on 29 October last year in question 946 I asked the Minister for a breakdown of the jobs in the timber industry. One category was woodchipping logs from native forests. I was told that the number of people employed in that area was 40. I cannot stretch my imagination far enough to imagine how 20 000 jobs will become available out of those 40 jobs.

It is in the areas such as plantation and farm forestry management, plantation and farm forestry logging, hauling, processing plantation and farm forestry logs and sawmilling logs where one finds the jobs. However, the number of jobs in these areas are fewer than the number of jobs in the manufacturing of wood products; for example, the furniture industry. It is an exaggeration so say 5 270 people are employed in wood, wood products and furniture. A lot of furniture is not made from wood.

The reality is that the woodchip industry is a threat to those industries because the timber which is suitable for fine quality furniture is aged timber. Trees of 100 years of age are of a much better quality for furniture than are younger trees of 30 years of age.

The Department of Conservation and Land Management has consistently said it is taking 2 per cent annually of the total native forest. I know it is cutting beyond that limit, and that was established by the Maher report in 1993. It has taken almost double the amount of jarrah it was supposed to cut. Even if I use the figure of 2 per cent, in 50 years' time the oldest tree left in the state forest will be 50 years. The average age of trees will be 30 years old and they will not be good for furniture. Woodchipping is taking away the majority of forest jobs in this State.

*Adjournment Debate - Abalone Fishery, Infringement Notices*

**HON KIM CHANCE** (Agricultural) [ 5.43 pm]: Today I lodged a 10 part question on notice to the Minister representing the Minister for Fisheries. The question relates to an incident which occurred on the opening day of the abalone season in the metropolitan area of Western Australia.

The issue concerns, firstly, an infringement notice which was issued for an alleged offence which occurred on that day and, secondly, the manner in which a senior fisheries officer, whom I will not name, approached a licensed recreational fisherman and his two children. I will not take sides in this matter until I can be reasonably sure that one side's story has more credibility than the other. At this stage all I have is two entirely conflicting statements about a conversation for which there is no independent witness. It will not be easy for me and it was not easy for the Ombudsman, who has considered the case and decided that in the absence of a witness there is very little he can do to progress the matter.

I am not here to raise a question about the matters of contention, but there are enough issues which are not in contention to make me a little concerned about the manner in which fisheries regulations are enforced in Western Australia. What is not in contention is that the charge for which the infringement notice was issued was that the recreational fisherman fished out of season. The recreational abalone season starts on a date which I am not entirely certain of at 7.00 am. The charge relates to this fisherman leaving the water at 0659 hours - 60 seconds before the season opened. The charge states that that fisherman took three abalone from the water at that time. The limit, I might add for the sake of comparison, is 60 abalone. Therefore, this fisherman took three abalone 60 seconds before the season opened with, as far as I know, no evidence given as to the accuracy of the watch of senior fisheries officer.

I stand four square behind the Fisheries Department and its officers in enforcing the regulations which have been approved in this place. It is quite proper to protect a scarce resource like abalone. I wonder what message we are sending to responsible recreational fishermen when the department levies a \$400 fine against a fisherman, whose two children were alongside him and took part in the infringement, for starting 60 seconds earlier than the season opened and taking such a small part of the catch. This fisherman regards himself, rightly or wrongly, as a conservationist. The events which took place after that, even taking the side of the fisheries officer, seem to be an overkill of a massive nature. It is a case where a friendly warning would have been sufficient, like, "Hey, you are out of the water a minute early and you should not be setting this example to your children. The season starts at seven, not 0659." It is a ridiculous situation even on the uncontested facts. If the fisherman's version of the story is correct, a serious question arises. I have two signed statements sworn before a lawyer of a legal service and a record of the conversation - the language used by the fisheries officer was such that you, Mr Deputy President, would rule me out of order if I were to use it in this place -.

The Fisheries Department should thoroughly investigate the uncontested evidence. I encourage the Minister representing the Minister for Fisheries to ensure that the 10 questions I have today placed on notice receive a thorough reply.

Question put and passed.

*House adjourned at 5.48 pm*

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**QUESTIONS ON NOTICE**

**SHIPPING - WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION**

*Members - Remuneration*

17. Hon JOHN HALDEN to the Minister for Transport:

- (1) Who is the current Chairperson, Vice Chairperson and Commissioner(s) of the Western Australian Coastal Shipping Commission?
- (2) What is their level of remuneration?

Hon E.J. CHARLTON replied:

- (1) The position of Chairperson of the Western Australian Coastal Shipping Commission is currently vacant but an appointment will be made in the near future. Present members of the commission are Ms A. Nolan, Vice Chairperson and Mr R. Waldock, Commissioner.
- (2) These commission members do not receive remuneration from the Western Australian Coastal Shipping Commission.

**SHIPPING - WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION**

*Legal Claims*

53. Hon JOHN HALDEN to the Minister for Transport:

- (1) What was the level of legal claims lodged against the Western Australian Coastal Shipping Commission at June 30, 1996?
- (2) What is the current level?
- (3) How many claims have been lodged?
- (4) How many claims have been resolved and by what mechanism?
- (5) How much money has the Government so far spent defending these claims?
- (6) Has the State Government had costs awarded against it as a result of these claims?
- (7) If yes, how much has been awarded against the State?

