



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Tuesday, 19 August 1997

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

BILLS (6): ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Iron and Steel (Mid West) Agreement Bill.
2. Appropriation (Consolidated Fund) Bill (No 1).
3. Appropriation (Consolidated Fund) Bill (No 2).
4. Regional Development Commissions Amendment Bill.
5. Curriculum Council Bill.
6. State Trading Concerns Amendment Bill.

PETITION - EUTHANASIA

Hon Tom Stephens (Leader of the Opposition) presented the following petition bearing the signatures of 1 503 persons -

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

We the undersigned residents of Western Australia respectfully commend to the attention of the House that:

1. Every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;
2. Inquiries into the legislation of so-called "strictly regulated voluntary euthanasia" by the House of Lords Select Committee on Medical Ethics (1994), the New York State Task Force on Life and the Law (1994), the Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995) and the Australian Senate Legal and Constitutional Legislation Committee (1996) each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;
3. A referendum on euthanasia would, if successful, be a substantial step towards legalised euthanasia and therefore any bill for a referendum on euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

Your petitioners pray that the House will reject any Bill to legalise euthanasia including any Bills for a referendum for legalised euthanasia.

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

A similar petition was presented by Hon N.D. Griffiths (2 882 signatures).

[See papers Nos 669 and 670.]

PETITION - URANIUM INDUSTRY

Hon Giz Watson presented the following petition bearing the signatures of 201 persons -

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

We the undersigned residents of Western Australia are concerned about the proposed establishment of a uranium mining industry in Western Australia and its associated health impacts on members of this community.

Your petitioners therefore humbly pray that the Legislative Council will investigate and evaluate the acceptability of the uranium industry measured against the known health hazards for workers in the uranium

and associated industries, and on the residents of Western Australia, arising from the establishment of a large number of uranium mines in this state.

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

[See paper No 671.]

MOTION - URGENCY

Regional Western Australia

THE PRESIDENT (Hon George Cash): I have received the following letter from Hon Tom Stephens, dated 19 August 1997 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 11.00 am on Friday August 29th 1997 for the purpose of discussing the current State Government's neglect of regional Western Australia.

Yours sincerely,

Tom Stephens MLC

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

[At least four members rose in their places.]

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.50 pm]: I move -

That the House at its rising adjourn until 11.00 am on Friday, 29 August.

I move this motion in order to discuss some issues of import to the people of regional Western Australia. Parliament has just had a seven week winter recess. In that period many members have had the opportunity of re-immersing themselves into their electorates. We have had the freedom from this place to get back in contact with the people of Western Australia and to find out about the problems they have now.

Hon E.J. Charlton: That would be a new experience for you, Mr Stephens.

Hon TOM STEPHENS: It was a new experience indeed because regrettably this place had occupied far too much of my time.

Several members interjected.

The PRESIDENT: Order! Members, it is day one and almost item 1. Let us hear from just the Leader of the Opposition.

Hon TOM STEPHENS: This Government, with its agenda so far from the agendas of the people of Western Australia, had distracted me momentarily from keeping my eye on my electorate. I now find that the people of Western Australia are bleeding at the hands of this Government. We find evidence of government neglect from the top of the State to the bottom. Is it any wonder that on this day, the opening day of the State Parliament's spring sitting, the Opposition declares in the two Chambers of this Parliament that it wants to hold the Government accountable for its neglect of the people of rural and remote Western Australia?

The concerns of the community throughout regional Western Australia have gone unheeded by the Government. This is day one of a Labor Party strategy that is determined to hold this Government accountable to those people. The coalition in office has badly neglected those people and they are crying out for their issues to be back on the Government's agenda. That community is faced with a litany of issues that the Government has either ignored or neglected. Those non-metropolitan issues - the gold royalty, the regional power tariff, uniform tariff policies, the neglect of regional and rural schools, inadequate road maintenance and construction programs, reduced public sector jobs, inadequate access to health services, and the high level of regional unemployment - all add up to evidence of a Liberal-National Party coalition that has been neglecting and forgetting regional Western Australia.

The Liberals will not listen, and the Nationals will not insist on their coalition partners listening. The result is that people are demanding that their needs be addressed by this Parliament as we try to confront those problems and have those issues turned around.

Fifteen years ago, almost to the day, I had the opportunity of coming into this place and moving an urgency motion in almost identical terms to this one. That was at the tail end of the then Court-O'Connor coalition Government, when the Fraser Government was in office federally, and when there was a similar display of lack of interest on the part of the state and national Governments to the issues of Western Australia. Regrettably many issues being neglected by the Government now are the same as those that were neglected by the coalition when it was last in office 15 years ago. That is a great tragedy for all people in Western Australia. The only winners will eventually be those currently on the opposition benches.

In the meantime the people of regional Western Australia are suffering badly. Schools in the small community centres of my electorate are crying out for support programs and for remedial programs for children whose needs are not being addressed because teachers are inadequately supported. There has been no action on reports that have been put to the Government over the past four and a half years; for example, the Tomlinson report stays largely neglected and not acted upon, with yet another attempt to resurrect him as the chairman of something else. I hope that something is the implementation strategy for that report, but I see no evidence of a budgetary commitment to the implementation of his work or to the recommendations of the report being put in place.

Hon Mark Nevill: It must have been regressive.

Hon TOM STEPHENS: That report calls for action and resources; however, no adequate action or response is forthcoming to the challenge faced by regional and rural students. Throughout these schools we have many kids with remedial needs for a whole range of reasons. In one school I visited, 80 per cent of the school population is underachieving for its age groups. This is a mainstream school attended by both non-Aboriginal and Aboriginal kids. The 80 per cent figure is distressing by any measure, not least of which is the fact that it goes nowhere near reflecting the Aboriginal statistic for that community, which is doubly disadvantaged in a whole range of ways.

The Aboriginal children in this community are not getting the attention from this Government because, in part, as is so often the case, they are speakers of English as a second language. However, if they were Croatian born students, an allocation would be made to schools which have a significant number of children in that classification. Those schools are provided with additional support staff. For Aboriginal students who speak English as a second language, there is no commensurate consideration by this Government to allocating similar resources. These children and their classmates throughout much of regional Western Australia suffer because of the overstretched resources for the teachers of the school. The teachers in places such as Wyndham are still not supported adequately with the remote teaching service package.

The Leader of the Government in this House in his present and previous ministerial portfolios has consistently neglected the people in his electorate: The schools; the abandoned technical and further education centres; the tourism bureaus, neglected and ignored by this Minister, his department and the Tourism Commission. Resources for show pony events, with participants such as Elle Racing and the Global Dance Foundation, have been wasted and lost to the people of Western Australia. At the same time, the tourism bureaus, which provide an essential service to the people and economy of Western Australia, do not have adequate support from this Minister, the Government, the Tourism Commission and the funding authorities with responsibility for it.

The reason, in part, is that this Government has been part of a process of throwing money away, as we have seen evidenced on the pages of *The West Australian* day in and day out. We can add to the list major festivals, such as the Shinju Matsuri Festival of the Pearl scheduled for Wyndham this weekend, which is desperately seeking funding to support its programs that are critical to its success.

Hon Greg Smith: It is held in Broome.

Hon TOM STEPHENS: The Shinju festival is in Broome, but there is also a festival being held in Wyndham that needs government support for its programs. These are key events in portraying tourism opportunities in regional and remote Western Australia; yet no funds are forthcoming from this Government because limited amounts are available.

Hon Mark Nevill: The slogan is, "The best on earth in Perth; blow the rest."

Hon TOM STEPHENS: That seems, in part, to be the case. One of the difficulties with this Government is that when Ministers like Norman Moore visit -

The PRESIDENT: Order! Hon Norman Moore.

Hon TOM STEPHENS: When a community heard that Hon Norman Moore, the Leader of the Government in this House, was in town they sent the ambulance out to the airport because they thought there must be an emergency. That is because normally he never visits! In this Government's neglect of that community no Ministers have responded to the challenges with which that community is faced.

Communities are faced with transport difficulties that have arisen from the neglect of a National Party Minister, the Minister for Transport. We see not only his neglect of the roads but also his preoccupation with the building of trenches and tunnels in the metropolitan area and the funneling off of the resources of the people of this State into those activities. We see his neglect in not providing the roads that the people of rural and regional Western Australia deserve. Mr Charlton sits and giggles while people in the bush, regrettably, do not have the support that they deserve from a Minister for Transport.

Western Australian roads are collapsing. The Minister for Transport bleats and blames the centralists in Canberra. However, we know this Government is totally preoccupied with centralist tendencies and policies in Western Australia. It is, "Look after Perth" - to the limited extent that it does.

Hon E.J. Charlton: Don't you mean that I blame you?

Hon TOM STEPHENS: The Minister will somehow blame the Opposition and Canberra. He accepts that his funding decisions have seen hundreds of millions of dollars ploughed into tunnels and trenches in the metropolitan area while he has neglected the road needs of people in regional and rural Western Australia who deserve his attention. The people in the bush deserve the Minister's attention. They are not getting it. They are not getting the resources to which they are entitled. So many of these issues could be highlighted in just a day's work in an electorate, let alone the weeks of work I have been doing in my electorate. We have top to bottom problems because of the inaction of the Minister for Transport.

The coastal shipping service is desperately calling out for guarantees from the Minister to take it into the future beyond the current contract. Nothing has been offered or confirmed or is available so the coastal shipping service can be upgraded to its next phase to compete with the prospect of the Adelaide to Darwin railway line that the Minister's colleagues in the Territory and Canberra tell us is about to happen.

Hon E.J. Charlton: You were telling us that 20 years ago when you were in government.

Hon TOM STEPHENS: The Minister's colleagues are telling us that is about to happen. Regardless of whether it happens the Minister needs to get on and do his job as Minister for Transport so the private operator of that coastal shipping service can obtain guarantees of support into the future so that its vessel can be upgraded. That will guarantee the continuation of that service. The Minister has not done his job.

Hon E.J. Charlton: How many years do you want?

Hon TOM STEPHENS: The Minister can get to his feet later and tell us when he will do his job and finally convince the Cabinet to allocate resources to guarantee a result for the people of Western Australia.

I saluted the ComsWest communications contract that was signed by this Government in the early days of its coming to office in part because I understood that the Government would use that contract to deliver improved communications and reduce the costs of communications for local authorities and government departments in the bush. The contract will now not be renewed, and benefits have not flowed to those communities. The Government has failed to respond to what is needed to meet the communications costs of the people of rural and regional Western Australia. The communications costs that the Government was to tackle through the ComsWest contract have not been tackled in a way that will produce any result at all for the people of Western Australia.

If we focus on the front bench in this place we see the mining issues that the Minister for Mines consistently neglects. Electricity users in regional Western Australia are being faced with threats from the Deputy Leader of the Liberal Party in the other place, the Minister for Energy, that will see their costs accelerate to the point that either they will be driven out of business or they will have no prospect at all of being able to increase their business and investment opportunities and the jobs that flow from that to the people of Western Australia. Whether that is in the increased size of motels and tourist facilities in the north west or the expansion of bakeries or shopping centres, the Deputy Leader of the Liberal Party, the Energy Minister in the other place, is attacking the livelihoods of the people of rural and remote Western Australia. The Government is not doing anything about that; it is letting that Minister have his head to get on with the task of destroying the prospects for the people of regional Western Australia.

The Government has failed to tackle the conservation needs that are associated with, for instance, expanding tourism opportunities in the Kimberley region. Waterholes and roadsides have been polluted by increased pressure from tourists in that area.

Hon N.F. Moore: You said earlier there were not many tourists; now you are saying there are too many!

Hon TOM STEPHENS: Regrettably, the Government is not doing its job.

Hon N.F. Moore: If I am getting tourists up there I am doing my job. You cannot have it both ways.

Hon TOM STEPHENS: The Minister for Tourism and his colleague the Premier are not doing their jobs, because they are blowing funds.

Hon N.F. Moore: Say that outside this place very loudly.

Hon TOM STEPHENS: They are blowing funds on people like Elle Macpherson, John Harvey and Global Dance. Several members interjected.

The PRESIDENT: Order! We will listen to the Leader of the Opposition.

Hon TOM STEPHENS: A whole range of conservation issues need to be adequately protected by funds allocated to rural and regional areas of this State to ensure that our natural features are not destroyed.

I was attacked in Broome the other day because some bloke from the wheatbelt thought I was a National or a Liberal!

Hon E.J. Charlton: They have not seen you for so long they thought you had changed!

Hon TOM STEPHENS: He said to me, "Your Government is destroying the people of rural and regional Western Australia." I agreed with him that the Government was doing that, but it is not my Government!

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.06 pm]: The great tragedy of that speech is that Hon Tom Stephens believes it.

Hon Tom Stephens: Regrettably, it is true.

Hon N.F. MOORE: He first gave that speech four years ago.

I remind the Leader of the Opposition that his party has 19 Assembly seats in regional Western Australia; the coalition has 35. At the last election his party's representation decreased from 22 to 19 seats and the coalition's increased from 32 to 35. He should get the message from those figures that we are in fact doing something for the people of regional Western Australia that is appropriate and necessary.

The great problem is that Hon Tom Stephens rants and raves and makes all sorts of outrageous statements that are not backed up by the facts. I wish the member would say outside that I have blown some money so I could take the necessary action. I would like the member to say that and we would let the courts decide whether it is true.

Let us look at some of the matters raised by the member, who is now rushing off to see the media to try to convince them of what he is saying.

Hon Kim Chance: I think he received an urgent message.

Hon N.F. MOORE: I hope it was an urgent message to check his facts because what he is saying is not correct in many cases. He talked about abandoned TAFE colleges. I was the Minister who introduced a TAFE college to the Kimberley for the first time ever. There was nothing there when I became the Minister; it was appalling. I have told this House about that on many occasions. Hon Tom Stephens continues to ignore the existence of that TAFE college. The member ignores the massive improvements to Pundulmurra College in Port Hedland. It was an absolute shambles when I first became the Minister, now it is a worthwhile, meaningful place of learning for Aboriginal people. I wish Hon Tom Stephens would visit the college. I am proud of the achievements of this Government in respect of that college.

In the four years we have been in office \$35m has been spent on additions and upgrades in Western Australian country schools. New schools valued at \$12m have been built in regional Western Australia. That is a significant increase in the number of dollars that had been spent.

I also took great pleasure when I was Minister for Education to see \$10m allocated to distance education in Western Australia. I invite the member to visit the Distance Education Centre in Leederville. That is a magnificent facility for the remote students of Western Australia. The member probably has not been there. He probably does not know it exists. I suggest the member have a good hard look at that facility.

Within the financial constraints under which this Government has operated - we all know why that is the case - we have done a superb job in education. We made the dollars go further. We have provided tremendously increased benefits to students in regional Western Australia. That is an area of which the Government can be very proud. We should not listen to the rubbish from Hon Tom Stephens.

The member also talked about unemployment in regional Western Australia. Unemployment in Australia is too high, but we should compare Western Australia with the rest of Australia. The last figure released was 7.2 per cent, which is the lowest in Australia by about 1.5 per cent. What was not reported in the media in Western Australia - and this

irritates me beyond comprehension - was the massive drop in youth unemployment in Western Australia from 19 per cent to 12 per cent, which is half the national youth unemployment rate. Not one word of that was reported in the local media, where Hon Tom Stephens gets all his information; it mentions only the bad news, not the good things that are happening in this State.

The member also referred to tourism. He blames me for not attracting enough tourists and then says that we have too many tourists destroying the natural environment. He cannot have it both ways. This Government has increased the number of dollars allocated to regional tourism associations by 30 per cent. The money is being spent from the state level and the tourist bureaux are now receiving their funding from industry and local government, and that is how it should be.

The member also stated that there has been no tourism development in the north. He knows as well as I do that that is because people cannot get any freehold land as a result of native title legislation. That is the main problem in Broome. The member knows about that but chooses to ignore it.

The member also made mention of support for a number of regional festivals. To my knowledge no-one asked for any support.

Hon Ljiljanna Ravlich: They cannot trust you to do it properly.

Hon N.F. MOORE: The member should not be so silly. Groups have come to me on a number of occasions asking for support for a variety of events. The Avon Descent would not have taken place last year had I not bailed it out. The Government provided support for that event last year, the organisers got their act together this year and it went at 100 miles an hour. The organisers asked for support and received it. The York Jazz Festival and Wyndham Festival organisers have not asked for funding. If they ask, their request will be treated on its merits just as all others have been. Members can hardly blame the Government if people do not ask for help.

Hon Mark Nevill made a snide remark about the Best on Earth in Perth campaign. Does this mean he does not support the 12 magnificent events taking place in Western Australia this year? Next week we will have the world cycling championships - the pinnacle of indoor cycling world competition. We will also have the world triathlon championships, the world swimming championships, the Heineken golf tournament and the Hopman Cup. Is the member opposed to them? If he wants to make snide remarks he should simply say that he is opposed to those events so that everyone knows.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: A number of members want to raise other issues, including Hon Eric Charlton, who wants to talk about roads. He has more to say on that topic than any Minister in history and more for which to take credit, particularly in regional Western Australia. I have been in this place longer than most members and I know that roads are a significant achievement of this Government. I invite Mr Charlton to tell us all about them.

HON KIM CHANCE (Agricultural) [4.15 pm]: Listening to what the Leader of the House has had to say about the Government's achievements in rural Western Australia one would be inclined to think that it has done a good job. Many of the things that he has mentioned have been on the boil for a long time. Indeed, I suspect some are actually underfunded in real terms compared with 10 years ago. I do not blame the Leader of the House for saying that because he is right to try to focus attention on those areas in which the Government believes it has performed well.

The acid test is to do as the Leader of the Opposition has suggested; that is, to go out into the regions and ask the people there how they think services are being delivered in rural and regional Western Australia. That is precisely the process the Opposition is undertaking at this time and the answers are not very encouraging. We are seeing service after service abolished, under threat or so centralised as a result of rationalisation that they are no longer accessible to people in regional areas.

People might be impressed by the amount of money that has been allocated to regional health infrastructure, but that money has gone to Geraldton, Northam, Albany and so on. It has tended to go to the regional centres, which are just as inaccessible to Western Australians living at Fitzroy Crossing or Southern Cross. Indeed, the changes to the patient assisted travel scheme have made those services even less accessible. The attitude of the Government or the Health Minister of the day to PATS was a mirror of this Government's attitude to rural and remote Western Australians.