Hon E.J. CHARLTON replied:

- (1) The known dollar value of claims against the Western Australian Coastal Shipping Commission related to the decision to cease trading was \$4 635 765 as at 30 June 1996. In addition, there are a number of employee claims against the commission related to alleged exposure to asbestos.
- (2) The 30 June 1996 figure remains unchanged.
- (3) Two.
- (4) None.
- (5) This answer is not separately available. The commission has incurred legal expenses of \$46 000 in 1996-97 covering advice on a number of issues including the *Sina* charter and other administrative matters and on claims initiated by the commission.
- (6) Costs have been awarded against Stateships as a result of a summary judgment covering part of one claim.
- (7) This action remains unresolved.

**ROADS - LOW LEVEL CROSSING**

*Gascoyne Junction*

67. Hon TOM STEPHENS to the Minister for Transport:

When will the Government establish a low level crossing over the Gascoyne River in the townsite of Gascoyne Junction so that tourists, residents of Gascoyne Junction and neighbouring station communities are not periodically cut off from essential services during time of flood?

Hon E.J. CHARLTON replied:

This is a local road under the control of the Shire of Upper Gascoyne. Discussions have taken place regarding the allocation of funds for a number of roads in the shire.

#### HEALTH - ABORIGINES

##### *Kununurra - Access to Services*

97. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

Can the Minister for Health inform the House whether there are any plans to improve Aboriginal access to environmental health/mental health services in the Kununurra area?

Hon MAX EVANS replied:

In respect of environmental health planning, the Office of Aboriginal Health conducted and has published an Aboriginal environmental health survey that maps the environmental health needs of a significant number of Aboriginal communities in the Kununurra area. There are plans to expand this survey in the coming year. Importantly, the survey has been used to produce a series of targeted programs including the allocation of Aboriginal environmental health workers and minor and major environmental infrastructure works in the East Kimberley. This survey has been used as part of the work of the environmental health needs coordinating committee - EHNCG - in its broad planning and allocate decision making. The survey and the EHNCG are particularly valuable and important examples of progress in the planning around Aboriginal health needs.

In respect of mental health, the department, along with the Kimberley Aboriginal Medical Services Council, cooperated in the development of an innovative program for the provision of mental health services in the Kimberley. This project has contributed to the development of a working model for the delivery of mental health services in the Kimberley, including the use of telehealth technology.

The Office of Aboriginal Health is currently engaged in a project that is intended to provide recommendations for the further development of mental health services to Aboriginal people across Western Australia. I expect that this project will be finalised before the end of May 1997. The Mental Health Division and the Office of Aboriginal Health have a joint planning process involving the Western Australian Aboriginal Community Controlled Health organisation that provides a valuable and cooperative basis for this further work. In addition, the bilateral agreement signed in November by the Minister and his commonwealth colleague provides for significantly greater levels of cooperation between the State, the Commonwealth, local government and communities in regional planning. No doubt these two matters will be broached as part of that planning process.

#### POLICE - LICENSING CENTRES

##### *Closures*

123. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

- (1) Which police licensing centres besides Subiaco are earmarked for closure or reduction in their functions?
- (2) Over what period will these closures or reductions in functions occur?
- (3) How many Government employees will lose their jobs as a result of these closures or reduction in functions?

Hon PETER FOSS replied:

I refer the member to my response to parliamentary question without notice 70 of Thursday, 13 March 1997.

#### COURTS - FORFEITURE AND PENALTY ORDERS

##### *Statistics*

132. Hon MARK NEVILL to the Attorney General:

- (1) Who is responsible for making applications to -
  - (a) the Supreme Court; and
  - (b) other courts,

for forfeiture and pecuniary penalty orders under the Crimes (Confiscations of Profits) Act?

- (2) How many such orders were -
  - (a) sought; and
  - (b) granted,in the past five years ("the period")?
- (3) How many such orders sought were not proceeded with ultimately and why?
- (4) What is the total value in each year in the period of -
  - (a) the property ordered to be forfeited; and
  - (b) pecuniary penalties imposed?
- (5) What is the total value in each year in the period of -
  - (a) actual property forfeited; and
  - (b) actual pecuniary penalties recovered?
- (6) In the case of forfeiture orders, how is forfeited -
  - (a) real property; and
  - (b) other property,dealt with or disposed of?
- (7) Is there currently any real or other property forfeited which has yet to be disposed of or dealt with?
- (8) If yes to (7) -
  - (a) against whom was each forfeiture order made and when;
  - (b) why has the property not been disposed of;
  - (c) who is responsible for the maintenance, security and preservation of the property;
  - (d) where is the property kept or located?

Hon PETER FOSS replied:

- (1) (a)-(b) A prosecutor, acting on behalf of the Crown, may make an application to any court. The Commissioner of Police or any member of the Police Service may make an application in the Court of Petty Sessions.
- (2) The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however, be made available as soon as possible.
- (3) The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however, be made available as soon as possible.
- (4) (a) Not known. In general, there is no necessity for a formal valuation of property prior to sale.  
(b) The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however be made available as soon as possible.
- (5) (a)-(b) The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however be made available as soon as possible.
- (6) (a)-(b) Forfeited property is sold and the sale is conducted by auction, unless the court otherwise orders or the Attorney General otherwise directs.
- (7) Yes.
- (8) (a) The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however be made available as soon as possible.  
(b) The Police Service is operationally responsible for the disposal of forfeited property, except real property, unless the court otherwise orders or the Attorney General otherwise directs. The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however be made available as soon as possible.



- (c) The Police Service is operationally responsible for the maintenance, security and preservation of forfeited property, except real property. The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however be made available as soon as possible.
- (d) The Police Service is operationally responsible for the storage of forfeited property, except real property. The requested information is being obtained in relation to applications made by the DPP. The information cannot be provided within the time specified. It will, however be made available as soon as possible.

#### POLLUTION - SPILLAGE

##### *Mining Leases 26/86 and 26/383*

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

I refer to question on notice 961 of 30 October 1996 -

- (1) What is the approximate area in square metres that the spillage affected?
- (2) What has the company done, if anything, to ensure that a similar incident does not occur again?

Hon MAX EVANS replied:

- (1) There was not an escape to the general environment. The spill was contained in structures and areas designed for the purpose. Therefore, no estimate of an "affected" area was made.
- (2) I understand that internal procedures have been notified.

#### HOSPITALS - WOODSIDE MATERNITY

##### *Performance Indicators*

176. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

What performance indicators are available for Woodside Hospital; that is, unplanned readmissions, waiting lists cancellations due to a lack of beds, hospital acquired infection, public and private patients, Aborigines using services, costs per in-patient.

Hon MAX EVANS replied:

The details of performance indicators for Fremantle Hospital and Health Service - which incorporates Woodside Maternity Hospital - are included in the 1995-96 annual report which has been tabled in the Parliament.

#### HOSPITALS - FREMANTLE

##### *Performance Indicators*

177. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

What performance indicators are available for Fremantle Hospital; that is, unplanned readmissions, waiting lists cancellations due to a lack of beds, hospital acquired infection, public and private patients, Aborigines using services, costs per in-patient?

Hon MAX EVANS replied:

The details of performance indicators for Fremantle Hospital and Health Service are included in the 1995-96 annual report which has been tabled in Parliament.

#### HEALTH - ABORIGINAL MEDICAL SERVICE

##### *Kalgoorlie - Project Officer*

180. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 403(2) of 1996, who was the contract manager?

Hon MAX EVANS replied:

Mr Sam Dinah was the purchaser's contract manager.

HEALTH - ABORIGINAL MEDICAL SERVICE

*Kalgoorlie - Advertisement*

181. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 403(5) of 1996, on what date was the position advertised in the *Kalgoorlie Miner*?

Hon MAX EVANS replied:

Bega Garnbirringu advised that the position was advertised on Saturday 23 September 1995 and Wednesday 27 September 1995.

HEALTH - ABORIGINAL MEDICAL SERVICE

*Houston, Ms L.*

182. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 403 of 1996, did Ms L. Houston at any time hold any position at Bega Garnbirringu Health Service which was funded by the Health Department of Western Australia?

Hon MAX EVANS replied:

Bega Garnbirringu advises that the position Ms L. Houston held was supported by funds from the Health Department.

HEALTH - DEPARTMENT

*McGuinness, Mr M.*

186. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) Did Mr M. McGuinness drive a government vehicle to South Australia for three weeks?
- (2) What unauthorised purchases did Mr McGuinness make with his LPOs?
- (3) What formal steps were taken to recover the money?
- (4) What progress has been made on recovery?

Hon MAX EVANS replied:

- (1) No.
- (2) Mr McGuinness made one unauthorised purchase with an LPO. This purchase was an addition of "take-away" alcohol to his hotel bill.
- (3) Officers of the Health Department interviewed Mr McGuinness and advised him that his actions were inappropriate and asked that he repay that money. Mr McGuinness disputed that his actions were inappropriate and left the employment of the Health Department shortly afterwards.
- (4) None. Mr McGuinness subsequently left the State and it was believed that the cost of pursuing him would exceed the amount he had been asked to repay.

HEALTH - ABORIGINAL MEDICAL SERVICE

*Heart Health - Contracts*

187. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 398 of 1996, will the Minister for Health table the contents listed in part (2)?

Hon MAX EVANS replied:

Yes. [See paper No 350.]

## HEALTH - DENTAL

*Mobile Clinics*

202. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) What was the frequency of the visits of mobile dental clinics to the country areas of Western Australia in each financial year since the 1994-94 financial year?
- (2) What towns or communities are generally serviced on each route?

Hon MAX EVANS replied:

- (1) Once per year for both children and adults with twice yearly visits to remote communities. The frequency of visits for some communities has been affected by staff shortages.
- (2) The details of communities serviced and the appropriate mobile centre are as follows -

**Geraldton Mobile -**

Coorow  
Carnamah  
Dongara  
Morawa  
Northampton  
Mingenew  
Three Springs  
Binnu  
Buntine  
Latham  
Ogilvie

**Katanning Mobile -**

Katanning  
Tambellup  
Gnowangerup  
Kojonup  
Ongerup  
Nyabing  
Borden  
Braeside  
Broomehill  
Woodanilling

**Bridgetown Mobile -**

Bridgetown  
Boyup Brook  
Northcliffe  
Pemberton  
Nannup  
Balingup  
Chowerup  
Greenbushes

**East Kambalda Mobile -**

Kambalda East  
Coolgardie  
Kalgoorlie  
Norseman

**Harvey Mobile -**

Harvey  
Waroona  
Yarloop  
Brunswick Junction  
Dwellingup  
Burekup  
Roelands

**Broome Mobile -**

Broome  
St Mary's  
Cable Beach

**Mt Barker Mobile -**

Mt Barker  
Walpole  
Denmark  
Cranbrook  
Frankland  
Rocky Gully  
Kendenup

**Wagin Mobile -**

Pingelly  
Brookton  
Dumbleyung  
York  
Darkan  
Beverley  
Wickepin  
Kulin  
Wagin  
Boddington  
Kukerin  
Tincurrin  
Wandering  
Williams  
Yealering

**Maragret River Mobile -**

Maragret River  
Cowaramup  
Augusta  
Dunsborough  
Busselton  
Karridale  
Witchcliffe  
Yallingup