I will read a couple of comments from my colleague the member for Burrup. He referred to the refusal of PATS assistance to fly two Pilbara children to Perth for urgent dental treatment. In each case, the outcome could have been disastrous. The parents of the girl were told that the treatment required by their daughter was not included in the

PATS approved list and neither was the oral surgeon to whom she had been referred. She was therefore refused assistance. The boy was also refused assistance because the oral surgeon was not on the PATS approved list and, unbelievably, because the treatment was to be performed in a private, not a public, institution.

Let us get things very clear about PATS: PATS is not a welfare measure and it was never designed to be such. It was designed to allow people living in remote areas some access to the medical specialists that logically and sensibly exist in the major population centres - that is the only place we can afford to sustain the very high incomes they require. That is bad in itself, but ultimately we must accept it. However, at the very least, we should be able to provide reasonable access to those specialists.

To cut that scheme was bad enough, but it was stated that it was being cut because it was being rorted. Not one shred of evidence was presented to support that claim. In fact, the only evidence presented was that visits coincided with Eagles' matches.

Hon Bob Thomas interjected.

The PRESIDENT: I call Hon Bob Thomas to order.

Hon KIM CHANCE: Is it not odd that every rorter of the scheme is an Eagles fan? That confirms a lot of what I think about the Eagles. It is absolutely ridiculous that on the basis of evidence as shallow and silly as that we would take the knife to something so important to so many people.

A Gnowangerup constituent known to both Hon Bob Thomas and me had his PATS funding to travel from Albany cut from \$54 to \$9. I met a paraplegic who lives in York and who now receives no PATS assistance simply because York is within 100 kilometres of Perth, by one or two kilometres.

Medical services in country areas are generally in pitiful condition; there is no other way to describe it. Town after town no longer has an obstetrics or theatre service. Recently I was in Fitzroy Crossing. That town does not have a doctor, and for the past six or seven years no babies have been born at Fitzroy Crossing Hospital because all the pregnant women have had to give birth in Derby. Pregnant women who live in Merredin must choose between having their baby delivered in Kalgoorlie, Northam or Perth because Merredin, which was once the hub of a huge region serving a large population, no longer has the capacity to provide that service. I do not necessarily lay the blame squarely on the State Government -

Hon N.F. Moore: You will talk to the doctors about the reason for that, will you not?

Hon KIM CHANCE: I will put that in balance, but little has been done to rectify this situation. Some good work has been done by the Western Australian Centre for Rural and Remote Medicine and the Country Medical Foundation, but this State is not receiving the support it needs from Federal and State Governments and private sector doctors to enable those services to be delivered.

In the education area, the Government has proposed the lunacy of local area planning, which will take the principal out of each country primary school and make the principal of a primary school in a large town also the principal of other schools in the local area, some of which may be 70 kilometres away. Ultimately the parents and citizens associations of the three or four schools that come under the local area plan will be amalgamated, the large school in the centre will receive increased funding because of the closure of the other schools, and we will have centralisation by default.

When the Leader of the House was Minister for Education he made what I thought was the courageous and very democratic decision - perhaps under the pressure of a by-election - that schools would not be shut if the parents did not agree. Where is that commitment from the current Minister for Education? The current Minister for Education has said that he will not allow parents to veto school closures. The same situation applies to local area planning, because the Minister will not allow small schools that will lose their principal to reject that plan. Local area planning is authoritarian, and members will hear a lot more about that issue from country centres.

The Government is taking country people for granted.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.23 pm]: I can understand why the Leader of the Opposition identified the need to improve the level of funding and services for the people of regional Western Australia. I agree that the needs of the people of regional Western Australia are enormous and have been neglected from time immemorial by this State and nation. People in regional areas have paid enormous amounts of money to Canberra in the form of pay as you earn, sales, fuel and company taxes but have received a minimal amount of funding in return. No-one has suffered more than regional Western Australia at the hands of successive Federal Governments.

Hon Tom Stephens had the gall to claim in this place that this Government has neglected regional Western Australia by reducing funding and services. I had hoped that the member would use his seven weeks' rest and recreation to visit his electorate, which he has neglected for the past eight years, with the exception of the short time that he was a Minister and flew around. If he did that perhaps he would understand a few things.

The road situation -

Hon John Halden: What about the road situation?

The PRESIDENT: Order! If the Minister spoke through the Chair there would be fewer interjections.

Hon E.J. CHARLTON: Previously \$350m was allocated for roads in Western Australia, of which local government received two-thirds. I understand that is the only local government organisation in Australia and the western world that receives that share of road funding. We have now allocated \$550m for roads, which is almost double the previous allocation. Two-thirds of \$550m is obviously a lot more than two-thirds of \$350m.

Several members interjected.

Hon E.J. CHARLTON: Obviously members opposite do not like to hear that. I heard only applause for that increased funding when I attended the local government conference. They want that funding to be doubled. I agree totally. Rather than making false accusations about the withdrawal of funding, members opposite would have greater credibility if they argued that regional Western Australia should receive increased funding. We on this side of the House agree that regional Western Australia deserves increased funding, and that is the line that I took long before we came into government.

We need to get the facts straight. Since we have come into government, we have allowed larger combination road transport vehicles to operate throughout the State. That has reduced freight rates dramatically, to the point where the cost of carting livestock today is no more than it was 30 years ago. That did not happen by chance. We have also allocated funding for the first time for the improvement of regional airports in Western Australia. The runways at Wiluna, Fitzroy Crossing and Halls Creek Airports have been sealed, and those communities, which were isolated in times of flood almost every year, can now for the first time in history fly people and goods in and out. Last summer, which was probably the wettest on record, not one complaint was made about goods and services not being able to get into those towns. The Opposition did not mention that, let alone show any gratitude. The local communities are absolutely ecstatic about those improvements. An amount of \$5m has been allocated in this Budget for further improvements over the next few years to airports in regional Western Australia.

We have reduced Westrail freight rates by about 25 per cent. Westrail has made its first profit in 117 years, not by increasing charges but by reducing charges by 25 per cent.

Hon John Halden: You did it by doctoring the books. You took out the superannuation and redundancy payments.

Hon E.J. CHARLTON: Hon John Halden should say that outside. That is what this place is used for. The increase in Westrail's debt is the consequence of another leftover of the former Labor Government. The only good thing that it did in the Transport portfolio was build the northern suburbs railway, but it did not tell the people that future generations would have to pay for it. The member should not talk such claptrap about the debt situation!

As to the air services provided in regional Western Australia, we have encouraged Qantas to provide additional services to Kalgoorlie and Adelaide, as well as other services.

The Leader of the Opposition wants the Government to give a long term commitment to the shipping service. We have already increased the terms of the contract for the shipping operator in the north west. I do not know what else the member wants us to do. However, I would like him to demonstrate his support for the service. He should encourage people in his electorate to use the service so that a second ship can be brought in. We would not like to see a repeat of the Stateships situation with two ships running up the coast with a 30 per cent load. One could go on and on about these issues. The urgency motion demonstrates that the Leader of the Opposition likes to play politics when he should stick to the facts.

[Resolved, that debate be continued.]

HON BOB THOMAS (South West) [4.31 pm]: I thank the Leader of the Opposition for bringing this issue to the notice of this House.

Hon N.F. Moore: We thank him too! It is a Dorothy Dixer!

Hon BOB THOMAS: We have heard nothing from the other side to indicate that the Government understands what is happening in regional areas. I spend as much time as I can in my electorate. I spend very little time in Parliament

House when Parliament is not sitting. I have very good networks in my electorate. People in the regional centres are speaking in the most disparaging terms about the Government because they believe the Government has breached their faith. The Government is not listening and does not understand what is happening in my electorate. People believe that many government policies and decisions are inimical to the best interests of regional Western Australia.

I am disappointed to hear members opposite say that they believe the Government's policies are working in the best interests of country Western Australia, when they are not. Across my electorate, people tell me those policies and decisions are not working. In some respects, this augurs well for the Australian Labor Party because people are beginning to ask us about our policies on various issues because they consider that the Government is not acting in their interests. If the Government does not start listening to regional Western Australia it will not retain its present position at the next election.

I wish to address a couple of issues. Firstly, most regional Western Australians are very disappointed with the economic rationalist approach taken by the Government. People are aware that the Government considers the financial bottom line to be the be all and end all of decision making. People know that the Government takes into account the dollars per service delivered in every situation, whether for health, education or any other arm of government. People know that country Western Australians are at a disadvantage. For example, the schools rationalisation policy was developed by the Government when it came to power, and that policy was worked out on a financial basis per student as a means of determining -

Hon N.F. Moore: That was one criterion.

Hon BOB THOMAS: It was one of the most important criteria for determining whether schools would be identified for rationalisation. Basically, the Government worked out how much it would cost per student to deliver education at schools. It then considered which schools cost more, in order to develop a program of rationalisation. Other factors were involved but the Government identified many small schools in country areas because the small school populations did not have the economies of scale of larger schools in the metropolitan area. Naturally it costs more to deliver education in towns such as Rocky Gully and Quinlup. Those school communities were very disturbed that they were identified for rationalisation because it meant that many children would be travelling for one and a half hours each way each day to school. They felt it would be unfair, especially for very young children.

Hon N.F. Moore: They were given a choice about accepting it.

Hon BOB THOMAS: They were given a choice after the Glendalough by-election -

Several members interjected.

The PRESIDENT: Order! We do not need any interjections.

Hon BOB THOMAS: The Leader of the House has identified the very important issue of choice. It was not until the Glendalough by-election that the choice was accepted as policy. Before that, an arbitrary decision was made by the Government.

Hon N.F. Moore: The rationalisation process was not finalised until after the Glendalough by-election. Choice was part of the final decision.

Hon BOB THOMAS: Pressure was brought to bear by the public -

Hon N.F. Moore: The member should read Hon John Halden's report. The only difference between rationalisation and school renewal was that people had a choice.

Hon BOB THOMAS: Country people are aware that the Government makes decisions based on the cost of delivering a service. It does not take into account the special needs of country areas. It costs more to deliver services to smaller country communities, and the Government is not prepared to accept its responsibility to maintain those services. Country people recognise that they create the export wealth of this State, and they want to have healthy communities in the areas where the wealth is created. Every time the Government makes a decision which cuts services it reduces the ability of the communities to remain healthy and their ability to continue to produce that wealth is diminished.

When I worked at the Commonwealth Employment Service, prospective applicants for jobs in country areas always asked what the schools and hospitals were like, and whether there were any day care centres and other facilities. Many small country towns which do not have adequate hospitals or schools or employment and child care opportunities do not attract people from the metropolitan area. The Government is reducing everything to the bottom line and cutting back services in country towns.

I turn now to the patient assisted travel scheme, an issue raised by Hon Kim Chance. One of the most disgraceful decisions ever made by any Government was that to reduce the benefits to people under the PAT scheme. By way of interjection, the Minister indicated that he does not understand which changes were made. The decision to cut the PATS benefits was made by Mr Kierath, a member of the Liberal Party, a Liberal Minister! His cuts have hurt thousands of families in Western Australia. The Minister should return to basics -

Hon N.F. Moore: When in government you made changes which did not make everyone very happy!

Hon BOB THOMAS: We changed the IPTA scheme to the PAT scheme; we improved the scheme.

Several members interjected.

The PRESIDENT: Order!

Hon BOB THOMAS: A case study would be Albany, which is a major regional centre of great importance. It is a major port, and the Government has a major presence in the town. Until the coalition came to power, there was a Westrail depot at Albany, but it was closed in 1994 by the Minister for Transport against all the advice from the experts. The Westrail depot employed locomotive drivers, as well as mechanical staff at the workshops. The workshops and other facilities were closed. The previous Labor Government spent \$2m to \$3m to improve the Westrail facilities at Albany to make it more efficient and to reduce the time taken to service the trains. We modernised the facility, yet this Government came along and closed it. People now come from Northam to fix our locomotives, and our rolling stock is dragged up to Northam for repair. Albany has a major port and the rail network is a major intermediary for industry, but the service will not run efficiently because the Government, as a result of its economic rationalist agenda, has closed down the Westrail depot.

Also, 35 jobs were lost to Albany by that closure, and the southern regional health authority was closed with the loss of another 14 jobs. About 70 jobs were lost, according to the *Albany Advertiser*, out of Western Power during the last five years, and 20 or 30 jobs were lost at the former Water Authority. Also, we have lost jobs from Main Roads and a host of other government agencies. In fact, I estimate that about 150 government jobs have been lost to our town.

Members should walk down York Street and talk to the small businessmen, who will explain that a small business recession is occurring in Albany. This is due to a number of factors: Federal policies are causing uncertainty among people, and the loss of jobs and the application of workplace agreements have caused people not to spend. Also, we have lost the spending power of 150 people from the local economy, which is hurting Albany.

HON MURIEL PATTERSON (South West) [4.43 pm]: I thank the Leader of the Opposition for voicing his concern and, as a country member in the southern region, perhaps I can put his mind at rest.

Hon Tom Stephens: I doubt it!

Hon MURIEL PATTERSON: I am excited about our region's potential and the opportunities which have been encouraged by this State Government, as its programs will further diversify our economic base. I will outline key initiatives of our Budget in 1997-98 for the southern region. First, \$2.3m was allocated for an infill sewerage program at Albany; this may not be the most glamorous program, but it has the greatest environmental impact of any program ever implemented by a Government. This program is continuing throughout the State.

An allocation of \$1.6m was made for improvements to Albany Highway between Kojonup and Albany, and \$612 000 was allocated to upgrade the South West Highway between Denmark and Walpole - a life saving project.

Hon Ljiljanna Ravlich: Why?

Hon MURIEL PATTERSON: Has the member ever driven on country roads?

Hon Ljiljanna Ravlich: Yes, often.

Hon MURIEL PATTERSON: The greatest number of accidents are on country roads.

Hon Ljiljanna Ravlich: If it is a life saver, maybe fix all the roads.

Several members interjected.

Hon MURIEL PATTERSON: It is a great credit to the Minister.

The PRESIDENT: Order!

Hon MURIEL PATTERSON: A new Agriculture Western Australia office is to be located at Katanning at a cost of \$1.5m; the Albany Regional Residential Museum has an allocation of \$194 000; \$145 000 is allocated for a new

facility at the country southern residential college at Katanning - which is of great benefit for our country youth - and \$141 000 is allocated for the provision of residential land at Narrikup enabling people to make their homes in the country. We have a new school at Little Grove, and to my knowledge - I may stand corrected - Western Australia is the only State in Australia currently building new schools.

Hon Bob Thomas: Fewer than when we were in government.

Hon MURIEL PATTERSON: We have a new airport at Busselton, and we have now made further progress on the Albany hospital.

Hon Tom Stephens: Now we know where all the money has gone!

Hon MURIEL PATTERSON: We have a very large new project with the new abattoir at Narrikup.

Hon Tom Stephens: When will you do it in the north west?

Hon MURIEL PATTERSON: The new project with the Narrikup abattoir will give us hundreds of jobs. In addition, specific tourist allocations for the great southern amount to \$138 000, and funding has been allocated to education and training, community services, health, housing, and land infrastructure, planning and environment culture.

Grants on behalf of the Minister for Sport and Recreation, the Leader of this House, were made to the Narrikup Tennis Club, the North Road sporting complex, the Frankland District Country Club (Inc), the Denmark clay target club, the Albany BMX club, the Denmark Bowling Club, the King River pony club and Scotsdale Tennis Club. This is not the entire program, as these are only some of the programs I have been able to recall since the urgency motion arose.

The PRESIDENT: Order! I remind Hon Greg Smith that he must call out if he wants the call.

HON GREG SMITH (Mining and Pastoral) [4.45 pm]: I, like Hon Tom Stephens -

Hon Tom Stephens: You like me; I like you too!

Hon GREG SMITH: - travelled around my electorate so I must have been just behind the member, or in front of him, in the region.

Hon Tom Stephens: Just behind me, I am afraid.

Hon GREG SMITH: It is good if I was behind the member because the people to whom I spoke did not seem to have any problem with the Liberal Party's or the coalition's performance.

Hon Tom Stephens: That's not true.

The PRESIDENT: Order! I have just spoken to the Leader of the Opposition: He was heard in relative silence so he should afford the same courtesy to Hon Greg Smith.

Hon GREG SMITH: The people to whom I spoke were quite happy. Let us look at what happened at the last election. The Labor Party nearly lost Burrup, and it lost Ningaloo. Therefore, it is obvious that people are happy with the coalition. What happened in the Pilbara in the 10 years of a Labor Government? It stagnated, nothing happened and the population declined. What happened to the Ord River irrigation scheme? Nothing. Since coming to government we have deregulated the gas supply and the hot briquette iron plant is being established.

Hon Kim Chance: It is private money.

Hon GREG SMITH: Yes, but we made it possible for that to happen.

Hon Kim Chance: The Narrikup abattoir is private money.

Hon GREG SMITH: People in the Mining and Pastoral Region spoke to me only about native title.

Hon Tom Stephens: Nonsense! They spoke about planning decisions.

Hon GREG SMITH: Who is responsible for native title? Members opposite are putting their heads down as they do not want to know about it. What about the fringe benefits tax? Nobody was left in the Mining and Pastoral Region by the time the coalition came to power because the FBT had moved everybody out of mining towns.

Hon Mark Nevill: Whom do you represent?

Hon GREG SMITH: I represent the Mining and Pastoral Region. We must try to get people to move back into those areas, and the only way to do that is to encourage industrial development, as has happened in the last five years. We

cannot fix overnight what took 10 years to wreck. The population of the Port Hedland area is growing, although people cannot invest in the area to make it their permanent home because of the native title issue. We would love to go ahead with the Ord River system, but we cannot do so because of native title. I even spoke to an Aboriginal group which did not want to advertise that it wanted some land; otherwise, native title claims would have been made on that land.

We have rebuilt a few police stations and upgraded hospitals which were falling to bits when we came to power. The Port Hedland Regional Hospital was a disgrace.

Hon N.F. Moore: And Broome.

Hon GREG SMITH: Two schools at Port Hedland were starting to crumble, so we must build a new school for that community.

Hon Ljiljanna Ravlich: Just sell some assets.

Hon GREG SMITH: The Labor Party is a specialist at raising money by selling assets. The people who elected us to government know and respect the fact that we will make money for the State, and then spend it. We will not spend money, then try to borrow or beg for it. The people who supported the coalition at the ballot box know that they must suffer a little while we get the State's finances going again. They supported us at the 1996 election, so they appreciate the situation.

Several members interjected.

Hon GREG SMITH: The people Hon Tom Stephens spoke to will want more and more government handouts; they will want to do less, yet be paid more.