**Moora Mobile -**

Watheroo  
Badgingarra  
Wongan Hills  
Cadoux  
Ballidu  
Kalannie  
Miling  
Dandaragan  
St Joseph's Moora  
Moora  
Yerecoin  
Gingin  
Bindoon  
Bindi Bindi  
Calingiri

**Tom Price Mobile -**

Central Tom Price  
North Tom Price  
Paraburdoo

**Corrigin Mobile -**

Kondinin  
Corrigin  
Narembeen  
Toodyay  
Lake Grace  
Quairading  
Cunderdin  
Babakin  
Beverley  
Kulin  
Meckering  
York

**Donnybrook Mobile -**

Boyanup  
Dardanup  
Capel  
Carey Park  
Donnybrook  
Balingup  
Kirup

**Community Dental Unit No 1-**

Ravensthorpe  
Jerramungup  
Newdegate  
Lake King  
Gairdner  
Bremer Bay  
Hopetoun  
Kalgoorlie  
Nyabing  
Ongerup  
Pingaring  
Pingrup  
Varley

**Community Dental Unit No 2 -**

Goomalling  
Koorda  
Beacon  
Bencubbin  
Wyalkatchem  
Mukinbudin  
Kellerberrin  
Southern Cross  
Dowerin  
Nungarin  
Doodlakine  
Gabbin  
Kununoppin  
Marvel Lock  
Moorine Rock  
Trayning

**Itinerant No 6 -**

Bruce Rock  
Mt Walker  
Tammin  
Trayning

**Fitzroy Crossing -**

Fitzroy Crossing  
Balgo  
Bayulu  
Bililuna  
Birlirr Ngawijiwu  
Cherabun

**Kununurra Mobile**

Wyndham  
St Joseph's (Wyndham)  
Kununurra  
Warmun  
Halls Creek  
St Joseph's (Kununurra)  
Crocodile Hole  
Doon Doon  
Glen Hill  
Red Hill

**Karratha Mobile -**

Wickham  
Roebourne  
Dampier  
Pannawonica  
Millars Well  
Tambrey

**Community Dental Unit No 3 -**

Dalwallinu  
Perenjori  
Tardun  
Mullewa  
Kalbarri  
Eneabba  
Leeman  
Jurien  
Cervantes  
Lancelin  
Wubin

**Itinerant No.1 -**

Scadden  
Lake Grace  
Hyden  
Denham  
Useless Loop  
Warburton  
Cascade  
Condungup  
Giles  
Grass Patch  
Jerdacuttup  
Munglinup  
Salmon Gums

**Narrogin Mobile -**

Boddington  
Williams

**Leonora -**

Leonora  
Cosmo Newberry  
Laverton  
Leinster  
Menzies  
Mt Margaret

**Fitzroy Crossing (cont) -**

Kalumburu  
 Millajidee  
 Mt Barnett  
 Muudja  
 Noonkanbah  
 Oombulgurri  
 Wangkatjungka  
 Warrimbah  
 Yagga-Yagga  
 Yakanarra  
 Yiyili

**Derby Itinerant -**

Derby  
 Beagle Bay  
 La Grange  
 Lombadina  
 Looma  
 One Arm Point  
 Gibb River

**Hedland Itinerant -**

Hedland  
 Jiggalong  
 Marble Bar  
 Nullagine  
 Parnngurr  
 Punmu  
 Yandeyarra

**Exmouth -**

Exmouth  
 Onslow

**Meekatharra -**

Meekatharra  
 Burringurra  
 Cue  
 Karalundi  
 Mt Magnet  
 Wiluna  
 Yalgoo

**HEALTH - MESOTHELIOMA***Departmental Review*

203. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to my question on notice 535 answered on 14 September 1993 -

- (1) Has the Health Department of Western Australia completed the review of all information on all notified cases of mesothelioma?
- (2) If yes, would the Minister for Health now provide the answers to question 535 of 1993.
- (3) If no, what work has been done and why has not the review been completed?

Hon MAX EVANS replied:

The Minister for Health has provided the following reply -

- (1) The Health Department maintains a register of mesothelioma cases. During the last three years there has been considerable development of the mesothelioma register, which is now thought to be as complete as available information permits. Through the register, the department undertakes ongoing review of proven and suspected cases, paying special attention to any presumed source of asbestos exposure, where such information is available.

- (2) An answer to question 535 of 1993 would, given current information, be answered as follows -

The department has not released any official estimates of the numbers of expected incident cases and fatalities due to Wittenoom-associated mesothelioma; however, some comment has been made in a report produced in 1996.

*(Threlfall TJ and Morgan A. Malignant mesothelioma in Western Australia, 1960 to 1994: Health Information Centre, Statistical Series Number 46, July 1996; ISSN 0816-2999)*

In that report, it was noted that the absolute numbers of Wittenoom-associated cases could not be said to be in decline, and that a peak in the year 2010 continued to be a possibility. Deaths parallel incidence very closely in mesothelioma, and neither the number of incident cases, nor the number of deaths, is large enough to provide a more reliable estimate than those in previously published reports.

Updated projections of future case numbers could be provided, given more time for an answer. I am able to present up to date statistics in the form of the attached figures. These graphs show, in males, that while the number of Wittenoom-associated cases is not falling, the relative importance of this source is diminishing as cases due to other sources of asbestos become more common. [See paper No 349.]

- (3) Not applicable.

HOSPITALS - ROSTERING SYSTEM

*Trial*

204. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

- (1) Who developed the ROSTAR rostering system?
- (2) Which hospitals in Western Australia are using the ROSTAR system for staff rosters?
- (3) Which hospitals have previously trialed ROSTAR and abandoned its use because of its inadequacies?
- (4) Is the Health Department of Western Australia aware of the delays and time wasted by staff using this system?
- (5) What other computerised roster systems are in use by the Health Department of Western Australia?

Hon MAX EVANS replied:

The Minister for Health has provided the following response -

- (1) The system was developed by Ferntree Computer Corporation and Australian Technology Resources (now Platinum Technologies), according to the specifications developed by the Health Department.
- (2) ROSTAR is currently being used for staff rosters at Fremantle, Princess Margaret and King Edward Memorial Hospitals.
- (3) None.
- (4) The department is aware of delays in the implementation timetable. It is also aware of the time taken by staff using the system. However, this is not unexpected as familiarisation with any new system takes time, especially during the pilot phase while the system is being refined.
- (5) The Health Department of WA does not use rostering systems but is aware that several hospitals use the nurse management system for rostering.

HEALTH - MESOTHELIOMA

*Crocidolite Mining*

208. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

What trends are now evident in the number of mesotheliomas from crocidolite mining and milling at Wittenoom among the mine work force?

Hon MAX EVANS replied:

The Minister for Health has provided the following response -

The answer to this question may be found within the answer to parliamentary question 203, wherein it is noted that the numbers of cases of mine/mill-associated mesothelioma continue to increase but are becoming relatively less common than those due to other causes.

QUESTIONS WITHOUT NOTICE

PARLIAMENT- LEGISLATION

*Timetable*

**113. Hon TOM STEPHENS to the Leader of the House:**

Is the Leader of the House now in a position to provide the House with some indication of the legislative timetable for the State Parliament?

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

No.

## SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE - LEGAL AID SYSTEM

*Submission***114. Hon N.D. GRIFFITHS to the Attorney General:**

I refer the Attorney General to answer to question without notice I asked on 6 March this year.

- (1) Can he now confirm that he was invited to make a submission to the Senate's Legal and Constitutional Reference Committee by letter from the chairman on 25 September 1996?
- (2) Did he acknowledge receipt of this by letter to the chairman dated 30 October 1996.
- (3) Is he aware that the committee is coming to Perth on 15 April 1997 to hear submissions?
- (4) Will he be making a submission to the committee?

**Hon PETER FOSS replied:**

- (1) No I am not aware.
- (2) I did not go back and have a look, so the dates and times mentioned are something I can neither confirm nor deny.
- (3) I am happy to be assured by the member that is the case.
- (4) I am aware the committee is coming back to Perth because I asked it to allow me to make a submission. I intended to be on holiday on that day. Unfortunately I cannot depart on my holiday one day later because there will not be another flight. I have asked the committee if it could change the dates of hearings to accommodate me. If it is not able to change the date I will unfortunately have to forgo my holiday with my family.

## MINING - LEASES

*Mineral Rights***115. Hon TOM STEPHENS to the Minister for Mines:**

- (1) Does section 85(a)(b) of the Mining Act authorise a mining lessee to take and remove from the land any minerals and dispose of them?
- (2) Does section 85(2)(b) provide that the lessee owns all minerals lawfully mined from the land under the mining lease?
- (3) Does section 85(3) provide that the rights conferred by section 85 are exclusive rights for mining purposes in relation to the land for which a mining lease was granted?
- (4) Does section 155(1) provide inter alia that a person shall not carry on mining on any land unless he is authorised to do so and further provide for a penalty of \$10 000 for this offence and a further fine of \$1 000 per day if the offence is a continuing one?

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

- (1)-(4) Yes.

## MINING - LEASES

*Department of Transport***116. Hon TOM STEPHENS to the Minister for Transport:**

I remind the Minister of the answer given by the previous Minister.

- (1) Did contractors to the Department of Transport enter mining lease MO8/6 without the authority of the holder of the lease?
- (2) Did those contractors remove material from that lease?
- (3) If yes, by whose authority did they remove material?

- (4) What was the value of the material?
- (5) What was the material used for?

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

I thank the member for some notice of this question.

- (1)-(5) This is a matter of dispute between the Department of Transport and Finesky Pty Ltd, which claims to have a sublease over a part of mining lease M08/6. As this may result in further legal action I am not prepared to comment further at this stage.

#### GLOBAL DANCE FOUNDATION - INCORPORATION

##### *Agreement*

**117. Hon TOM STEPHENS to the Minister for Tourism:**

I refer the Minister to the copy of the agreement between the Western Australian Tourism Commission and Global Dance Foundation made 26 May 1995 which the Premier tabled yesterday in the Assembly. That agreement was signed by the Chairman of the WATC and a commissioner, and the common seal of the WATC is applied to it.

- (1) Was the chairman or any of the commissioners of the WATC aware that on the date Global Dance signed this agreement it was not an incorporated association and had still to lodge an application for incorporation?
- (2) If yes, why did they sign and apply the WATC common seal to an agreement with an organisation which represented itself as being incorporated when it was not?
- (3) Did the chairman or any of the commissioners or officers of the WATC ask to sight the certificate of incorporation of Global Dance to satisfy themselves of the legal status of the body before signing and sealing the agreement and committing \$430 000 of WATC funds to this organisation?
- (4) When did the WATC first become aware that Global Dance was not incorporated at the time the commission made the agreement with Global Dance?
- (5) Did the WATC, or any of its officers, make any representations or approaches to the Commissioner of Corporate Affairs or his officers in relation to the application for incorporation by Global Dance?
- (6) Who presented the agreement to the Commissioner of State Taxation for stamping?