Hon Ljiljanna Ravlich: They want jobs and cannot get them.

Hon GREG SMITH: We must make the economy and climate right to create jobs, and not government job, but real jobs. The Government is doing what it can to make regional Australia better.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4. 50 pm]: The way in which government members, including Ministers, have responded to this motion is regrettable.

Hon Max Evans: You were not here.

Hon TOM STEPHENS: I was listening. The media are interested because they know that if these issues are not of concern to the Government they are certainly of concern to the people of regional and remote Western Australia. I tripped over one or two government members as they visited parts of Western Australia during the parliamentary recess. Regrettably most of them were backbench members. However, those members were speaking to some of the people I spoke to. Their concerns have not been accurately relayed to this House by members opposite. People in regional and remote Western Australia took the opportunity to try to impress on members opposite, as they met with various councils and communities, the services they required. It is of enormous concern to me if their voices have been wasted on Hon Greg Smith and his colleagues as they trekked through the bush. These people have real concerns and neglect is something they will not tolerate. They have been hoodwinked in one area, of which we have already spoken, and this Government's hoodwinking approach to regional Western Australia is becoming endemic. That is what it did on the gold tax issue and it has now moved to the electricity tariff policy of this State by neglecting to protect people from increasing energy costs.

Hon N.F. Moore: Will you tell them about the fuel excise which your Government increased?

Hon TOM STEPHENS: The people of this State know that this Government is neglecting regional Western Australia.

Hon N.F. Moore: Tell them about the fuel excise - the 30 per cent increase your Government agreed to.

Hon TOM STEPHENS: Mr President, I was told to stop interjecting and surely the Leader of the House should be told to stop interjecting. If he is not told by you, Mr President, I will tell him.

The PRESIDENT: I will tell the Leader of the House to cease his interjecting and I do that as often as I ask the Leader of the Opposition to cease his interjecting.

Hon TOM STEPHENS: This Government is not sorry for neglecting the people of this State since it has been in office. If this debate is any indication of what we can expect from this Government it will simply be more arrogance, waste and indifference. It is totally out of touch with the people of Western Australia and does not come up with the appropriate responses that the people of Western Australia expect from Government.

The Opposition was hoping that the people of remote Western Australia would have their concerns attended to by this Government. They have a need for health services - psychiatric, psychology and health care services for which people all over the State have been asking, but are not getting. The Royal Flying Doctor Service is confronted with tragedies on a regular basis. On the front page of the regional press there are stories of tragedy after tragedy.

Hon N.F. Moore: Tragedy after tragedy?

Hon TOM STEPHENS: I do not know what the Leader of the House is doing about the failure of the patient assisted travel scheme to meet the needs of rural people and where that intersects with the Royal Flying Doctor Service and its failure to get the financial support it needs from the Government to be able to deliver its services. I refer also to the rights of people to return to their communities and their families to die. If members read the regional press they would know about that. It comes down to the failure of this Government to adequately respond to the needs of rural and remote Western Australia.

Motion lapsed.

SELECT COMMITTEE TO CONSIDER THE RELEASE OF DOCUMENTS FROM THE SELECT COMMITTEE ON THE WESTERN AUSTRALIA POLICE SERVICE

Report - Extension of Time

Hon Nick Griffiths reported that he had been directed to present a report of the Select Committee to Consider the Release of Documents from the Select Committee on the Western Australia Police Service to the Anti-Corruption Commission seeking an extension of time in which to report from Wednesday, 20 August 1997 to Thursday, 18 September 1997, and on his motion it was resolved -

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

[See paper No 673.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the following resolution -

That Mr Bloffwitch be discharged from the Joint Standing Committee on Delegated Legislation and Mr MacLean be appointed in his place.

Twenty-first Report - Control of Election Signs

Hon Nick Griffiths reported that he had been directed to present the twenty-first report of the Joint Standing Committee on Delegated Legislation on control of election signs, and on his motion it was resolved -

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

[See paper No 675.]

Twenty-second Report - Disallowance Procedures

Hon Nick Griffiths reported that he had been directed to present the twenty-second report of the Joint Standing Committee on Delegated Legislation on disallowance procedures, and on his motion it was resolved -

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

[See paper No 674.]

TURF CLUB LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 10 April.

HON J.A. COWDELL (South West) [4.57 pm]: The Australian Labor Party is generally supportive of the Turf Club Legislation Amendment Bill, but will seek assurances on particular aspects of this Bill. We acknowledge that there are problems and these were identified by the Minister in his second reading speech.

The Minister stated that section 26 of the Western Australian Turf Club Act places a borrowing limit on the WATC of \$20 000 and the WATC has loans in excess of the \$20 000 limit and that limit is preventing the club's bank from registering a mortgage over the club's assets. The Bill removes the \$20 000 borrowing limit and introduces

borrowing powers to ensure that the specific borrowing facilities the WATC will use in the future are catered for appropriately. The Opposition agrees with the Government that there is a need to address this aspect of the 1892 Act.

The Minister further stated that the Bill before the House will also ratify all previous loans in excess of \$20 000 and the execution of mortgages over WATC property to secure these loans. The Opposition has no objection to the Bill in its intent in that regard.

The Minister further stated that under the current provisions of the Western Australian Turf Club (Property) Act the WATC may acquire only land. The club does not have the power to sell land. Presently the club holds crown grant in trust land at the Ascot Racecourse as well as other freehold property. The Bill amends the Western Australian Turf Club (Property) Act to allow the committee of the WATC to dispose of real and personal property. The Opposition agrees with the Bill in so far as it provides for the disposal of land as well as the acquisition of lands, which it does currently.

The Minister stated -

The Bill will also empower the Governor, on the recommendation of the Minister administering the Land Act, to consent to the disposal of WATC trust land subject to conditions . . .

We will seek from the Minister some further clarification of the provisions that enact that change.

[Questions without notice taken.]

Hon J.A. COWDELL: I will now comment on the nature of the Bill. This Bill seems to be in the category of private legislation for a private operation. The 1892 Act is specifically titled a private Act and was presumably introduced by way of petition. I presume the Turf Club is not a government instrumentality; it is certainly not a statutory authority. I thought this would be the classic sort of Bill that would not necessarily be a government Bill, but would be introduced into the House by way of petition. I would be interested in the Minister's comment as to whether the Government considers this specie of Bill - a private Bill - exists or no longer exists, considering how previous private Bills came to the House. Recently Hon Norman Moore introduced the Hale School Bill, a similar category of Bill, that was essentially for a private purpose - a private institution - yet it came in officially as a government Bill. I seek clarification on that.

I must comment also on the timing of this legislation. It could justifiably have been expedited some time ago. In December 1995 I raised in this Chamber concerns about aspects of administration of the principal Act. I will quote the series of questions I asked and then mention the clarification I received on same. I asked on that occasion -

Is the Minister aware of a breach of section 26 of the Western Australian Turf Club Act?

Has the Chairman of the WA Turf Club, a Mr Wilson Tuckey, borrowed on behalf of the club in the vicinity of \$2.5m when the Act prohibits borrowings in excess of \$20 000?

Hon Barry House: New chairman.

Hon J.A. COWDELL: Indeed - new chairman, same Act. To continue -

Has the Minister sanctioned that breach of the Act?

If not, what action does the Minister propose to take to enforce section 26 of the Act?

What negotiations, if any, has the Minister been involved in with the National Australia Bank to secure a \$2.5m loan for the Western Australian Turf Club?

What undertakings, if any, has the Minister given to either the WATC or the National Australia Bank to secure a loan for the WATC in breach of the Act?

Is the Western Australian Turf Club legally liable to repay its loan of \$2.5m to the National Australia Bank when the bank knowingly entered into a loan arrangement that breached the Western Australian Turf Club Act?

Has the Minister rendered the Government liable in any way for the debt incurred by the WATC by the sanctioning or support of that loan?

Does the Minister's support for the illegal WATC loan prevent a proposed redistribution of funds between country and city racing as a result of the new level of indebtedness of Ascot Racecourse?

Has the Minister given any assurances to the National Australia Bank or the Western Australian Turf Club that he will further amend the WATC Act in relation to the purpose of borrowings so they can be applied to any purpose the club sees fit rather than for the specified purposes currently outlined in the Act?

Has the WATC further breached section 26 of its Act with respect to the application of loan funds?

If yes, was this done with the Minister's approval or support?

I was subsequently informed that although clauses have been breached over many years, no sanction was attached to those breaches. Although it was ultra vires, there was no illegality connected with the action.

I raise this matter at this time in the wake of the post-Commission on Government report. When the current Administration came to power it emphasised very heavily the new probity in government; that it was a new order particularly with respect to accountability and so on. In that case I would have expected the current Administration to bring this amending Bill to the Parliament earlier and had it passed, so that the Turf Club would not have to continue its business ultra vires the Act. That was a matter of concern not only to members of the club, but also to its banker, the National Australia Bank. I raise this second point of concern about this Government's commitment to accountability and proper procedures, particularly in the light of the royal commission's report and the report of the Commission on Government, and given that this legislation could have been introduced some years ago to regularise the situation.

I conclude by looking at certain aspects and the scope of this amending legislation. It appears to allow the complete abolition of any limits on borrowing for the Turf Club. As I said previously, the \$20 000 limit was obviously outdated and needed to go. The power to dispose of land is necessary and the inclusion of that provision in the Bill is very reasonable. The power to alienate the chief asset of the Turf Club - that is, Ascot Racecourse - may be another matter. We are looking at the possibility of the power to get rid of not only the family silverware, but also the house, no longer on the basis of the approval of Parliament, but on the Minister's nod.

With the removal of the limitation on borrowing, the Turf Club still has an ability to dispose of land which would allow it to sell its freehold Belmont Racecourse and the facilities there if it chose to do so. It still has the ability, as it did under the original Act, to commit its revenue flow and sources of revenue and attach some lien to those. It has a regular source of revenue from the Totalisator Agency Board. I do not know that we need to allow the easy disposal of Ascot Racecourse if the Turf Club were to get into difficulties. The Minister should satisfy us as to the need for clause 8 - that is the new section 28(2) or part thereof; 28 (3) and 28(4) - or for clause 16(2), new subsection(2a), and part thereof, and new subsection(2b).

The Australian Labor Party is generally supportive of this legislation, but questions the nature of the Bill and the format in which it has come before us as piece of government legislation. I also raise the timing of the legislation and question why it was not brought in earlier so that the Turf Club's bank would not have contravened the Act recently in terms of a fairly substantial loan, in excess of \$2m. While agreeing to the easing of limitations on borrowing, I raise the concern that it may not need to be eased to the degree of allowing the disposal of Ascot Racecourse, which is a crown lease, on certain conditions on the nod of the Minister, rather than by bringing that matter to Parliament which has been the traditional way of dealing with these things. With those few comments, I indicate that the Australian Labor Party will support the second reading of this Bill.

HON NORM KELLY (East Metropolitan) [5.46 pm]: I express the qualified support of the Australian Democrats for this Bill. As Hon John Cowdell has mentioned, it corrects the longstanding anomaly whereby the Western Australian Turf Club has borrowed moneys far in excess of the \$20 000 limit imposed on it by its Act. The 1996 annual report shows an amount of over \$3m currently owed by the Turf Club, which primarily has been for the redevelopment of Ascot Racecourse over the past few years.

When we consider the Bill, which is inherently a private Bill, we must look at the wider implications and impact of the Western Australian Turf Club on the community generally, given that it controls racing in this State. The 1996 annual report also shows that the Turf Club in that financial year received over \$3m in government grants by way of the racecourse development fund and by a Totalisator Agency Board grant. A good deal of taxpayers' money goes into the Turf Club. This money is being well spent and the Turf Club is doing a good job in running the racing industry in Western Australia, but at the same time it is important that, as a Parliament, we vet the work it is doing before allocating those moneys.

This Bill proposes to take away the current restriction - that is, the \$20 000 limit - to enable the Turf Club to borrow an unlimited amount. That does not raise any problems if the assets being risked belong to the Turf Club. It holds freehold title over the Belmont Racecourse - which I believe is worth \$50m - which represents considerable collateral to raise moneys for further developments or expanding its interests.

The Turf Club holds in trust crown land for the Ascot Racecourse that was granted in 1887. I have concern where public land is vested in the Turf Club. If this Bill is not amended the Turf Club could in future sell that land for its own benefit and without any necessary benefit to the Western Australian people.

Hon Max Evans: Come on, get the facts right.

Hon NORM KELLY: That sort of divestment of land should go through the Parliament. Clause 12 of this Bill calls for this House to validate the past actions of chairmen of the Turf Club. That will validate previous loans that were taken out for racecourse developments. As I mentioned, about \$3m is outstanding on those loans. It is important that the Parliament is well aware of the extent of any liabilities. I would like the Minister to correct me if that figure is wrong, so we are aware of what we are approving.

Hon Murray Montgomery: Are you aware when the \$20 000 limit was imposed?

Hon NORM KELLY: I believe it was many years ago.

Hon Murray Montgomery: It was approved by successive Governments.

Hon NORM KELLY: I have no problems with their borrowings. I am happy for this limit to be taken away so the Turf Club can operate a business in that sense. However, when a clause in a Bill provides that the Parliament validate certain actions it is important that the Parliament understands what those actions were and what liabilities now exist.

The freehold property that comprises Belmont Racecourse is substantial. I envisage that would be sufficient collateral for the Turf Club to raise whatever moneys it requires for future developments.

Hon Max Evans: Slightly.

Hon NORM KELLY: In that sense I do not believe we need to extend the crown land grant of Ascot Racecourse and to allow the Turf Club access to that as well. The successful running of the Turf Club does not require that.

Roughly those are my concerns with this Bill. The Bill is long overdue. One minor aspect which I recommend to the Government for these very old Acts - this Act was passed in 1892 - is in future to take the opportunity to update the Acts into plain English so they are easier to read. It would be beneficial for Acts that were written in the last century to be updated to an easier style of legislation.

Overall the Democrats support this Bill. I propose to move a minor amendment during Committee.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [5.54 pm]: I am surprised at such a long speech on such a simple subject. I did not think the wording of the original 1892 Act was that bad. The English that was used in those days was simpler than that which we use now. In the past 20 or 30 years our school teachers have told us that the more words we write the better our mark. Things were fairly simple in 1892.

The word "dispose" is one of the keys to the Bill. I wonder why we had legislation "to acquire" land and not "to dispose" of it. I can only suppose that in 1887 all the racetracks were swamp land. For example, Pinjarra race meetings can be held only during certain months of the year because the water rises, and we cannot race at Ascot in the winter time. The words "to dispose" of land must be included, because the Turf Club has acquired plenty of land over the years. I know the Turf Club has sold land over the years and I am not certain whether it ignored the original legislation.

I can confirm that the land has not and cannot be used as security for the loans. The Democrats' proposed amendment refers to the consent of the Governor on the recommendation of the Minister to allow sale of the trust or mortgage to be held over the trust land. That is most unlikely to occur and has not been the case up to now. I do not believe that the National Australia Bank would have even considered lending money on the security of the Ascot land which is a crown grant in trust.

In 1970 the Racing Restriction Act gave the Turf Club control over all thoroughbred racing in this State. This was later amended to include quarter-bred horses.

I did not consider a private member's Bill. The legislation has been around for some time. The issue was put forward by the bank. I am surprised that Hon John Cowdell did not refer to the fact that when we came into government the WA Turf Club had an overdraft of \$3m. I would have to go back to decisions made by Hon Pam Beggs and Hon Graham Edwards to see why that was allowed. Since I became the Minister the Turf Club turned that around to \$1.5m in the bank!

Hon J.A. Cowdell: Then it went back up again.

Hon MAX EVANS: I know. The Turf Club had a number of loans. I do not know whether the bank overlooked this initially, and then someone saw this problem in the next lot of borrowings. It was not a problem as there was plenty of security, but it had to be rectified. Revenue from the Totalisator Agency Board has increased by \$8m or \$9m in the past three or four years, which has made the business of running races a lot easier, although the Turf Club has this debt to service.

The bank has to rectify the problem, and it must be done retrospectively. Fifty thousand pounds in 1904 would be worth \$2.5m today; it is roughly a factor of 50. That is how money has changed. I presume that borrowings in those days would have been a straight out overdraft without any security even on crown land. I do not think the Belmont land was purchased until the 1970s.

Hon John Cowdell asked about the priority given to this legislation. It has been around for a while. It was legislation that slipped through the net last year. They got the money; the bank was happy. However, we needed to pass the legislation for the bank and for the WA Turf Club, and to be able to dispose of land in the future. This Bill was drafted before the Land Administration Bill was introduced. It refers to "crown land in trust" which is similar to the Land Administration Bill except that it refers to the Minister for Land Administration and to the Governor. The administration of the Turf Club, which is opposite the Ascot Racecourse, is located on a freehold block. For many years the area across the road was a swamp.

The Racecourse Development Trust comprises the unclaimed dividend of the TAB. This originally went to regional tracks in Western Australia. Hon Pam Beggs implemented a change so that funds could be allocated to metropolitan racing and trotting clubs. Some people say that TAB money is government money, but it is allocated by the Racecourse Development Trust. A recent review of the trust adhered to that formula.

Sitting suspended from 6.00 to 7.30 pm

Hon MAX EVANS: Two other members have had some queries in relation to the crown grant of land that is held in trust. There is no way the Turf Club can borrow against that land without the assent of the Minister and the Governor. The land was bought before the 1892 Act and I am sure there are no borrowings on it. The Turf Club must have borrowed more than \$3m when it extended the Belmont racetrack. The land was purchased in 1970 for \$80 000. The banks must have overlooked the £10 000 limit in the past. That would be quite natural. If an organisation had freehold land, banks would lend on it. They would not expect to find a restriction imposed in 1892. It came to light only in recent years and there was no rush to amend it. I thank the Opposition for its support. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

RESTRAINING ORDERS BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

The amendments made by the Assembly were as follows -

No. 1 Clause 3. Page 2, after line 23 — To insert the following —

" (d) made under section 63 (2); ".