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

- (1)-(6) In view of the nature of the question, which requires the views on a number of matters of every commissioner of the Tourism Commission, it will take some time to provide an answer to the question. Therefore I ask the Leader of the Opposition to place it on notice.

#### LAND - UNVESTED RESERVES

##### *Mundaring*

**118. Hon J.A. SCOTT to the Minister representing the Minister for Lands:**

I refer the Minister to comments in the *Midland Echo* of 8 March in 1997 in which Mr Barry Diamond of the Department of Land Administration said that residents in Mundaring had received incorrect information concerning unvested reserves.

- (1) What is this incorrect information?
- (2) Who sent it out?
- (3) Does DOLA or any other government agency have the power to sell all or any of these unvested reserves?
- (4) What process must be followed before they are sold?

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

- (1)-(2) The words "had received incorrect information concerning the reserves" that appeared in the article are a result of editorial paraphrasing by the editor of the newspaper from the official media release. However, from letters received by the Minister for Lands and DOLA it is obvious that many Mundaring residents had



a misperception about the number, locations and types of reserves that were under consideration for possible sale.

- (3) Crown land can be sold only in accordance with the Land Act 1933 and is subject to the approval of the Minister for Lands and the Government in Executive Council.
- (4) Full consultation with all relevant agencies and bodies in compliance with commonwealth native title legislation. The reserve would then need to be cancelled by the Governor in Executive Council and this information published in the *Government Gazette* before sale can take place. The Government would consider community views on any land sales.

#### GLOBAL DANCE FOUNDATION - INCORPORATION

##### *Agreement*

#### **119. Hon TOM STEPHENS to the Minister for Tourism:**

I refer the Minister to the agreement between the Western Australian Tourism Commission and Global Dance Foundation tabled by the Premier yesterday.

- (1) Who was present at the execution of that agreement on behalf of the Western Australian Tourism Commission and Global Dance?
- (2) Did clause 8.3 of the agreement provide for the WATC to pay \$215 000 on execution of the agreement and a further \$215 000 on 1 July 1995?
- (3) Was a payment of \$215 000 made on the same day as the agreement was executed?
- (4) If not, when was the payment made?
- (5) Was the payment by cheque?
- (6) If so -
  - (a) what was the date of the cheque, on whose account and in whose favour was it drawn;
  - (b) how or by whom was the cheque delivered to the payee; and
  - (c) when was the cheque debited against the account on which it was drawn?

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

I ask the member to place the question on notice.

#### GLOBAL DANCE FOUNDATION - INCORPORATION

##### *Application*

#### **120. Hon TOM STEPHENS to the Minister representing the Minister for Fair Trading:**

Will the Minister give the same answer to the next question?

Hon N.F. Moore: I do not know what the question is.

The PRESIDENT: Order!

Hon TOM STEPHENS: It is the one the Minister has in his file. Does he have an answer?

Hon N.F. Moore: I have 40 in my folder.

Hon TOM STEPHENS: I refer the Minister to the application for incorporation by Global Dance Foundation made to the Commissioner for Corporate Affairs on 1 June 1995.

- (1) Did Mr Peter Gilbert Reynolds sign a certificate accompanying that application confirming that the requirements of section 6 of the Associations Incorporation Act relating to the advertisement of the application had been complied with by an advertisement being published in *The West Australian* on 21 February 1995?
- (2) Does section 6 of the Associations Incorporation Act provide in subsection (2) that the advertisement required by subsection (1) must be published not less than one month nor more than three months before the application for incorporation is made to the commissioner?

- (3) Why did the commissioner accept Mr Reynolds' application on behalf of Global Dance when the advertisement required by section 6 had been published more than three months before the application was made to the commissioner?
- (4) Did the Commissioner for Corporate Affairs issue a certificate of incorporation to Global Dance on the same day it made application to him?
- (5) When did the commissioner first become aware that Global Dance had made its application for incorporation more than three months after advertising its intention to do so?
- (6) Did the commissioner or any of his officers receive any representations or approaches from Mr Reynolds or the WA Tourism Commission in relation to Global Dance's application for incorporation?

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

I make the point to Hon Tom Stephens that when 40 or 50 questions and answers are received in one day and the files are full, it is very difficult at times to know whether I have the answers to questions directed to the Minister for Finance representing the Minister for Fair Trading. Until the member asks the questions I do not know whether I have the answer. I hope the member understands that occasionally.

Hon Tom Stephens: I have offered you a mechanism.

The PRESIDENT: Order! Let us make some progress.

Hon N.F. MOORE: I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes.
- (3) Application for incorporation was first made on 18 May 1995. The constitution was examined and amendments were required, the documents were returned. These were resubmitted on 1 June 1995 and accepted. The date of lodgment was taken as 1 June 1995.
- (4) No.
- (5) Not applicable.
- (6) Not aware of any approaches made from routine contact dealing with lodgment of application.

**HEANEY, MR JAMES - EX GRATIA PAYMENT**

*Medical Evidence*

**121. Hon DERRICK TOMLINSON to the Attorney General:**

I refer to the prosecution of James Heaney, reported in the interim report on term of reference No 3 of the Select Committee on the Western Australian Police Service.

- (1) Can the Attorney General confirm that Mr James Heaney has applied for an ex gratia payment from the State?
- (2) Did the Attorney General write to Mr Heaney's solicitors, Hoffmans, in February of this year suggesting that expert advice on the following issues be provided -
  - (i) as to whether James Heaney had undergone a vasectomy?
  - (ii) as to whether James Heaney is for some other reason azospermic?
  - (iii) confirmation of James Heaney's status as a non-secretor?
- (3) Why is it necessary for Mr Heaney to provide that medical information?
- (4) If the reason is to establish Mr Heaney's innocence of the offences with which he was charged, why is that necessary in 1997 when in January 1987 a Supreme Court jury found him not guilty?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1)-(2) Yes.

- (3) It was not necessary. Mr Heaney had the option to do so as part of the submission he was making.
- (4) When ex gratia payments are to be made, the Crown seeks to establish two things in order to justify that payment. The first is that the person is innocent of the charge brought against him and the second is that it was not reasonable for that charge to have been laid in the circumstances. When people are charged with a criminal offence, the Crown must prove beyond reasonable doubt that they are guilty. If the Crown fails to prove beyond reasonable doubt that the person is guilty, he is acquitted as not guilty even though that person may not necessarily be innocent. Western Australia does not have the Scots intermediate verdict of not proven. As a result, because there is a significant loading to the benefit of the accused, it may very well be that even though a jury believes that a person may be guilty, it may find him not guilty because the standard of proof required of the Crown has not been established. All we know from the not guilty verdict is that a person was not convicted; it may very well be that the person was guilty of the offence but it had not been proven.

When ex gratia payments are sought, it must be clear that the person is innocent. The Crown then looks at whether it was unreasonable for the case to be brought in the first place. For example, if a person had a perfectly good alibi and was acquitted on the basis of that alibi but it was not mentioned until the trial, it would be reasonable in the absence of any knowledge of that alibi for the prosecution to proceed. Under those circumstances, the person would not be eligible for an ex gratia payment even though he was clearly innocent.

We know from the verdict of the jury that it was satisfied that Mr Heaney was not guilty. We are allowing him the opportunity, for the purpose of the ex gratia payment, to give sufficient information to determine that he was innocent. He now has that evidence which plainly establishes his innocence. The Crown must now determine whether it was unreasonable in the circumstances for the prosecution to have been brought.

#### HOSPITALS - MANDURAH

##### *Dispensary - Objection*

#### **122. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) Has the Peel Health Service lodged an objection to an application, currently before the Mandurah City Council, seeking to establish a dispensary as part of a medical centre on private land adjacent to the Mandurah hospital?
- (2) Is this objection based on the premise that such a dispensary will preclude the development of a dispensary on the Mandurah hospital campus site?
- (3) Did the Peel Health Service object to the application for the location of a similar dispensary on lots 8 and 9 on the corner of Lakes Road and Murdoch Drive, considered by the Mandurah City Council in December last year, on similar grounds? If not, why not?
- (4) Has the viability of a health campus dispensary been affected by the establishment of one or more private dispensaries in the vicinity of the Mandurah hospital?
- (5) What steps has the Peel Health Service taken to establish a dispensary on the Mandurah hospital campus site? When were these measures taken?

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

I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes.
- (3) No objection was raised as the Peel Health Service was not advised of the application by the council.
- (4) The Peel Health Campus dispensary has not been constructed yet. There are no private dispensaries within the vicinity of the site. The viability of a dispensary is a matter for the proposed private operator - Health Solutions WA Pty Ltd.
- (5) None. The establishment of a private dispensary is a decision for the proposed private operator. A retail area for this purpose has been identified in the plans.

HAZELDEN, MR TRAVERS - DEATH

*Medical Records*

**123. Hon J.A. SCOTT to the Minister representing the Minister for Health:**

In respect of the case of Mr Travers Hazelden who died on 12 June 1991 -

- (1) Why is it that the junior registrar's letter reports the time of death as 2115 hours and also shows he had a respiratory arrest at 1245 hours, yet the medical records of Drs Blake and Wylie show Mr Hazelden was already deceased at chest x-rays - No 46380 - at 1130 and 1330 hours?
- (2) Why was Mr Hazelden given a blood transfusion of O positive blood when his blood type was O negative, and was he diagnosed as having disseminated intra vascular coagulopathy secondary to massive transfusion?
- (3) What is the effect of giving a person with O negative blood a transfusion of O positive blood?

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

I thank the member for some notice of this question.

- (1) The junior registrar's letter reports the time of death as 2100 hours on 12 June 1991. This is the time at which resuscitation efforts ceased and is, by convention, taken as the time of death. Mr Hazelden had a respiratory arrest - he stopped breathing - at 1245 hours on 12 June, some nine hours earlier. He was immediately and successfully resuscitated from this.

The chest x-ray report No 46380 by Dr Blake and Dr Wylie refers to an x-ray examination on 12 June. The film was reported in writing on 17 June, five days after the patient died. This is recognised by the word "dead" against ward/clinic as recorded on the x-ray report. The report was included to allow the medical record to be complete. It does not imply that Mr Hazelden was deceased at the time of the chest x-ray.

- (2) Mr Hazelden received six units of O positive blood as part of the massive transfusion of 39 units required to treat his multiple injuries. Group specific blood - that is, blood which has not undergone a full cross match procedure - is only used in very rare and extreme circumstances when blood loss is so great that life is threatened simply because of inadequate volume. Under these circumstances there is no time to perform a full cross match procedure. Rhesus compatibility - positive or negative - is of secondary importance in such circumstances. Mr Hazelden was diagnosed as having disseminated intra vascular coagulopathy secondary to massive transfusion.
- (3) In a case such as Mr Hazelden's, the overwhelming priority is to replace blood volume with group-compatible blood. In these circumstances rhesus incompatibility has little untoward effect. Mr Hazelden's total blood volume was replaced several times after this initiative resuscitation with full cross-matched blood.