No. 2 Clause 3. Page 3, lines 5 to 7 — To delete the lines and substitute the following —

"

"firearms licence" means —

(a) a licence issued, permit granted or approval given, under the *Firearms Act 1973*, entitling a person to be in possession of a firearm; and

(b) a Firearms Act Extract of Licence issued under the *Firearms Act 1973*; "

- No. 3 Clause 10. Page 9, lines 5 and 6 — To delete the lines and substitute the following —
 " where the magistrate who made the order is based. ".
- No. 4 Clause 14. Page 13, line 9 — To insert after "give up possession," the following —
 " to the prescribed person and ".
- No. 5 Clause 14. Page 13, lines 12 and 13 — To delete "delivered to the Commissioner of Police, and dealt with," and substitute the following —
 " dealt with ".
- No. 6 Clause 14. Page 13, line 24 — To delete "retain possession of a firearm, and the" and substitute the following —
 " have possession of a firearm, and, if necessary, a ".
- No. 7 Clause 14. Page 13, line 27 — To delete "the firearm" and substitute the following —
 " possession of a firearm ".
- No. 8 Clause 14. Page 13, lines 27 and 28 — To delete the lines and substitute the following —
 " (a) the respondent cannot carry on the respondent's usual occupation unless the respondent is permitted to have possession of a firearm; ".
- No. 9 Clause 14. Page 14, line 4 — To insert after the words "safety of any person " the following —
 " , or their perception of their safety, ".
- No. 10 Clause 14. Page 14, after line 5 — To insert the following —
 " (6) If, under subsection (5), a court permits a respondent to have possession of a firearm, the court must make that possession subject to such conditions (in addition to any conditions imposed under that subsection) as the applicant or person to be protected requests unless the court considers the requested conditions to be unreasonable. ".
- No. 11 Clause 16. Page 15, line 5 — To insert after "Subject to" the following —
 " subsection (2) and ".
- No. 12 Clause 16. Page 15, line 14 — To insert after "cancelled" the following —
 " or expires ".
- No. 13 Clause 16. Page 15, lines 18 and 19 — To delete the lines from "force for" to the end of line 19 and substitute the following —
 "
 force for —
 (a) in the case of an order made at a final order hearing —
 (i) the period specified in the order; or
 (ii) if no period is specified, 2 years,
 from the date on which the final order came into force;
 (b) in the case of a telephone order which became a final order under section 32 — 3 months from when the telephone order came into force or such shorter period as is specified that order; and
 (c) in the case of any other interim order which becomes final order under section 32 —
 (i) the period specified in it; or
 (ii) if no period is specified, 2 years,
 from the date on which the interim order came into force. ".

- No. 14 Clause 32. Page 23, lines 14, 15 and 16 — To delete the lines from "order (except" to the end of line 16 and substitute the following —
" order. ".
- No. 15 Clause 32. Page 23, lines 20, 21 and 22 — To delete the lines from "order (except" to the end of line 22 and substitute the following —
" order. ".
- No. 16 Clause 32. Page 23, lines 23 to 27 — To delete the lines and substitute the following—
"
(3) A final order under this section comes into force —
(a) in the case of an order under subsection (1), on the day on which the clerk receives the returned copy of the order; and
(b) in the case of an order under subsection (2), at the end of the 21 day period referred to in section 31.
(4) The clerk is to notify the respondent, the applicant and the Commissioner of Police when an order becomes a final order under this section. ".
- No. 17 Clause 42. Page 32, after line 17 — To insert the following subclause —
"
(3) At a hearing under subsection (2), the court may receive as evidence any record of evidence given (including any affidavit filed) at a prior hearing in relation to the matter. ".
- No. 18 Clause 48. Page 36, after line 31 — To insert the following subclause —
"
(3) At a hearing under subsection (2) on an application by the person who is bound by the order, the court may receive as evidence any record of evidence given (including any affidavit filed) at the hearing under section 46 in relation to the matter. ".
- No. 19 Clause 49. Page 37, after line 12 — to insert the following —
“ (a) if the person protected by the order was not present at the hearing, is to notify that person; ”.
- No. 20 Clause 50. Page 38, line 5 — To delete "old" and substitute the following —
" of age ".
- No. 21 Clause 63. Page 45, lines 10 and 11 — To delete the lines and substitute the following —
"
(5) If a restraining order has been, or is about to be, made under subsection (2), the court may, in order to facilitate service of the restraining order, order the person against whom the order has been, or is about to be, made to remain in a place designated by the court for a period of not more than one hour until the order is served on that person. ".
- No. 22 Clause 63. Page 45, lines 15 to 17 — To delete the lines and substitute the following —
"
(7) A restraining order made under subsection (2) is to be prepared and served —
(a) by the clerk in accordance with section 10 (1); or
(b) if the clerk is not available at the time the order is made, by the person making that order in accordance with section 10 (1) as if that person were the clerk. ".
- No. 23 Clause 71. Page 50, after line 16 — To insert the following —
"
(iii) whether the person and another person ("**the co-licensee**") hold firearms licences in respect of the same firearm; and

- (iv) if so, the name and address of the co-licensee; "
- No. 24 Clause 71. Page 51, line 1 — To insert after "usual occupation" the following —
"
or holds a firearms licence in respect of a firearm for which a co-licensee also holds a firearms licence
".
- No. 25 Clause 71. Page 51, line 3 — To insert after "person" the following —
" or co-licensee, as the case requires ".
- No. 26 Clause 71. Page 51, line 13 — To insert after "person" the following —
" or co-licensee ".
- No. 27 Clause 71. Page 51, line 20 — To insert after "person" the following —
" or co-licensee ".
- No. 28 Clause 71. Page 51, line 21 — To delete "subregulation" and substitute the following —
" subsection ".
- No. 29 Clause 71. Page 51, line 23 — To insert after "person" the following —
" or co-licensee ".
- No. 30 Clause 71. Page 51, line 24 — To insert after "person" the following —
" or co-licensee ".
- No. 31 Clause 71. Page 51, line 28 — To delete the line and substitute the following —
"
Penalty: In the case of a responsible person — \$4 000.
In the case of a co-licensee — \$4 000 or imprisonment for 12 months. "
- No. 32 Clause 73. Page 52, lines 27 and 28 — To delete "the Commissioner of Police" and substitute the following —
" a prescribed person ".
- No. 33 Clause 73. Page 52, after line 28 — To insert the following —
"
(c) facilitating the effective operation of restraining orders which prohibit or restrict a person from being in possession of a firearm;
".
- No. 34 Clause 80. Page 58, line 4 — To insert the following —
"
(1) Section 42 of the *Justices Act 1902** is amended by deleting "Proceedings" and substituting the following —
"Unless otherwise provided, proceedings ".
- No. 35 Clause 82. Page 59, line 5 — To delete "**Orders**" and substitute the following —
" **orders** ".
- No. 36 New Clause. Page 59, after line 27 — To insert the following clause —
" ***Firearms Act 1973 amended***
84. (1) Section 27A of the *Firearms Act 1973* is amended by deleting "or obtaining".

Hon PETER FOSS: I move -

That the amendments made by the Assembly be agreed to.

It is not obvious what each amendment does because some have multiple parts. I refer members to a codification that I use which might be useful to them in following what each amendment seeks to achieve. Amendment No 1 gives effect to suggestion A2. This is also affected by amendments Nos 14, 15 and 16; that is, amendment No 1 should be read with amendments Nos 14, 15 and 16.

Concerns were raised in respect of the need to prepare and serve orders that become final orders in the event that respondents return their copy of the interim order indicating that they do not object to the interim order becoming a final order or in the event that respondents do not return their copy of the interim order in the 21-day period specified. The requirement to prepare and serve final orders in those circumstances could be overcome by making provision for interim orders to automatically become final orders if either of the above situations occurs. That would have the effect of streamlining the administrative process by eliminating what is considered to be a duplication of work that has served no real purpose.

Amendment No 1, along with amendments Nos 14, 15 and 16, deals with clause 32(3) and (4). The effect is that, where there is no final hearing - where the person either agrees to or does not object to the interim order that has been made and served on them - there is no need for the preparation of a final order and for that to be served on them.

Hon N.D. GRIFFITHS: I do not think it is our function as this legendary House of Review to review the other House, which looked at this legislation that was passed in the Legislative Council in March and dealt with by the Legislative Assembly some months later. I note what the Attorney General has said. In substance the amendments improve the Bill, although some of them seem to be crossing the t's and dotting the i's. I do not wish to delay this legislation, which has been delayed for far too long because of government inaction.

Hon PETER FOSS: Amendment No 2, which I designate as A1, is the only clause affected. Concern was raised that the provisions of the Restraining Orders Bill for firearms orders are somewhat limited in application. Specifically, the concern is that persons who may have been issued with extracts of licence by the Commissioner of Police are not covered by the provisions of the Bill. This is because the definition of firearms licence contained in clause 3 of the Bill refers only to licences, permits or approvals issued by the Commissioner of Police under the Firearms Act. The definition does not include extracts. Under the Firearms Act some people do not have licences; they avoid the whole question of licence and go straight to an extract. This amendment is to pick up that point.

Amendment No 3 stands alone. It deals with the registration of telephone orders. Clause 10 currently requires that the court copy of a restraining order be delivered to the court nearest the place from where the application was made. Subclause (2) sets out the process where restraining orders are prepared by persons other than the court personnel - for example, police officers. With respect to telephone restraining orders, concerns have been raised that this will increase the risk of orders becoming lost or not being registered. Therefore, it was considered it would be more appropriate for the court order to be sent to the court at which the magistrate who made the order is based. This would then ensure that the administration of telephone orders is controlled exclusively by courts staffed by Ministry of Justice personnel.

Amendment No 4 should be read with amendments Nos 5, 6, 7 and 8. This deals with the question of co-licensees. There was some concern that some employees would not be covered by the provisions of the Restraining Orders Bill dealing with the issue of firearm orders. This applies particularly in the case of employees of gun dealers, manufacturers and repairers. Clause 14 of the Bill deals with the issue of firearms orders. Subclause (5) allows a court when making a violence restraining order to permit the respondent to retain possession of a firearm and the licence it relates to if the court is satisfied that the respondent needs the firearm to carry out his normal occupation. Under the provisions of section 15 of the Firearms Act, employees of gun dealers, manufacturers and repairers are not licensed in respect of firearms. However, the nature of their employment allows them to possess, carry or use firearms. The current wording of clause 14 of the Restraining Orders Bill is limited in its application, and would not apply to these groups of employees who by the very nature of their employment have ready access to firearms. However, the problem is that some people would not be covered because they do not possess firearms but they have access to them. The intent is to extend the firearms orders to those people who have access and to apply the same provisions to them that apply to people who have possession and use of firearms.

Hon HELEN HODGSON: I am a little confused. I thought clause 14 dealt with the ability to retain access to a firearm if required as part of one's employment conditions. I do not see the connection between that and co-licensees. The issue I raise with respect to clause 14 is that it is altering the arrangements for giving up possession and now states that it can be given up to a prescribed person. Will the Attorney clarify who that prescribed person will be?

Hon PETER FOSS: At this stage there is no prescribed person because that person will be prescribed. There will possibly be firearms in areas where there are no policemen, and this clause will enable the provisions to extend beyond the police where no police are available.

Hon HELEN HODGSON: In the interim who would be in a position to take possession of a firearm until that happened?

Hon PETER FOSS: Only the police are currently authorised but once a prescription is made it will be extended to whoever else is prescribed.

Hon Helen Hodgson: Are the police currently the only authorised people?

Hon PETER FOSS: The police already have the capacity to do that.

Amendment No 4 should be read in conjunction with amendments Nos 5, 6, 7 and 8. Amendments Nos 9 and 10 deal with the question of limiting the ability of the firearms to be released to people who need to use them. There has been a change from the test being "reasonably needs the possession" to that of "possession if necessary". It relates not to a subjective need of the person, but rather the necessity to carry out their work. It does not just deal with the question of their safety, but rather their perception of their safety. It is an important part of restraining orders. It is not whether persons are in danger but whether they perceive themselves to be in danger. That is another matter that needs to be taken into account.

Secondly, it relates to the requirement that if there is to be an order, it must contain such conditions, in addition to any conditions imposed by the court, as the applicant or person to be protected requests unless the court considers those requests are unreasonable. It gives the applicant the final say as to whether the person should have access to weapons. For example, in the case of a person who works for an armourer, if refused access that person could lose his job and it may not be that the person applying for the order wants him to lose his job because that job may be important for the support of the family. There are enough obstacles in the way of people making applications for restraining orders, and all sorts of psychological boundaries to be overcome. If this provision were absolute and an applicant knew one of the results of the restraining order was that the person would lose his job and she did not intend that, it would be another obstacle to making application for a violence restraining order. It means in the end that the person affected by the restraining order will have the capacity to say when the order will apply. She will say that not only is it necessary but also that she wants certain conditions to be imposed for not only her actual safety but also the perception of her safety. The amendment gives the person a final say about the result.

Hon HELEN HODGSON: Who will decide whether the firearms are to be surrendered or does somebody have to request the firearms be surrendered?

Hon PETER FOSS: The surrender is automatic. If the perpetrator does not want that to take place he must apply to have the firearm returned. A rigorous set of cumulative tests is involved. In the end unless the person applying for the order does not have any perception of her safety being affected and agrees to the conditions there is no possibility of the gun being handed back.

Hon HELEN HODGSON: My second query comes to the crux of domestic violence issues; that is, the power relationship between the victim-survivor and the person perpetrating violence. The new amendment to clause 16 provides that the court must make possession subject to such conditions as the applicant or person to be protected requests unless the court says the requested conditions are unreasonable. Is there any mechanism by which the victim-survivor can be made aware that her application will go before the court and that she will have the right to request certain conditions?

Hon PETER FOSS: I imagine it would normally happen during the hearing which the applicant would attend to give evidence. Even if it did not occur that way the applicant would be an interested party and would have the right to be heard.

Hon HELEN HODGSON: Part of the problem is that when a power relationship is taking place, quite often the victim-survivor does not feel she can impose conditions. If a person says, "I need the gun for my job and you will be demanding maintenance, etc for the kids" it would be very difficult for the victim-survivor to say, "I do not think you need access to that gun for your job."

Hon PETER FOSS: That is not the only test. A perpetrator might need access to a gun for his job, but that is the first threshold. Unless he needed a gun for his job he would not even get into the court to make the application.

A perpetrator must show that his behaviour would not involve the threatened use of a firearm to not only the safety of the person but also her perception of her safety. Before the issue of conditions arises, the first issue is the victim-survivor's perception of safety. If the victim said the perpetrator's having access to guns would affect her perception of safety the perpetrator would not survive the test to ascertain conditions. I do not think too many people will get past that test, certainly if the person who applied for it said she did not like it.

Hon N.D. Griffiths: It is a matter of perception.

Hon PETER FOSS: It is a matter of the victim's perception. Ultimately it is a matter of what the victim felt about the gun being returned. If she said that she felt bad about it the return of a firearm would not be on.

Hon N.D. Griffiths: It is like an arrest on suspicion rather than an arrest based on evidence. It is a very low threshold.

Hon PETER FOSS: That is exactly the case. If the victim said she did not like the gun being returned that would be it, unless she said some conditions applied. The idea of the legislation is that unless the victim had no problems with it there would be no possibility of the order being made.

Hon CHERYL DAVENPORT: Must this application occur in a court situation rather than outside a court? It is in a court situation that the power relationship plays a major role.

Hon PETER FOSS: We have added to the legislation the possibility of a telephone order. However, the victim cannot do that; it must be done by a policeman on her behalf. I do not think the magistrate would allow the perpetrator to make that application on a telephone order. First, the telephone application would be made, and the question of not having the gun order would not apply at that stage because the subject of the order would not know about it at that time. The order would be made and when it returned to court the application for return of the gun would be made. In other words, when the perpetrator does not submit to the order he may also make application for the gun to come back. It would be only at that stage that he would have the opportunity of making the application and it would then be in a court.

Hon HELEN HODGSON: Amendment number 13 deals with phone orders and covers the duration of orders. Most orders cover up to two years. Why has the duration of telephone orders been limited to three months?

Hon PETER FOSS: The very nature of a telephone order is that it is an *ex parte* interim order. There must be some immediate relief. However, at some stage proper proceedings should go before the court. The provision is contained in amendments 11, 12 and 13. It is intended to pick up the intent of the report on the review of restraining orders with respect to duration of telephone orders. The report recommended -

"... that in the case of telephone orders, the Magistrate must set the maximum duration of the order, subject to an upper limit of three months before the matter must be taken to a court."

The original intention of providing access to a restraining order by way of telephone application was to address the situation where there was an urgent need for an order and or there was limited access to a court.

Because of the manner in which telephone orders are to be heard, it was considered appropriate that orders should only be for a limited period. If an applicant considered there was a need for an order to be for a longer period than that provided for in the telephone order they were to apply to a court in the normal manner, ideally prior to the expiry of the telephone restraining order.

Clause 23(3) stipulates that:

"If the duration of a telephone order is more than 72 hours the order is an interim order and Division 4 applies."

That provides for telephone orders to be interim orders.

Under Clause 32(2) of Division 4

"If a respondent does not return the respondent's endorsed copy of an *interim order* in accordance with section 31, the interim order becomes a final order with the same terms as the interim order (except that its duration is 2 years from the day on which the order becomes a final order) at the end of the 21 day period referred to in that section".

The period of 2 years for an *interim/telephone order* therefore conflicts with Clause 16(4) which provides that "... an interim order will remain in force until ...

"(d) in the case of a telephone order, 3 months elapsed from the time the order came into force."

There was concern that would cause some confusion. The idea was to make sure the original recommendation of the task force was included in the legislation. It is in the legislation to tide one over; to allow one to get there quickly during that three month period. If someone wants the duration to be longer than three months appropriate proceedings may be undertaken.

Amendments Nos 14, 15 and 16 come under what I call B2. Nos 17 and 18 go together. When a respondent does not attend a final order hearing and the applicant does, the Bill requires the court to hear the application again before granting a final restraining order. Concern has been raised that this provision unnecessarily requires applicants to give evidence to the court a second time when they have previously given evidence at the interim hearing. Many applicants find the whole court process extremely stressful. It is considered that, where possible, the court should endeavour to simplify and speed up the process. This amendment is to allow the court to make a final restraining order when the respondent fails to appear without the need to take any further evidence from the applicant.

Amendment No 19 relates to clause 49. Clause 49(3) requires the court to notify certain parties if a restraining order is cancelled under clause 49(1). Currently there is no provision for the court to notify the person protected by an order if the person is not present at the hearing at which the order is cancelled, even if the person protected chooses not to be at the hearing. Amendment No 20 is merely a change in terminology. Nos 21 to 31 are all part of another amendment relating to co-licensees of firearms. Clause 71 of the Restraining Orders Bill makes provision for notification procedures to employers concerning an employee who may be bound by a firearms order under the Bill. The clause provides also a penalty sanction for an employer so notified who allows that employee to use or have access to a firearm, except as permitted under the terms of the firearms order. The issue is raised concerning co-licensees of firearms who for a number of reasons are not in an employer-employee situation. For example, family members, friends or business associates may use firearms in a recreational setting. The Restraining Orders Bill does not address the issue of a co-licensee who may be subject to a firearms order with respect to any notification, procedure or penalty sanction or a co-licensee who permits the unauthorised use of or access to a firearm. This was to require the police to notify a co-licensee that a violence restraining order had been made for another co-licensee and to have a sanction in the case that that is not observed.

Hon HELEN HODGSON: In his explanation of where a co-licensee situation might exist, the Attorney General included family members. That concerns me. What will happen if the victim-survivor is also the co-licensee of the firearm? I can see a situation arising with a family partnership where the two parties to the violence are co-licensees. I am not sure how this mechanism would work in that situation, even though I agree it must be extended beyond just employer-employee relationships.

Hon PETER FOSS: If a person has a firearm, he or she is required to keep it locked securely. The appropriate way to deal with this situation would be that the person who had been deprived of the firearm would not be given access to the lock, and the person who had access would not give the other person access.

Hon HELEN HODGSON: With all due respect, that is a little simplistic, because in a domestic violence situation a power relationship goes on all the time. What happens if the key to the locked cabinet is taken from a key ring in the person's handbag? This is the sort of thing I can see causing real problems.

Hon PETER FOSS: We must ask: What do we do if we do not do that? The alternative is that the person with the key surrenders the firearm to the police. We cannot ask any more than that. I do not think there would be any criminal responsibility on the wife if, for instance, the husband took the keys from the handbag. That would not be the fault of the wife. However, the practical problem arises of how the person can be prevented from having access to the firearm. If people want the order, they can have the order; if they do not want the order, they do not have it. If a wife is seriously concerned, the husband should not be allowed to have the weapon. If she does not want the possibility to arise, she should surrender the weapon to the police. We can pass laws that say only what may or may not happen; we cannot deal with the physical problem of a wife who continues to have a firearm at home. That is a practical problem that she must think about. We cannot legislate to say that they will not be available to the person.

Hon N.D. GRIFFITHS: Clause 21 has some relevance to a clause of this Bill that we passed some months ago. Clause 60 deals with deliberate avoidance of service and sets out a capacity to deal with a matter by substituted service. I refer members to the wording of amendment No 21. That amendment is about the deprivation of somebody's liberty when he or she may not have done anything wrong and it is included on the basis that an order is about to be made. I find that a curious provision. What is the reason for the omission of No 21 in the Attorney General's comments on this message from the other place? What is the explanation for this deprivation of somebody's liberty when he or she may not have done anything wrong and a court is about to make an order? Who decides that a court is about to make an order? What has happened to due process?

Hon PETER FOSS: I apologise for going past that amendment. Clause 63 states that a court before which a person charged with an offence is appearing may make a restraining order against that person or any other person who gives evidence in relation to that charge. A restraining order may be made under subclause (2) at the request of a party or on the initiative of the court. A court is not to make a restraining order under subclause (2) unless the court is satisfied there are grounds for making the order, the court has had regard to matters set out in section 12 or 35, and the person is present when the order is made and has been given an opportunity to be heard on the matter.

The point about it is this: The court is partway through the process. An important part of a restraining order is working out what it is to be and then tightening it up. This is also happening during consideration of whether bail should be given. The person may already be under arrest. We get to the stage in the proceedings when it is quite clear that an order must be made, but the wording of the order has yet to be determined. If the person is about to stand and go out of the room saying that he has had enough and is getting out, this provision enables the court to order the person to remain in the place. It does not mean that the court can have the person arrested. Of course, the alternative would be to have the person arrested.

Hon N.D. Griffiths: These people are deprived of their liberty.

Hon PETER FOSS: Of course they are, and I make no apology for that. We are dealing with an area of the law where rationality is not the basic element. In most areas of law, we might say that just before people are about to be sentenced or have something else done to them, they will not get up the nose of the magistrate. In this area we may very well find that someone might do just that. Once the matter has been concluded and the magistrate knows a restraining order must be made, the working out of it often takes some time because its wording will have effect possibly for years, and things must not be put in that should not be, and the magistrate does not want to leave out things that should be in it. He may want to hear the parties on that point. The magistrate knows an order is about to be made saying that the person will be restrained. At that stage the magistrate will say, "I am going to make a restraining order against you. We will have to work out what the wording is. You are to remain in this court for up to an hour until we can serve you with the order while we go through the processes of making and extracting the order."

Hon N.D. Griffiths: Clause 60 deals with substituted service.

Hon PETER FOSS: Substituted service is quite unsatisfactory. Anybody who has been through the process of getting substituted service knows -

Hon N.D. Griffiths: The wording allows the court to do that.

Hon PETER FOSS: The magistrate must be satisfied that the person might deliberately avoid being served. The person might have left, not to avoid service but because he had had enough and wanted to get out. Hon Nick Griffiths will know how difficult it is to get an order for substituted service. It is never granted first time up. The applicant must show that all sorts of efforts have been made. Normally an order for substituted service is not made. A person cannot be deliberately avoiding service until there is a document to be served.

I shall continue: At this stage the person has walked out of the room, and for all the court knows the person might have gone home. The process of satisfying clause 60 would be extremely difficult at that stage. Yet we know that one of the important things to happen after an application for a restraining order has been made is that the order must be served as soon as possible. It came to my notice recently that almost invariably there were considerable difficulties with the service of interim restraining orders. Just recently I have moved to make sure that the standard notification, which goes to people who are applying for these interim restraining orders, includes that they should ring the police regularly to find out whether it has been served and if it has not been served, just before the hearing to ring the superintendent of that region. I make no apology for telling people to do that. Having spoken to the Commissioner of Police, that is what he suggested should be done. Whether we can get an improvement in the service of interim restraining orders, I do not know.

Hon N.D. Griffiths: I doubt it.

Hon PETER FOSS: It may take a while. The best time to serve people with a restraining order is when they are under the thumb. To get an order for substituted service under clause 60 will take many days and much more legal process and many attempts by the police and other people before satisfying those provisions.

Hon N.D. Griffiths: Can the Attorney General think of a precedent for this sort of provision?

Hon PETER FOSS: Generally speaking, the person would probably be under arrest. On many occasions these people could very well have surrendered to bail, because it includes bail proceedings; or they could have been arrested and had to submit to bail in the light of the circumstances that have occurred. I have no problems with the provision. The person has already been summoned to court. Frequently people cannot leave the courtroom until they are released by the court. That is not an unusual occasion.

Hon N.D. Griffiths: Treating people who are charged with offences as criminals when they may not be is a weakness in the bail system.

Hon PETER FOSS: I understand that. However, when people are summoned to court, and often that occurs after they have been arrested, it is usual for them to remain until the court tells them they can go. I do not see that as being in any way unusual.

Hon N.D. Griffiths: It is inefficient and wrong.

Hon PETER FOSS: The member might say that; however, I do not think there is any problem with a person having been summoned to court and not being able to leave the court until the court is finished all the processes it needs to deal with. I do not see that as being unreasonable, particularly in the context of restraining orders where service of orders has proved difficult and we know that once the person sees the inevitability that some order will be made, he is just as likely to throw his hands up and walk out the door and make it very difficult to obtain that service.

Hon HELEN HODGSON: Amendment No 23 deals with co-licensees and some issues that might arise out of these provisions. I also have some concerns about amendment No 31 in the message which deals with penalties if someone is allowed access to the gun. It states that in the case of a responsible person, the penalty is \$4 000, but for a co-licensee it is \$4 000 or 12 months' imprisonment. Why is the penalty more severe for a co-licensee than it is for a responsible person, particularly when there is the potential for the co-licensee to be the victim survivor who has been coerced under pressure to allow access to the gun which is then used against that person? The co-licensee could be subject to severe penalties.

Hon PETER FOSS: A responsible person may be an employee of the licensee. The idea was that it would be the person primarily responsible with normal liability. For instance, if the licensee allows an employee to have the gun, the penalty is the same as for the co-licensee. We did not believe the removal of the prison penalty which applies in the case of the responsible person - that may just be an employee - was appropriate in the case of the co-licensee who was primarily responsible under the licence. The point with regard to a spouse must be dealt with in a practical way. We cannot deal with it in the legislation. If the wife, for example, decides to continue to have that firearm as a co-licensee, she must decide how she will deal with that situation. Does that person really want the rifle there where the problems the member is talking about arise? Let us not deal with the situation of fining people for breaching a restraining order; rather, let us ask what happens if the person gets hold of a gun and uses it on the victim.

That is a practical problem on which no restraining order or provision under the legislation will have any effect, but we must deal with this question: What will the person do when he or she is the only one around to have the firearm? The answer is if that person is concerned, the only safe situation is to get rid of the firearm and not have it there at all. I do not think we can solve that problem with legislation. The problem with any restraining orders legislation is that people will ignore the restraining order. We can go only so far with legislation in trying to protect that person. There comes a time when the only safe way is to lock the other person up, probably on the basis of another offence which may be committed by him, which may also constitute behaviour allowing for a restraining order.

Hon HELEN HODGSON: Is the discrepancy between the two penalties made on the basis that the responsible person could be an employee and that the licence is held by the employer; however, because the employee continues to have access, that is supposed to prevent the employer from having have access to the gun? Is that the scenario the Attorney General is looking at?

Hon PETER FOSS: Let us take the situation on a farm. The farmer is the licensee. Let us leave aside the co-licensee. He will not have the gun at all if a violence restraining order is made against him and the victim does not agree to its being released. The only situation where this will occur is where somebody will have the gun. In other words, although there are co-licensees, somebody else owns the gun. There could be two brothers on the farm. The responsibility on one brother is to make certain his co-licensee does not have the gun. It would be rather difficult to take the gun off both of them if they are brothers.

That difficulty must be faced when two brothers happen to own the gun and one person is not allowed to have the gun so the other must take responsibility for ensuring that his brother does not have access to it. That is why the penalty is the same as if that brother were the sole owner and the other were an employee. The penalty must be on that person as the person with primary responsibility for that firearm.

Hon HELEN HODGSON: My problem is that the penalties are not the same. In one situation a monetary fine applies and in the other a monetary fine or imprisonment. I would be in favour of imprisonment being an option for the magistrate in both instances. Surely, if the situation is serious enough to warrant a fine of \$4 000 they should both be subject to the same sort of penalty including imprisonment?

Hon PETER FOSS: The member put forward a case where a farmhand should be subject to a penalty. I see a difference between the person who is the licensee who has the prime responsibility under the Firearms Act and somebody else who for the time being has the conduct of that weapon. I do not agree with the member's proposition that the man who owns the farm is in the same position as the labourer who may use it in the course of his work. The

member gave an example of where that might be a problem. What happens if two brothers own the farm and one of them has a restraining order issued against him, so the other virtually becomes the sole owner of the rifle? Do we put a person who is a labourer on a farm who has access to the gun in the same position as the brother? I do not think so, especially if he must say to the real owner of the gun, "You are not allowed to have it." It is hard to put the same responsibility on the person who is merely the custodian of the rifle in the course of his business as we put on the other brother who is an owner, particularly when the person he is dealing with is the other real owner of the gun.

In other areas, such as a security firm, there should be a much greater penalty on the person who has responsibility for that business and has set up an appropriate regime than on a person who may be a supervisor with that firm. The person who has the privilege of holding the licence, who owns the gun, who has the principal need for it in the business as an employer and not an employee should be responsible. Quite rightly there should be a much greater responsibility on the employer than on someone who is a supervisor in that business.

Hon HELEN HODGSON: I refer to the definition of a responsible person in clause 71 of the Bill. I do not see how an employee of the licensee could be a responsible person. We seem to have the argument around the wrong way. It will always be an employer who is barring access to a firearm from an employee.

Hon PETER FOSS: It will always be a supervisor and not an employer.

Hon HELEN HODGSON: Paragraph (c) of clause 71 refers to the person by whom the restrained person is employed or engaged. It will always be a superior who is the responsible person.

Hon PETER FOSS: I do not think it applies in the farming example.

Hon HELEN HODGSON: Why is the responsible person subject to a lesser penalty than a co-licensee?

Hon PETER FOSS: In each case the licensee will always be an owner whereas the other person will not be an owner.

Amendments Nos 32 and 33 relate to the prescribed person, which we dealt with earlier. Amendment No 34 deals with a current problem under section 42 of the Justices Act. In recent times a number of Statutes, including the Sentencing Act and the Fines, Penalties and Infringements Notices Enforcement Act, make provision for certain matters to be dealt with by way of application. The Restraining Orders Bill provides that proceedings for violence and conduct restraining orders can be commenced by way of application. Concern has been expressed recently that a number of magistrates will not accept applications and applicants must lodge complaints before a matter can be heard. This is an embarrassing situation that creates additional work for court registry staff and unnecessary pressures in the court system. Therefore, the consequential amendments to section 42 of the Justices Act will allow for proceedings to be commenced by way of either complaint or application where the law allows for such a provision. That has been caused by a rather particular way in which magistrates have been applying the Justices Act when dealing with matters before that court.

Amendment No 35 is a minor technical amendment. Similarly amendment No 36 is an amendment to the Firearms Act to deal with the fact that people may have to obtain firearms by an application under this Bill once the firearms order has been made.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

FISHING AND RELATED INDUSTRIES COMPENSATION (MARINE RESERVES) BILL

Second Reading

Resumed from 10 June.

HON KIM CHANCE (Agricultural) [8.30 pm]: The Opposition is pleased to support this Bill. The Bill is generally accepted to be consequential to a Bill the House dealt with quite recently, which was the Acts Amendment (Marine Reserves) Bill, now an Act. However, in fact it goes a little wider than that. As well as being consequential to the Acts Amendment (Marine Reserves) Act it is also consequential to several clauses of the existing Conservation and Land Management Act.

The function of the Bill is to provide for compensation for the loss of property rights which are held by fishermen and others. Those other occupations enumerated in the Bill include seabed lessees, obviously pearl licence holders and pearl bed permit holders and a range of other occupations related to the fishing industry, including fish processors. As I said, the function of the Bill is to provide for compensation to those groups of persons who face

losing some of the value or all of the value of the authorisation provided under that permit as a result of the exclusion of their operations under the Acts Amendment (Marine Reserves) Bill.

Additionally, the Bill provides for compensation as a result of actions taken under the CALM Act. That raised a question in my mind about the equity issue which may arise from that. Perhaps the Minister may be able to assist me when he deals with his second reading response. If we have under this Bill a legislative right of compensation for resumptions as a result of marine reserves and/or resumptions under the CALM Act, how is compensation to be provided in the case of resumptions for industrial or indeed other uses? A rock lobster fisherman at Oakajee, for example, may lose some of his or her established fishing beds as a result of the construction of a deep water port in that area.

Hon Norm Kelly: If it goes ahead.

Hon KIM CHANCE: This is hypothetical. The port may be at Oakajee or some other place. In that hypothetical instance where a port is to be constructed or for some other industry related reason a fishermen were to be denied access to that part of the seabed, what is that person's right to compensation as a result of the resumption? If there is no right of compensation established in the Statutes, do we have an equity issue arising from the fact that that person is not entitled to compensation, whereas a person affected in the same way as a result of the Acts Amendment (Marine Reserves) Act or the CALM Act would be entitled to compensation? There may be a perfectly simple answer to that, but I would like the Minister to look at it.

The commencement of this Bill as an Act is tied to the commencement of section 10 of the Acts Amendment (Marine Reserves) Act, which is entirely sensible. The commencement clause provides that it shall commence upon the operation of section 10 of the Acts Amendment (Marine Reserves) Act or after the assent of this Act, or the later of those two events. It could be argued that there is no need for this Bill to be an Act until section 10 of the Acts Amendment (Marine Reserves) Act becomes operable, but that argument would be in isolation of the fact that the CALM Act already creates the need. It seems the commencement of the Act could well have been immediately upon assent, but I suppose that is being a little bit nit picking.

One of the interesting things about the Bill is that under the Acts Amendment (Marine Reserves) Act the Minister is required to assent to a proposal to declare a marine reserve. The Bill provides that the Minister will not assent to the proposal to establish a reserve until he is satisfied that the sum of the required estimated compensation has been made available by the Government. Again I find myself a little confused because no such sanction is provided for resumptions under the CALM Act, or none of which I am aware. It may be that in practice the issue does not arise. I imagine that under the Acts Amendment (Marine Reserves) Act it is possible that large amounts of seabed could be locked up and the Government and Minister would want to be assured that it is feasible and affordable as a result of this Bill to go ahead, whereas resumptions under the CALM Act may be normally quite small. The issue seems to crop up.

Hon E.J. Charlton: Are you referring to the amount of compensation that would need to be paid?

Hon KIM CHANCE: Yes. The Minister for Fisheries has a balancing role. He will not approve the establishment of a reserve until he is assured that the funds for the required compensation as a result of the gazettal of the reserve are available. That situation does not exist in the CALM Act. The reason may well be that the amounts which may be payable as a result of resumptions under the CALM Act are probably quite small because they involve quite small areas.

I am sure that members will want to know that the source of funds is the fisheries research and development fund. That fund is created essentially out of levies paid by the fishing industry.

The most interesting question contained in the Bill is how the amount of compensation is to be determined.

It is a fascinating process, and I will relate my understanding of it. From my reading of the second reading speech and the Bill, the amount of compensation will be determined on the basis of an agreement between the Minister and the affected party - the licensee holding authorisation in that area. In the event that agreement cannot be reached between the parties, the disputing licence holder - the fisherman - can apply to the Fisheries Adjustment Compensation Tribunal established under section 140 of the Fisheries Adjustment Schemes Act.

Additionally, the fisheries adjustment scheme can be used to ensure that the excision of an area of the fishery for the purposes of a marine reserve will not result in shifting the effort from one part of the fishery to another. Earlier I referred to the eastern gulf of Shark Bay. If we were talking about a discrete area such as that and determined we would block off part of that fishery from any commercial fishing whatever and take the area into the marine reserve, so that the reserve was one-third of the gulf, and used the fisheries adjustment scheme to implement that, we would

have to be absolutely certain we did not apply the pressure which used to apply to the whole of the gulf to the remaining two-thirds. That is obviously a common sense outcome and one we support.

The process of determining an agreement between the Minister and the affected party - other members may consider this to be a bigger issue - seems to contain some risk that the power entrusted to the Minister is too great. It could lead to allegations that the Minister was favouring a fisherman or group of fishermen in the first agreement stage process prior to the matter going to the tribunal. It seems to me the public would probably be more satisfied if the tribunal, rather than the Minister, was the first point of referral. I will not say any more on that issue except I am interested to know why it has been done in that way.