FUEL AND ENERGY - ELECTRICITY

*R2 Tariff*

**124. Hon TOM STEPHENS to the Minister representing the Minister for Energy:**

Some notice of this question has been given.

- (1) In what towns are the 85 businesses eligible for the R2 tariff?
- (2) How many such businesses are in each of these towns?
- (3) In which towns are located the businesses which have increased their electricity consumption which will have to pay at an increased rate for their additional electricity consumption?

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

I do not have an answer from the Minister, so I ask that the question be placed on notice.

HOSPITALS - MANDURAH

*Contract*

**125. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) Are there any provisions in the contract of the private manager of the proposed new Mandurah hospital to

safeguard against the on-selling of the contract to another private health care company?

(2) Can the Minister inform the House when the signing of the contract will be announced?

(3) Will the details of the contract be tabled?

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

I thank the member for some notice of this question.

(1) The contract with the private operator is not yet finalised. It is unlikely to contain reference to on-selling of the contract as any change of operator requires approval of the Minister for Health under the hospital licensing provision.

(2) No.

(3) Yes.

#### ADOPTION - ACT

##### *Review*

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

Further to my recent question on the Adoption Act review -

(1) Will the Minister table the names of the external members and the Department of Family and Children's Services officers who will serve on the Adoption Review Committee?

(2) If not, why not?

(3) When will the issues paper be distributed to the public?

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

I thank the member for some notice of this question.

(1) Yes, the review committee comprises Department of Family and Children's Services representatives.

##### Family and Children's Services Representatives -

Vic Dennis	Acting Director, Special Field Services (Chairman)
Ted Mildern	Manager, Family Information and Adoption Service
Judy Wilkinson	Supervisor, Adoptions
Patrice Wringe	Senior Policy Officer, Legislation
Tara Gupta	Principal Legal Officer
Richard Mathews	Principal Research Officer
Nina Lyhne	Senior Market Research Officer

##### Non-departmental representatives with extensive adoption research and counselling experience -

Margaret van Keppel	Clinical Psychologist
Sue Midford	Clinical Psychologist

##### Family Court Representative -

Justice Carolyn Martin

##### Project Staff -

Helen Greenacre	Senior Project Officer
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(2) Not applicable.

(3) This paper is currently being finalised. When completed, it will be distributed to the public.

#### MIDLAND WORKSHOP - MAINTENANCE CONTRACT

##### *Vanguard Ltd*

**127. Hon KIM CHANCE to the Minister for Transport:**

(1) Has the Midland Workshop maintenance contract been let to a company called Vanguard Ltd?

- (2) Is it a subsidiary of CAE, a Canadian company?
- (3) If yes, what effects on employment and training of Western Australian workers has this decision had?

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

I thank the member for some notice of this question. While the great majority of the land is now under the control and responsibility of the Government Property Office, Westrail still would be aware of any particular aspects related to the question. The answer as far as Westrail is concerned is -

- (1) No.
- (2)-(3) Not applicable.

HUNTER, NEIL GEOFFREY - STOLEN VEHICLE CASE

*Financial Affairs*

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

Some notice of this question has been given.

I refer to the Brennan stolen car drug case. Has the Director of Public Prosecutions confirmed the claims made by Neil Geoffrey Hunter before Judge Hammond in the District Court on 25 February 1997, that -

- (1) he owes \$200 000 reportedly lost in a business deal in New South Wales; and
- (2) his bank account with the Westpac Bank in Double Bay, New South Wales was currently \$10 000 overdrawn?

**Hon PETER FOSS replied:**

As the matter is currently before the court it is not appropriate for me to comment.

TRANSPORT - DEPARTMENT

*Borrowings*

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

I refer the Minister to page 78 of the Department of Transport's annual report, which states under "non-current liabilities" that borrowings have grown by \$56.802m between the financial years 1994-95 and 1995-96. Can the Minister explain what the growth in borrowings is attributed to and what is its purpose?

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

No, I cannot provide this information.

Hon Bob Thomas: It is redundancies.

Hon E.J. CHARLTON: It may well be, but I want to provide an accurate answer to a specific question, and I will provide it next week.

ABORIGINAL ART - ROCK HERITAGE

*Preservation*

**130. Hon TOM STEPHENS to the Minister representing the Minister for Aboriginal Affairs:**

- (1) What funds have been allocated by the State Government in the current financial year to preserve and protect the rock art heritage of Western Australia?
- (2) What programs have been or will be undertaken in the current financial year to protect the rock art heritage of the State?

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

I thank the member for some notice of this question.

- (1)-(2) Preservation and protection of rock art is achieved by inclusion of these places in the Aboriginal sites register, the application of the provisions of the Aboriginal Heritage Act, which provides a regulatory base to minimise disturbance, and a range of community awareness activities designed to promote understanding

of and respect for Aboriginal culture. No separate allocation of funds is made available to protect rock art. The heritage and culture program has a budget allocation of \$4.6m inclusive of all activities and staff costs.

TOURISM - COMMISSION

*Administration Expenses*

**131. Hon TOM STEPHENS to Minister for Tourism:**

I refer the Minister to page 41 of the Western Australian Tourism Commission's annual report which states that administration expenses have risen in the WATC by in excess of \$362 000. To what does the Minister attribute this rise?

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

This clearly is the sort of question that should be placed on notice, and I ask the member to do so.

The PRESIDENT: Order! I notice that some honourable members are asking questions without numbering those questions. I do not know whether this is a trend that somebody has dreamt up, but it is important that the various parts of the question be identified by numbering them either (1), (2), (3), (4) or (a), (b), (c).

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