Hon E.J. Charlton: There is an amendment which relates to that to some extent.

Hon KIM CHANCE: I was not aware of that.

Hon Norm Kelly: It still leaves it to the Minister.

Hon E.J. Charlton: It gives the tribunal power to override the Minister, and the tribunal's decision is final.

Hon KIM CHANCE: I thank the Minister for that.

Hon Norm Kelly: Is that after the 60 days' negotiation?

Hon E.J. Charlton: I think it is, but I will check that out.

Hon KIM CHANCE: I will take the opportunity to go through those amendments at the appropriate time.

Another part of the agreement stage of the process - it could probably be extended to mean the tribunal stage - which I am interested in is the criteria which will be set to enable the process of assessment to proceed. It seems to me the criteria will be immensely difficult to determine. I will explain why. I referred earlier to the industrial use of part of the mid-west coast at Oakajee. If that piece of coast were being excised as a marine reserve and not for industrial purposes, the question of compensation would arise. It probably would not be a large amount, because we are talking about a small piece of seabed. One fisherman came to me about the Oakajee proposal and said that he got about 50 per cent of his whites right where the sea wall was going. He has always used that piece of reef. How would he prove his reliance on that stretch of water? Given that his home port is some miles away - he is a Kalbarri fisherman, not a Geraldton fisherman - it is unlikely he would qualify for any compensation, let alone compensation which favoured him over another user.

Perhaps that is an unfair example to give, but I am interested in how different parties claiming compensation will be weighed when, in theory, the ground excised is accessible to every fisherman in the area. Some may use it intensively and others not at all. It is an interesting point and one which is fraught with difficulty.

I divert a little from that point to refer to clause 5(3) of the Bill, which sets out the two factors which must be taken into account in determining compensation: First, whether any such reduction has occurred, which is fair enough; and, second, the amount of any such reduction. As I said earlier, that will be a rather difficult task in some circumstances.

Then we must consider the various offsets and mitigation which arise in the following subclauses. I refer in particular to subclause (4), which raises the question of whether the market value of the authorisation has been increased as a direct result of the excision. I find that difficult to determine, but it is possible that in a fisheries adjustment scheme package, licences may well have been bought out and removed from the fishery as a component of the plan which accompanied the gazettal of the marine reserve and as a result of the buy out of those two licences, the general value of the remaining licences has increased. Where that has occurred within that total package, one will certainly have to consider the mitigating effects of an increase in the value of the licence when determining the loss of the authorisation that has resulted from the gazettal of the marine reserve.

That addresses the capital value of the property rights contained within the licence, but it does not necessarily address the loss of income that may result from the reduced ground in which the authorisation entitles that licensee to work. I imagine that will be one of the criteria for evaluation. I am concerned that that decision will be weighed and made at ministerial level rather than by a tribunal. It is possible that an agreement will be reached between the Minister, as advised by his officers, and the affected party without the need to go to the tribunal, but in the early years of operation of this Bill that will probably not happen often, and I believe cases will go to the tribunal as the industry tries to shake out the process to see how it works. The Minister must be sensitive to the possibility that he will be open to criticism as a result of the powers that this Bill will give him, and I ask the Minister for Transport representing the Minister for Fisheries to indicate how the criteria will be set.

This Bill raises again the legal question of the amount of property right that exists within a fishing licence. One of the reasons that I welcomed this Bill even before I had read the detail of it - when we debated the Acts Amendment

(Marine Reserves) Bill we were aware that this Bill would be introduced - is that it will put additional statutory weight behind the concept of the property rights contained within a fishing licence.

This issue is not as clear cut as many people think it is, and I have been interested for a long time in the property rights contained in fishing licences and other forms of permit. The simplest and most accurate definition of a permit that I can give is that it is an authorisation for the public to do something which would otherwise be illegal. It is illegal for a person to take his car on the road and pick up passengers for hire unless he has taxi plates and the appropriate permit. It is illegal for a person to take and sell rock lobsters unless he has the appropriate permit.

Hon Bob Thomas: It is illegal to drive at 160 kilometres an hour.

Hon KIM CHANCE: Yes, but we cannot get a licence to drive at 160 kilometres an hour - if only we could, Minister!

Hon E.J. Charlton: We are working on it!

Hon KIM CHANCE: The difficulty is that while in the two instances that I have given property rights appear to be defined clearly as a commercial reality, and we assume from that commercial reality also defined clearly in law, that is not always the case. I raise again - I gave this warning three years ago - the precedent that we set in the case of the milk vendors, who were operating in exactly the same way as taxi drivers or rock lobster fishermen, where they had a permit to do something which they otherwise could not do, a permit which involved a property right, yet who lost that right without receiving adequate compensation. I will not hammer that point, but in my mind at least, and no-one has convinced me otherwise, those issues involve rights which are equal in law and differ in no way from that more conventional conception of a property right - the holding of a title to land. When we lose the right to enjoy a piece of land, we have an automatic entitlement to compensation. If we were to treat property rights with regard to a permit differently, we should spell that out for the sake of consistency with other licences.

As a result of my fairly strongly held beliefs on this question, I certainly welcome this Bill, if for no other reason than it will apply a clear statutory right to compensation for the loss of property, whether that loss be whole or partial. I will be interested to hear the Minister's answers to the questions that I have raised. Leaving those issues aside, the Opposition welcomes and commends the Bill.

HON NORM KELLY (East Metropolitan) [8.57 pm]: The Australian Democrats support this Bill. As was pointed out by Hon Kim Chance, this Bill is largely consequential upon a previous Bill - the Acts Amendment (Marine Reserves) Bill. It is important that we provide adequate compensation for commercial interests that are affected by the establishment of marine reserves. I hope that in future years when marine reserves are dotted up and down the coast we will continue to have adequate funds to finance the protection of our marine environment. We have some concerns about the processes of the Bill, and I will seek some clarification from the Minister about these concerns and possible improvements by way of amendment to make this Bill even stronger.

One area of concern is the process of applying for and negotiating compensation as outlined in clauses 6 and 7. I regard that as being based largely upon the assumption that all affected people will be notified easily by way of a notice in a paper or magazine that they can claim compensation. I would like the Minister's assurance that stronger measures will be taken to ensure that all the people who will be affected will receive adequate notification. It should be reasonably simple to identify and notify those people who will be affected.

The ministerial powers provided by this Bill are a major concern. People who think they are affected by the establishment of a marine reserve must apply to the Minister, who will make a determination on the payment of compensation. These people can appeal to the tribunal, but I prefer that the tribunal be involved at an earlier stage. As Hon Kim Chance said, many applications will end up going to the tribunal in any case and it would be preferable for the tribunal to have responsibility for making decisions in the first place. Currently, negotiations between the Minister and the affected person are carried out on a one to one basis. I am not sure whether subsequent regulations will clarify the situation. I also want to know whether an affected person will be entitled to legal representation or any other assistance in the determination of compensation.

I seek the Minister's assurance on another aspect. Perhaps this matter can be determined by regulation. Will affected persons be advised of the process of determination? From my reading of the Bill, even though people may be entitled to make a claim, there appears to be no provision for notification of people's rights in due process at a later date. I seek the Minister's assurance that such people will be advised of the details of the process at the earliest opportunity.

Hon Kim Chance referred to the assessment of the level of compensation and pointed to clause 5(3)(b), under which account is to be taken of an offset amount based on an increase in the market value. Assuming that settlements of compensation will be determined at an early stage, to what degree is it possible to determine possible future effects on supply of and demand for fish stock, based on the establishment of the reserve? At an early stage of the

proceedings, will the long term impact on the value of the fish resources be determined, and how will it be determined?

Unless I receive some assurance from the Minister, I propose to move amendments during Committee to ensure that some of the Minister's powers can be transferred to the tribunal, if that is warranted. I also seek some clarification regarding to what extent these possible problems will be covered by regulation. Apart from those concerns, the Democrats support the Bill. However, during Committee we will seek to improve the Bill.

HON GIZ WATSON (North Metropolitan) [9.04 pm]: The compensation provisions in this Bill will increase the precedents relating to property rights in the marine environment. That is an issue of some concern because the marine areas being considered for the establishment of a reserve are currently under common ownership. I am concerned about property rights in coastal areas. However, I recognise the need for compensation for the displacement of existing activities. I guess that raises other leading questions about property rights in a marine environment where compensation might also be owing. Commercial fishermen wish to have their rights recognised but that would raise the question of the inherent and conservation value of the resources. To put a financial value on marine resources would raise many questions.

Compensation should not be used as a disincentive in the declaration of marine reserves. I trust that this Bill will not open up that area of dispute. I must emphasise how important it is that we establish a comprehensive and biologically representative marine reserve system along the Western Australian coastline.

It is important also that financial compensation does not become an impediment to the selection of areas to be deemed marine reserves. That process must be on the basis of biological assessment rather than being used as a disincentive if an area is valued highly by fishing operations.

Information from studies in other areas where marine reserves have been established, particularly the Phillipines and the United States, indicates that such reserves improve fishing in those areas. Evidently fishing in the areas immediately adjacent to marine reserves is often improved, and the statistics prove that point. The commercial fishing industry may receive a double benefit by receiving compensation for the loss of a fishing area and also by enjoying the increased fishing stocks outside the reserve.

We generally support the Bill. I also support the comments by Hon Norm Kelly regarding the powers of the Minister. Our concern is that the Minister has too much power in the decision making process. I seek some clarification of the role of the tribunal, and look forward to the amendments proposed at the next stage.

HON M.J. CRIDDLE (Agricultural) [9.09 pm]: This Bill interests me a great deal. It falls within my bailiwick because there are quite a few crayfishermen and other fishermen in my electorate. They are very interested in compensation for any loss they may suffer, particularly around the Abrolhos Islands. Compensation is a significant factor to be considered. One does not need to know very much about fishing to be aware of the large investments made in the fishing industry. The investment in pots and nets is alarmingly large. It has been pointed out to me that the compensation was a necessary conclusion. They would like to have seen it in the previous legislation, but this legislation will complement the earlier measure. Therefore, many of their fears will be allayed.

The proposal relating to the impact of the marine parks on fisheries will be welcomed by fishermen. They are at significant risk of losing fisheries across the board, and it is acknowledged that the marine parks and reserves are very necessary in some areas. I am very conscious of the need to have the environmental areas set aside and the fish hatcheries and the like established. It will be welcomed in those areas. As some of the fishermen will be put out of their industries, they need compensation. I support the Bill.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.11 pm]: I thank members for their special comments supporting the Bill and for raising a number of obvious questions regarding the implementation of the compensation fund and other consequences from the marine parks.

First, to set the scene, some amendments on the Notice Paper have resulted from a number of issues raised by the Opposition in the other place. Amendments were accepted, but a change occurred in the terminology used which led to these amendments as recommended by parliamentary counsel. This will ensure that appropriate wording is used to pick up amendments already agreed to in the other place. Second, other issues raised with the Minister for Fisheries are also incorporated in the proposed amendments. The amendments on the Notice Paper will ensure that this measure will better allay the concerns raised, particularly those outlined by Hon Norm Kelly.

I provide a summary of those amendments to assist members before the Committee stage. During the debate in the other place, the Minister for Fisheries gave an undertaking to seek further advice on aspects raised. The Government wanted to ensure that the tribunal would have the power to determine not only the amount of compensation payable, but also whether a person was eligible for compensation. That is central to some questions asked.

Amendments cover circumstances in which a person believes he is eligible, and the Minister considers the person to be ineligible. The amendments will require that the Minister, on application by a person, instruct the executive director to review why a person was not successful in obtaining a certificate relating to the fishing history of an organisation, and will require the executive director to issue a certificate regarding the history or to advise the applicant in writing of his reasons for not doing so. This is to determine whether a fisherman has been operating in an area.

As Hon Kim Chance properly pointed out, how does one establish whether someone has fished an area, what percentage of the catch was from that area, and for how long that person has been operating? Obviously, they cannot be cut and dried answers, and that is the reason for using the tribunal. This system will at least attempt to make that determination in the fairest way.

The legislation is further improved by ensuring that in respect of fishing, only persons holding authorisations with a long term and consistent history of fishing in an area which subsequently becomes a marine reserve will be considered eligible for compensation. If someone floated into an area last year and took a few fish, and claimed that it was an important part of his operation, he cannot expect to be compensated to the same degree as someone who has a long period of operation in that area.

The phrase "long term and consistent" will be given further meaning in the ministerial guidelines, which will be established as soon as the legislation comes into play. The guidelines are not yet available. Obviously, they must be consistent with the Bill, as will be the case. However, for the benefit of members, the fishing industry and the community, it is expected that the phrase "long term and consistent history" will relate to fishing in an area consistently, as opposed to continuously or exclusively during periods over, for example, seven years.

These amendments are not designed to exclude any person genuinely disadvantaged by the establishment of marine reserves, including people fishing in a newly established fishery. The ministerial guidelines will be drafted in full consultation with the Western Australian Fishing Industry Council and the fishing industry. The proposed amendments will improve the legislation overall, and have arisen as a result of undertakings given by the Minister in debate in the other place. Members should take those comments on board before the Committee stage.

I turn now to the specific points raised in debate. Hon Kim Chance commented on the consequences of taking away the opportunity for fishing, not in a marine reserve, which is covered by the Bill, but through the Oakajee situation. That case would come under the fishing industry adjustment scheme: If a person's livelihood is affected by a government action, it would fit into that scheme's criteria in the same way as occurs with other changes in the fishing industry.

Determining funding for industry compensation prior to a park being defined was mentioned by members. However, that does not relate to Hon Giz Watson's concerns; such consideration will not be the basis on which an area will be determined to be a park. An important consideration which the Government took on board, in consultation with the fishing industry, was that the Minister must ensure that he has funds to be made available to the fishing industry prior to the park being enacted; therefore, the industry will know that sufficient funds are available for this purpose. Hon Norm Kelly indicated that one cannot leave fishermen hanging out to dry wondering about the consequences of establishing a marine park, and whether money will be available. The intention is to declare that sufficient funds will be available to provide compensation so the persons affected by the decision will know in advance that sufficient money will be available to deal with compensation. The individual payments will be determined later. This is preferable to doing it the other way around: As often happens, people in government say, "You will be compensated, but we do not have any funds. We will see if we can get them in the next Budget."

Hon Kim Chance: As with soil and land conservation.

Hon E.J. CHARLTON: We often hear about such cases, which are not acceptable. I know that the Ministers for Fisheries and the Environment went to great lengths to ensure that that aspect was taken care of in establishing the parks.

Hon Norm Kelly: Could a marine park be deferred for a year or more until the Government budgets for compensation?

Hon E.J. CHARLTON: The Government does not establish a marine park based on the effect the timing of its decision will have on the fishing industry. The first consideration is the consequence of establishing a park. The next consideration is to make sure that suitable compensation will be paid as a consequence of that action.

Hon Norm Kelly interjected.

Hon E.J. CHARLTON: Hon Murray Criddle made the point that this decision was made after wide consultation with the industry. The prime consideration is establishing the park and its effect on fishermen is a consequence of that.

Hon Kim Chance referred to the power vested in the Minister. Obviously there are two ways to look at this aspect. Some people will say that the Minister has been given too much power. One of the problems in society and in government decision-making is that a Minister can say, "I cannot do anything about it. My hands are tied because the Act does not give me any flexibility." The Minister should always have the opportunity to be involved. Of course he takes advice from his department and whether that advice is correct is always open to question. At the end of the day the buck stops at the Minister.

Hon Norm Kelly: He will have to be involved at every opportunity, but the tribunal will be more expert in determining the level of compensation.

Hon E.J. CHARLTON: If anybody is aggrieved by the decision he can go to the tribunal and the tribunal's decision is final. In many cases the situation is reversed. A person goes to the tribunal and if he is unhappy with its decision he appeals to the Minister. Perhaps there is an argument to go down that path, but this provision is being inserted in the legislation to ensure that the industry, represented by the department, will have the opportunity to resolve the case quickly. I will deal with that issue in detail in Committee. I have covered the question that was raised about how the fishermen operate. I have also referred to the power of the Minister in determining the criteria. An amendment is on the Supplementary Notice Paper and it will be considered in Committee.

Hon Norm Kelly referred to applying for funds and I have already advised that funds will become available when the decision to establish a marine park is made. The extent of the funding will depend on the size of the park and what stocks are taken. Everyone acknowledges that the expertise of the Fisheries Department on the science of the fishing industry is probably the best in the world. At times questions have been asked about the department's managerial ability, but its knowledge of fish stocks and whether they are in decline is excellent. Its success is evident in the continuing increase in fish stocks. Most of the problems have been caused by the decisions to take away the right of fishermen to fish. At times some people have considered those decisions to be too harsh.

Hon Norm Kelly raised the issue of details of compensation and suggested that funding be made available at the earliest possible time. It will be and the reason for that requirement is to ensure that the determinations are not ongoing.

Hon Norm Kelly: How will you deal with future mitigating circumstances; for example, the increase in the value of fishing stock?

Hon E.J. CHARLTON: Any determination of the loss of income by taking away that right must be subjective. Nobody knows. Many people in our society would like this provision in the legislation to cover the area in which they are involved. Modern thinking and the industry's response has been very much to the fore in an endeavour to get this right without detracting from the need to establish marine parks.

Hon Giz Watson referred to the financial impact. It is not a determining factor in whether the Government establishes a marine park. It is necessary to have that information so that the funding for compensation is available. Members opposite would be the first to point out that people have been disadvantaged as a consequence of this provision. Members have heard about the northern demersal fishery, which incidentally is not the right term.

I thank Hon Murray Criddle and other members for their comments. Hon Murray Criddle has had a close association with the fishing industry and he was a member of the select committee which inquired into the need for marine parks and other issues. I look forward to the Committee debate and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Definitions -

Hon KIM CHANCE: The definition of "authorization" refers to a farm lease. What does that mean in the context of this clause?

Hon E.J. CHARLTON: That is a pearl farm under the Pearl Act 1930.

Clause put and passed.

Clause 4 put and passed.**Clause 5: Compensation for loss suffered -**

Hon E.J. CHARLTON: I move -

Page 6, lines 14 and 15 - To delete the words "area has a proven history of being used for fishing under the authorization" and substitute -

history of the authorization shows that the area has been fished under the authorization on a long term and consistent basis

As I said earlier, the intent of subclauses 5(5) and 5(6) was queried during debate in the Legislative Assembly and the Minister undertook to seek advice on the matter. These amendments include provisions that more specifically address what must be done in providing for the correct operation of the legislation.

Amendment put and passed.

Hon E.J. CHARLTON: I move -

Page 6, lines 18 and 19 - To delete the words "area has a proven history of being used for fishing under the related authorizations" and substitute -

histories of the related authorizations show that the area has been fished under those authorizations on a long term and consistent basis

Amendment put and passed.

Hon E.J. CHARLTON: I move -

Page 6, lines 20 to 22 - To delete the subclause and substitute the following subclauses -

- (7) In the event of the Executive Director not issuing a certificate under subsection (5) or (6) within the prescribed time after being asked by a person to do so, the person may apply to the Minister to have the matter reviewed.
- (8) If the Minister receives an application under subsection (7), the Minister is to direct the Executive Director to review the matter within the time specified in the direction.
- (9) The Executive Director must, within the time specified in the direction -
 - (a) review the matter; and
 - (b) either issue a certificate to the applicant under subsection (5) or (6) (whichever is applicable) or advise the applicant in writing of the reasons for not doing so.

Hon E.J. CHARLTON: I have looked at Hon Norm Kelly's proposed amendments. He obviously considers there is a need for the applicant to go straight to the tribunal and for appropriate action to be taken within 21 days. In proposed subsection (7) of the amendment the member will see that in the event of the executive director not issuing a certificate within the prescribed time, after being asked by an application to do so, the applicant may apply to the Minister. The whole thrust of the provision is to ensure that the Minister can direct the executive director to provide a certificate to the applicant. It is envisaged that would take no more than 14 days. If the Minister receives an application under proposed subsection (7), the Minister is to direct the executive director to review the matter within the specified time. The executive director must then proceed to do so within the specified time. The benefit of proceeding in this way is that the applicant has a guarantee that the action will be taken. I understand the tribunal would not necessarily have the same power and authority to act quickly in response to the applicant. If this amendment is agreed to, it will provide that the executive director will be directed by the Minister to give a certificate.

Hon Kim Chance: As a result of proposed subsection (8)?

Hon E.J. CHARLTON: Yes. The tribunal does not necessarily have the same power. The amendment is moved as a result of the issue being raised in the other place by the member for Burrup. Hon Norm Kelly has tried to ensure that the tribunal will act either to issue a certificate to the applicant or to advise the applicant in writing of the reason for not doing so. That is covered by the responsibility of the Minister. We cannot go higher than the Minister, which is why this provision will cover what we want to achieve and also what Hon Norm Kelly is suggesting.

Hon NORM KELLY: In the second reading debate when we spoke of this clause and the type of scenario which might come into play we spoke about somebody who had been aggrieved by the Minister's decision. We are trying to set up a framework for that person's grievance to be resolved by another authority. The other side of the coin is that people could be overly generous when awarding compensation. The Minister is in a position of being able to favour certain people. The process is secretive because it is purely between the affected person and the Minister and, therefore, any information on overpayment of compensation is not openly available and does not come under the scrutiny of any wider body. One of my main reasons for moving the amendment would be to make this process more open, so that we can see the Minister is not unfairly penalising or favouring anybody. It is to the Minister's advantage to have those details open and accountable.

I seek an assurance from the Minister that a notification detailing the reasons for not issuing the certificate would include details of the further processes required for that person to appeal against the decision.

Hon E.J. CHARLTON: I will refer again to the role of the tribunal compared with that of the Minister. I am advised that the tribunal would not have the same jurisdiction to include on a certificate the history of the fisherman that the Minister would have when directing the executive director. When a certificate is granted, substantially more information will be made available as a consequence of the action being dealt with in that way rather than the tribunal simply giving a direction to the executive director. The executive director is responsible to the Minister and not to the tribunal. Naturally, information on that certificate would not be provided outside the direct requirements for compensation. Compensation will be assessed by the Fisheries Department and the Department of Conservation and Land Management having regard for the amount of funding that is made available for an area. The Minister cannot play Father Christmas.

Hon Norm Kelly: Would the information on the amount of compensation be openly available?

Hon E.J. CHARLTON: Not immediately, in that what each person received would be publicised. The amount of money paid into the compensation fund and how much money people got out of it would have to be transparent and accountable at the end of the day. It would be difficult for anyone to make to a fisherman or a number of fishermen an allocation which was outside the guidelines for compensation.

Hon NORM KELLY: I have already mentioned that it is difficult to detail exactly what compensation may be required with different boats fishing an area at different rates. It is quite feasible that different boats in one fleet could receive widely varying amounts of compensation depending on how they were affected. A situation could arise where the amount of compensation being paid was not uniform. I am concerned that if the process were too secretive and there were varying payouts, a question might arise as to whether the Minister was acting unfairly.

Hon E.J. CHARLTON: The application for compensation is based on the history of the catch and the time spent in the area. Criteria are set down, as I mentioned earlier, so that a fisherman cannot claim that he fished an area last year and expect to have that dealt with in the same way as a fisherman who has fished the area for 10 years.

Obviously if a person is unhappy with a tribunal's decision and then appeals to the Minister, and the Minister upholds the appeal, the process is open to more criticism. It is often said that someone has appealed to the Minister and that he has overturned the tribunal's decision.

Hon Norm Kelly: That is largely because ministerial decisions are not open. If they were open, people would see the reasons for the decision.

Hon E.J. CHARLTON: Exactly. It is a matter for debate. Discussions have taken place over a long period about this matter and issues were raised in the other place. It does not mean that the issue Hon Norm Kelly has raised is not relevant, but ultimately it was considered to be in the best interests of the fishing industry to have a procedure in place with both the Minister and the executive director being accountable. If a person is unhappy with a decision, he can go to the tribunal, and the tribunal's decision is final. There will be no to-ing and fro-ing. Therefore, I recommend that members accept this amendment. I will look at all the initiatives put in place, and if any anomalies arise in the system, they will be reviewed.

Hon NORM KELLY: I move -

That the amendment be amended by deleting the words "to have the matter reviewed" and substituting "the Tribunal to have the matter reviewed".

We have already discussed my reasons for moving this amendment. I am not totally satisfied that having the Minister review the matter is the best way to go. This amendment also impacts on clause (9)(b) in relation to an assurance that the applicant is adequately provided with the information for future appeals he may wish to undertake. I believe the process would be more open if the tribunal handled such an application rather than the Minister. It would absolve the Minister from any possible innuendo that he might have favoured or unfairly punished an applicant.

Hon E.J. CHARLTON: The problem with the amendment is that the tribunal does not have the power under the Act to issue a certificate or to direct the executive director to issue a certificate. Therefore, Hon Norm Kelly's amendment would not work. Only the Minister has the power to give a direction.

Progress

Progress reported, pursuant to Standing Order No 61(c).

WATER SERVICES COORDINATION AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.58 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is twofold -

- (a) it implements the transfer to the South West Irrigation Asset Co-operative Limited (SWIAC) of certain irrigation and drainage assets of the Water Corporation in the south west of the State (south west irrigation scheme) and the vesting of requisite powers in SWIAC in relation to those assets; and
- (b) it provides a statutory framework for similar dispositions of assets in relation to other irrigation and drainage schemes and to vest requisite powers in the owners of those assets if and when decisions are made in relation to those schemes.

The decision to proceed with the asset and business transfers in relation to the south west irrigation scheme arose out of recommendations made by the South West Irrigation Task Force in May 1994. As a consequence of those recommendations, Cabinet in August 1996 gave approval for the transfer of the corporation's south west irrigation and associated business to South West Irrigation Management Co-operative Limited (SWIMCO) and the transfer of the corporation's south west irrigation and certain drainage assets to SWIAC. In October 1996 an agreement was signed that gave effect to the transfer of the corporation's south west irrigation business and non-fixed assets to SWIMCO and SWIAC respectively. The fixed irrigation assets and certain drainage assets were leased to SWIAC pending resolution of certain land ownership issues. Under the agreement SWIAC will own the irrigation and drainage assets required to operate the south west irrigation scheme, and SWIMCO will hold the operating licence issued under the Water Services Coordination Act 1995 and will carry on the business of providing water services to irrigating farmers in the south west of the State. The south west irrigation scheme's main irrigation assets consist of diversion weirs, channels, pipelines, drains and associated works including regulating and measurement structures, offtakes and access facilities.

This Bill amends the Water Services Coordination Act 1995 by inserting divisions 10 and 11 under part 3 of the Act, "Licensing of Water Service Providers". Division 10 relates to the transfer of assets on land not held by the statutory asset owner and division 11 deals with the situation where the holder of an operating licence is not the holder of the assets concerned. Division 10 of the Bill contains two key definitions. The first is "asset", which means any works used or intended to be used for the provision of irrigation and drainage services being the property of a "statutory asset owner" and is upon, in, over or under land that is not the property of the statutory asset owner. The second is "statutory asset owner", being a person who is, or was, the holder of an operating licence issued by the Coordinator of Water Services authorising the licensee to provide irrigation or drainage services, or a person who holds assets to be used by a licensee in the provision of irrigation and drainage services pursuant to an arrangement approved by the coordinator.

In order to transfer assets from the corporation to the new owners of irrigation and drainage schemes a technique used in the recent restructures for the State Energy Commission of Western Australia and the Water Authority of Western Australia has been used. The technique involves the Minister for Water Resources publishing in the *Government Gazette* an order specifying the statutory asset owner, the assets that are to be transferred, the affected land and the name of the transferee. In circumstances where the detail in relation to the assets would be voluminous, provision is made for the assets to be set out in schedules that need not necessarily be published in the *Government Gazette* but that must be made available for public inspection. The effect of publication of the transfer order is that the assets specified in the transfer order vest in the transferee by force of the legislation. The legislation recognises that there could be instances where the transfer mechanisms mentioned are not effective to bring about the vesting of certain assets and therefore sets out the obligations of the transferee and the transferor in those circumstances. There is a

stamp duty exemption in relation to any asset transfers that take place pursuant to the legislation. The granting of stamp duty exemptions on the transfer of assets to implement reform is not new. Stamp duty exemptions were given in relation to both the energy and water restructures to which the Minister for Water Resources has referred. The Minister for Water Resources points out, however, that the exemption relates only to the specific types of transaction envisaged by this legislation which, in essence, is a transfer of assets where the circumstances surrounding the transfer involve a statutory assets owner.

The legislation addresses the situation where assets are no longer required. Provision is made for the Minister for Water Resources to extinguish the rights of the statutory asset owner or order the removal of assets that the Minister decides are no longer required or necessary for irrigation and drainage purposes. The consent of the statutory owner is required before an extinguishment order can be made. Under this provision, where the assets are fixtures, those assets form part of the land once an extinguishment order is made, and where the assets are not fixtures, the owner of the land is able to secure the removal of those assets. Extinguishment orders do not give rise to compensation rights.

Because of the unique circumstances addressed by this legislation, procedures have been incorporated in the Bill to establish a system that ensures anyone searching the registers for titles and deeds and searching under the Land Act, has notice of any transfer order affecting that land. The provision has some similarity to provisions in the energy and water restructure legislation that address similar issues. Provision is made for the Minister for Water Resources to correct errors and omissions in transfer orders. However, the rights of persons relying on the uncorrected transfer order are protected. The legislation also borrows from the energy and water restructure legislation in providing that the operation of the division cannot give rise to actions against the relevant parties based purely on changes of ownership affected by the legislation. The final provision in this division enables regulations to be made to provide for anything that is necessary or convenient in order to give effect to a transfer of assets.

Division 11 addresses the situation where assets are used by the holder of an operating licence but in circumstances where those assets are owned by another person. This provision gives the Coordinator of Water Services power to approve such an arrangement. The legislation also ensures that a licensee who is not the owner of assets has the same duties and powers as if the assets were held by the licensee rather than the owner of the assets.

Finally the Bill contains a mechanism by which certain powers of the corporation, for example access, can be conferred on a holding body. This mechanism is the same as that used to confer on the holder of an operating licence the powers of the corporation that are contained in section 45 of the Water Services Coordination Act. It involves the making of regulations and the laying of those regulations before both Houses of Parliament before coming into effect. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.05 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Karawara Homeswest Development

HON CHERYL DAVENPORT (South Metropolitan) [10.06 pm]: I raise concerns brought to my attention today in relation to the Karawara Homeswest redevelopment and the South Perth City Council meeting last night which overturned a decision it had previously made on this development. For the past two and a half years Homeswest has been seeking some agreement to redevelop the suburb of Karawara, and to some extent I concur with that. The consultation process has not been adequate. I have asked questions of the Minister, and also questioned representatives from the Homeswest agency at the Estimates Committee hearings. I have voiced my concerns about the lack of public consultation with the local community in both the local Press and to the Minister when this issue was first raised. A number of public meetings have been held and have been well attended. The two meetings I went to were attended by at least 100 people. However a further range of concerns have been raised in the past couple of months.

Unfortunately, Homeswest had failed to give guarantees to people who want to remain in the area. Some of those problems have been resolved. Concern was also expressed that no guarantees were given initially that the Karawara community project which houses the fun factory program, which has been very successful with young people in the area, would be retained. No guarantee was given either that the community hall would remain. It is only 19 years old. Guarantees were sought from Homeswest by the South Perth City Council that money would be allocated for its relocation. The site on which those facilities are located is prime real estate. The site is on the only hill in the

suburb, and would fetch a premium price in any redevelopment sale to the private sector. It took the South Perth City Council some time to extract a commitment from Homeswest that those facilities would be replaced.

At the same time there is community concern about an area of urban remnant bushland. The South Perth City Council was asked to rezone this area from public open space to residential, and a decision was made by the council to rezone part of the area and retain some of the remnant bushland as public open space. In effect, only the best part, which is approximately 10 per cent, of the remnant bushland area was sought to be retained. That would have provided about 1.5 per cent of open space in the Karawara development area. The South Perth City Council regarded that as a way of satisfying the concerns of Karawara residents and people who had been campaigning to retain the bushland.

The Homeswest officer who is in charge of the redevelopment, Mr Ces Stapleton, who has not always been a good manager in the way that he has handled this redevelopment and the community concerns at large, indicated that he thought this council decision might be acceptable to Homeswest. However, that was not the case. The Chief Executive Officer of Homeswest, Greg Joyce, was not prepared to compromise and said that the redevelopment would not go ahead under those circumstances and that Homeswest would take the matter to the Minister for Planning and request that the council's decision be overturned.

The question that must be posed is why did Homeswest bother to go through the farce of having community consultation, which has obviously caused a lot of concern and angst among local residents over the past two and half years, not to mention among the community organisations that have been trying to ensure that the existing facilities are retained.

The South Perth City Council felt forced to convene a special council meeting last night to revisit its earlier decision on the basis of what is, as I see it, and from what has been conveyed to me today, a threat from Homeswest that if it did not revoke its earlier decision, it would be overturned by the Minister for Planning, and the \$600 000 which had been guaranteed to the South Perth City Council for the redevelopment of the community facilities would not be forthcoming. That left the council in a difficult situation. I wonder about the community consultation process in which Homeswest has been involved over the past two and half years. It seems to be a pretty poor way of treating the local community when the council makes a decision based on the views of its community and then is blackmailed into overturning its decision because the government agency will not compromise.

Question put and passed.

House adjourned at 10.12 pm

QUESTIONS ON NOTICE

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

STATE FINANCE - GROSS STATE PRODUCT

15. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

- (1) Has the growth in Gross State Product been revised since the presentation of the 1996/97 Budget?
- (2) If so, to what level?
- (3) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) The estimated growth in gross state product in 1996-97 was revised in the 1997-98 budget papers. The revised growth rate is 5 per cent real compared with 5.75 per cent estimated at the time the 1996-97 budget was brought down.
- (3) Not applicable.

STATE FINANCE - GENERAL REVENUE GRANTS*Reductions*

79. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

What are the targeted reductions in expenditure to partly offset Commonwealth reductions to General Revenue Grants in -

- (a) 1996/97; and
- (b) 1997/98?

Hon MAX EVANS replied:

- (a) \$33 139 000.
- (b) \$24 238 000.

[See paper No 679.]

STATE FINANCE - INTEREST RATES

85. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

At what rate of interest could the Western Australian Government borrow money on April 1, 1996?

Hon MAX EVANS replied:

The Government maintains various borrowing facilities through the Western Australian Treasury Corporation. The major source of funds is the domestic capital markets. Rates fluctuate according to market conditions but the following are representative of levels prevailing on 1 April 1996 -

Term	% per annum
90 days	7.57
1 year	7.83
2 years	8.26
3 years	8.41
5 years	8.71
7 years	8.97
9 years	9.06

STATE FINANCE - CAPITAL LOANS*Repayments*

93. Hon JOHN HALDEN to the Minister for Finance representing the Treasurer:

- (1) Have there been any unbudgeted capital loan repayments in 1996/97?

(2) If yes, from whom and for how much?

Hon MAX EVANS replied:

(1) Yes.

(2) As at the close of business on 15 March 1997:

\$1,067,757.30 from the Department of Commerce and Trade; \$90,744.80 from the Government Employees Housing Authority; and \$3,347,711.99 from the Industrial and Commercial Employees Housing Authority.

SELECT COMMITTEE ON CHILD MIGRATION - SUBMISSIONS

157. Hon J.A. SCOTT to the Leader of the House representing the Premier:

- (1) How many submissions were made to the Parliamentary Select Committee on Child Migration?
- (2) How many submissions made to that Committee contained allegations of sexual abuse of child migrants by staff of institutions holding child migrants?
- (3) How many submissions made to that Committee contained allegations of physical abuse of child migrants by staff of institutions holding child migrants?
- (4) How many submissions made to that Committee contained allegations of physical or sexual abuse of child migrants by Christian Brothers?
- (5) In respect of institutions holding child migrants which were supervised by the Child Welfare Department, how many submissions made to that Committee contained references to -
 - (a) deaths of child migrants;
 - (b) child migrants working at building sites in institutions as part of so-called apprenticeship schemes;
 - (c) punishment of child migrants by the cropping of their hair; and
 - (d) punishment of child migrants by hitting them with leather straps?
- (6) How many submissions made to that Committee contained references to the educational retardation of child migrants in institutions due to lack of qualified teaching staff?

Hon N.F. MOORE replied:

- (1)-(6) I refer the Honourable Member to the Parliamentary Select Committee's Interim Report tabled in Parliament on Wednesday, 13 November 1996.

Individual submissions made to the Select Committee were not tabled and therefore are not publicly available.

MICKELBERG CASE - MICKELBERG RESIDENCE

Visit by Two Detectives

193. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

I refer to the Mickelberg case -

- (1) Is it correct that at about 7.30 pm in the evening on 24 February, 1997, the same day that Mr R Mickelberg appeared in the Supreme Court requesting police documents, he was visited by two city based detectives, Ms Fiona McNab and another officer?
- (2) Did the visit by the police officers relate to the matters dealt with in the Supreme Court that day?
- (3) Who in the Western Australian Police Service initiated the visit by the two detectives to the Mickelberg residence?
- (4) Will the Minister ensure that this was just a coincidence and not police harassment as a result of proceedings in the court that day?

Hon PETER FOSS replied:

- (1) Yes. Detective McNab and another officer did attend Mr R Mickelberg's residence. Both officers were unaware of Mr R Mickelberg's attendance at the Supreme Court earlier that day.

- (2) No.
- (3) Detective McNab from the Major Fraud Squad.
- (4) The visit was due to a fraud investigation which was unrelated to Mr R Mickelberg's attendance at the Supreme Court.

FUEL AND ENERGY - GAS

Goldfields Gas Pipeline Agreement Act - Tariff Schedule

306. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:
- (1) Has the Minister for Resources Development required the Joint Venturers to address altered circumstances under Clause 22 (2) of Schedule 1 to the Goldfields Gas Pipeline Agreement Act 1994?
 - (2) If yes, what circumstances were considered to have altered?
 - (3) What was the outcome of this negotiation?

Hon N.F. MOORE replied:

- (1) No. There are no altered circumstances which would make the State consider that any of the tariff setting principles need to be varied.
- (2)-(3) Not applicable.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

421. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Disability Services:
- (1) What programs are conducted in the Minister for Disability Services portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?

Hon MAX EVANS replied:

- (1) Aboriginal people with disabilities have access to the full range of Disability Services Commission's programs. The programs are:
 - (i) Accommodation and Community Home Support
 - (ii) Individual and Family Support
 - (iii) Community Development and Services Improvement

The Disability Services Commission's Local Area Co-ordination service provides a local, flexible and individualised response to people with disabilities and their families. This service is able to respond to the expressed needs of Aboriginal people with disabilities and their families in the context of their local communities throughout the State.

The Commonwealth/State "Report on Government Service Provision" shows that WA has a significantly higher utilisation of accommodation by Aboriginal or Torres Strait Islander people with disabilities than any other State or Territory.

- (2)
 - (i) Accommodation and Community Home Support provides -
 - hostel residential support for people with higher support needs in hostels designed for groups of nine or more;
 - community residential through support to groups of up to eight people living together in typical suburban houses (includes group homes and duplexes);
 - supported community living through a range of accommodation support options to people with disabilities living in their own or rented accommodation.
 - (ii) Individual and Family Support provides -
 - family support and respite through information and counselling services, in-home help and respite

services, and assists families to develop support networks and access necessary services; recreation/Alternatives to Work activities which assist people with disabilities to access social and recreational opportunities in integrated settings in the community; health and individual development support which provides medical and other specialist services directed at maintaining health, promoting family well-being, and developing skills and abilities.

(iii) Community Development and Services Improvement provides -

information, advocacy and community education. This job-program advocates for, and provides services to enhance acceptance of the needs, rights and abilities of people with disabilities; access and equity. This sub-program coordinates, develops and improves access to services and supports for people with disabilities, their families and carers; rights, safeguards and quality assurance. This job program develops, and promotes the development of effective mechanisms to preserve customer rights, establish and maintain safeguards, and promote service quality.

(3) The recurrent funds being made available are -

(i) Accommodation and Community Home Support:	\$102.3m
(ii) Individual and Family Support:	\$ 50.5m
(iii) Community Development and Services Improvement:	\$ 5.0m

(4) Commonwealth and State: Under the Commonwealth State Disability Agreement, the Commonwealth contributes \$21.5m. The balance is provided by the State.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

430. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Primary Industry:

- (1) What programs are conducted in the Minister for Primary Industry's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon E.J. CHARLTON replied:

- (1) In addition to services available to Aboriginal and non-aboriginal clients, a Memorandum of Understanding (MOU) exists between the Aboriginal and Torres Strait Islander Commission and Agriculture Western Australia to assist and advance the welfare of Aboriginal persons. A summary of the MOU follows:

- there is an allocation of 50% of the Pilbara District Officer's time specifically designated to advising Aboriginal stations in the Pilbara and Gascoyne areas.
- the MOU provides advice and oversees the expenditure of funds provided by ATSIC for specific development programs and ensures funds are spent for the purpose for which they were originally provided.

In the Kimberley region, generic support is provided by the agency to pastoral stations, whether Aboriginal owned or otherwise.

The agency also provides technical, administrative and funding support to a National LandCare Program funded officer working for the Kimberley Aboriginal Pastoralists Association.

- (2) Agency support includes the following activities -

advice and technical support on the management of funding;
recommends and assists with the development and implementation of station plan;

provides direction and guidance that will lead to efficient mustering and effective turnoff and sale of livestock and wool;
assists with the formation of the Central Agricultural and Pastoral Aboriginal Corporation (CAPAC) for Aboriginal pastoral enterprises in the Pilbara, Gascoyne and Murchison; and

provides technical and administrative support for the National LandCare Program (NLP) funded officer to Kimberley Aboriginal Pastoralists Association.

- (3) ATSIIC provides funding for the Pastoral Liaison Officer for Aboriginal Stations Program. Agriculture Western Australia contributes direct funding of \$5250 to the Kimberley NLP officer's operating budget, plus ongoing administrative support, and proportionate contributions from generic pastoral support programs.
- (4) As above.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

431. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

- (1) What programs are conducted in the Minister for Police's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon PETER FOSS replied:

- (1) Programs that are conducted in the Minister for Police's portfolio and related agencies, specifically to assist and advance the welfare of Aboriginal persons are:
 - (a) The Minister's Council on Aboriginal/Police and Community Relations
 - (b) The Western Australia Police Service Aboriginal Affairs Directorate
 - (c) The Aboriginal Police Liaison Officer Scheme
 - (d) Specialised training on Aboriginal and cross cultural issues:
Training for Aboriginal Police Liaison Officers
Officers Development in Service conducted through the Police Academy
 - (e) Recruiting strategy to improve the level of Aboriginal persons engaged in the Police Service.
 - (f) Specific operational strategies that are conducted within the functional jurisdiction of regions and districts that are directed to addressing specific local needs.
- (2)
 - (a) The Minister's Council on Aboriginal/Police and Community Relations is a committee convened under the Minister for Police. It is an advisory committee to provide advice to the Minister for Police and Commissioner of Police on the best means of improving Aboriginal/Police and community relations.
 - (b) The Western Australia Police Service recognises the diversity and complexity of the Aboriginal communities' policing needs, and is committed to providing a service that is appropriate to meeting these needs along with those of the wider Western Australian community.

In recognition of the Aboriginal communities' special needs, the Police Service has formed within its specialist support portfolio an Aboriginal Directorate to enhance its capacity to provide an increasingly professional and appropriate service to the Aboriginal community. The Directorate has the combined responsibility of supporting the existing specialist resources within the Police Service.

The Directorate:

- Maintains and supports the management of the Aboriginal Police Liaison Officer Scheme.
- Provides secretariat support to the Minister's Council on Aboriginal Police and Community Relations.
- Maintains and supports the development of local Aboriginal Police liaison committees and other initiatives designed to form partnerships between the Aboriginal community and police.
- Provides and coordinates policy advice on matters relating to Aboriginal policing issues.

- Coordinates the Police Service response on the Royal Commission into Aboriginal Deaths in Custody obligations.
 - Participates and assists police regions in planning service delivery to the Aboriginal community.
 - Researches trends and issues to assist in the development of programs and initiatives that will improve Aboriginal/Police relations.
 - Assists in the provision of conflict management to regions as it relates to Aboriginal/Police relations.
- (c) The Police Service supports a program appointing suitably qualified Aboriginal persons as Police Liaison Officers at locations throughout the State that support substantial Aboriginal communities. There are 104 such officers. Their role is to support the police in servicing the Aboriginal community in a proactive manner.
- (d) The Police Academy conducts a variety of Specialised training on Aboriginal and cross cultural issues; training for Aboriginal Police Liaison Officers; Officers Development in Service. These programs are designed to meet the specific needs of all police personnel.
- (e) The Police Service since 1993 has developed an employment strategy to improve the level of Aboriginal persons engaged in the Police Service. The strategy actively reviews recruiting levels and supports a variety of marketing and educational support programs that target Aboriginal people to choose policing as a career option.
- (f) The Police Service supports specific operational strategies that are conducted within the functional jurisdiction of Regions and Districts that are directed to addressing specific local needs. These activities are conducted as normal operation strategies. Examples of this type of work are many and varied and every portfolio at some stage may engage in activities that impact or involve the Aboriginal community. These being -
- Patrols to remote communities
 - Support to community based crime prevention initiatives such as sobering up shelters and community patrols
 - Support to specialised driver training schemes
 - Specialised initiatives to address specific needs such as domestic violence prevention strategies
 - Specialised crime prevention initiatives that are conducted through Crime Prevention and Community Policing and Police and Citizens Youth Clubs.
- (3) Funds available for the conduct of the programs are -

The maintenance of the Aboriginal Affairs Directorate and the Aboriginal Police Liaison Officers Program -

Salaries	\$3.6 million
Administration/Program Funds	\$191,000

This figure is for the combined operation of the Directorate which also includes funds allocated for the operation of the Minister's Council. The funds for the operational activities of Liaison Officers that are based in regional locations are supported within regional budgets. Funding levels for other programs and initiatives are difficult to quantify as funding is not distinguished as being specifically allocated within the regional and portfolio budgets as being for Aboriginal programs.

- (4) Police portfolio - Consolidated Revenue Fund.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

436. Hon TOM STEPHENS to the Minister for Sport and Recreation:

- (1) What programs are conducted in the Minister's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?

- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon N.F. MOORE replied:

1. A variety of sport and recreation strategies, including Street sport, community games and festivals, education courses in coaching, administration, officiating and sports injury management, conferences.

The Government has also made a commitment to support the development of a North West Academy of Sport at Pundulmurra College in Port Hedland. This Academy will have a focus of working with Aboriginal people.
2. Through the Ministry of Sport and Recreation, these activities are run through six regions in Western Australia. These include the Kimberley, Gascoyne, Mid West, South West, Goldfields and Perth.

The Government also provides support to regional Aboriginal sport and recreation groups. Each project has a set target, objectives and performance indicators.
3. The State Government provides \$100 000 through the Ministry of Sport and Recreation for two permanent staff and their programs, plus \$134 000 to the Aboriginal Development Foundation for Sport and Recreation.

In addition, Aboriginal sporting groups access funding for smaller activities through the Sports Lottery Fund. The Federal Government, as part of the Royal Commission into Aboriginal Deaths in Custody, provides \$320 000 per year to support the employment of five staff.
4. State and Federal Governments.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

438. Hon TOM STEPHENS to the Minister for Tourism:

- (1) What programs are conducted in the Minister's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon N.F. MOORE replied:

- (1) The Western Australian Tourism Commission via its Industry Development Unit actively works with Aboriginal product development opportunities.
- (2) Provides consultancy services to communities and individuals wanting to enter or extend their current involvement in the tourism industry. In the Kimberley region, the WATC has on staff an Aboriginal Product Development Manager who, in part, helps develop Aboriginal tourism opportunities.
- (3)-(4) The WATC has entered into an alliance with the Department of Commerce and Trade, through its Aboriginal Development Enterprise Unit, to assist the Commission with specific Aboriginal tourism development opportunities for the Kimberley. The Department allocated co-operative funding of \$30,000 over two years which commenced in 1996/97.

ENVIRONMENT - URBAN LANDFILL LEVY

Introduction

489. Hon KIM CHANCE to the Minister for Finance representing the Minister for the Environment:

- (1) What is the proposed form and level of the mooted Urban Landfill Levy?
- (2) When will it be introduced?
- (3) What organisations or agencies will be subject to the levy?

- (4) What level of input (if any) have representatives of local government authorities and industry had in the formulation of this policy?
- (5) Is the Minister for the Environment aware of opposition to this proposal from key stakeholders such as local government authorities?
- (6) Will the Minister consider meeting with both representatives of local government authorities and industry to discuss practical alternatives to this proposal?

Hon MAX EVANS replied:

- (1) The levy will be calculated on the basis of tonnages through the gate at metropolitan landfills. It is proposed to be a two-tiered levy consisting of a \$3 per tonne charge for commercial, industrial and household waste and a \$1 per tonne charge on waste produced by the demolition and construction industry.
- (2) The levy will come into effect on July 1, 1998.
- (3) The levy will apply to the whole of the metropolitan area, which extends north to Wanneroo, south to Rockingham and east to Swan, Mundaring, Kalamunda and Serpentine/Jarrahdale. There may be some exceptions where land is being filled to engineering standards for construction purposes.
- (4) The urban landfill levy has been discussed with local government and industry since it was proposed in the 1991 Government report Waste Management into the 21st Century. The matter was further dealt with in the State Recycling Blueprint (1991 - 1993) which was developed in conjunction with local government. In June 1995 the Department of Environmental Protection canvassed the issue further in a paper circulated to local government and industry entitled Resourcing Options for Waste Minimisation and Recycling Programs in Western Australia.
- (5) I am aware of opposition to this proposal from local government and sections of industry. I am equally aware of support for the levy from other quarters including elements of the waste management industry, the Conservation Council, and the Pollution Action Network.
- (6) Prior to announcing the levy on June 4, 1997, I had met with many representatives of local government and industry in respect to this matter and am happy to continue discussing it.

SCHOOLS - NON-GOVERNMENT

Literacy Learning Difficulties - Funding

494. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) What effort is being made to allocate funds for non-Government schools for children with literacy learning difficulties?
- (2) Will funds be available in the 1997/98 Budget?
- (3) If not, why not?

Hon N.F. MOORE replied:

- (1)-(3) Non-government schools are funded according to an agreed and well established funding model which allocates on a per capita basis a proportion of the cost of educating a student in a government school (the index known as the AGSRC - Average Government School Recurrent Cost index). Recurrent funding to non-government schools is projected to reach 25.3 per cent in 1997-98 (currently 24.8 per cent). The effect of any increase in the recurrent budget for government schools automatically flows on to non-government schools. There is no specific allocation of funds for the purpose specified. A non-government school could make literacy a priority area through appropriate utilisation of its substantial State and Commonwealth funding.

PLANNING - KWINANA REGIONAL STRATEGY

Recommendations

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

- (1) Is the Minister for Planning aware of a document called the Kwinana Regional Strategy which was published by his department in December 1988?

- (2) Is the Minister aware that the Kwinana Regional Strategy recommended against the relocation of residents of Wattleup and Hope Valley and in fact recommended the enhancement of local facilities for these residents?
- (3) Is the Minister aware of a Discussion Paper released by the department in March 1997, known as the Fremantle Rockingham Industrial Area Report Strategy ("FRIARS")?
- (4) Is the Minister aware that the FRIARS report recommends (page 27) "that the town sites of Naval Base and Hope Valley be closed and that this land should be added to the Kwinana Industrial Site"?
- (5) Is the Minister aware that the FRIARS Report recommends that the town sites of Wattleup and Mandogalup be resumed with a view to acquiring them for industrial purposes?
- (6) Is the Minister aware that the FRIARS Report advocates the closure of Challenger Beach and its conversion to a container terminal?
- (7) Did the Minister himself give assurances, while in opposition, to the people of Kwinana in June 1990 at the seminar on "A Better Future for Kwinana" that a Coalition Government would promote cleaner, smarter industries for Kwinana and a cleanup of the coastal strip?
- (8) Why has the Minister reversed his commitment to the people of Kwinana over the past seven years?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The strategy does not make a recommendation against relocation, but states that relocation is not contemplated and that support will be given to improving local amenity and services in these communities as the opportunities arise.
- (3) Consultants engaged by the Western Australian Planning Commission to undertake a consultation program for the preparation of a Fremantle/ Rockingham Industrial Area Regional Strategy (FRIARS) released a Discussion Paper on 22 March 1997 to generate debate and solicit community input to the proposed strategy.
- (4)-(6) No. The Discussion Paper, prepared by the consultants, has been released to solicit community input as a basis for the preparation of the FRIARS. Until a draft strategy is prepared there is no FRIARS Report and consequently no recommendations.
- (7) Yes. Since then there have been two elections and each time the Coalition improved their policies. I suggest you study the 1996 Coalition Policies.
- (8) He has not reversed his commitment. You are making assumptions which are wrong!

UNIVERSITIES - EDITH COWAN

Aboriginal Education Study

520. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:
 - (1) What funds have been allocated by the Department of Education towards the Edith Cowan University joint study on the use of Aboriginal education as an educational tool?
 - (2) When was the study commenced?
 - (3) When was or will the study be completed?
 - (4) Is the department aware of the work by Dr Susan Kaldor of the University of Western Australia in the 1970s on this same issue?
 - (5) Have the findings of Dr Kaldor's work been drawn on in regards to the value of utilising Aboriginal English in the classroom for some Aboriginal students?
 - (6) If not, why not?
 - (7) What specific additional value is gained by the Edith Cowan study involving Mr Toby Metcalfe over and above implementing the findings of the work of Dr Kaldor some 24 years ago?

Hon N.F. MOORE replied:

- (1) Two FTEs over two years (1 FTE per year / equivalent to \$53 000 per annum). \$41 348 contingencies over two years towards relief payments and training for Aboriginal Education workers, employment of a contractual curriculum writer, and incidental costs of equipment and materials, e.g. photocopying.
- (2) February 1996.
- (3) December 1997.
- (4) Yes.
- (5) The current study draws on previous work in this area, including that of Dr Susan Kaldor.
- (6) Not applicable.
- (7) Dr Toby Metcalfe is acting while the chief researcher, Dr Ian Malcolm, is overseas. Dr Malcolm was the co-researcher and author with Dr Kaldor of the work mentioned. Dr Kaldor's and Dr Malcolm's earlier work focused on phonology and syntax. Dr Malcolm has published a considerable body of research in this area subsequent to the 1970s research. The present study is extending this work but also examining semantic and pragmatic aspects of the dialect. These aspects allow for a greater understanding of Aboriginal ways of approaching experience and knowledge and the potential areas of difficulty for Aboriginal students learning through standard Australian English. A further objective of the study is to apply these findings to curriculum.

PORTS AND HARBOURS - NAVAL BASE, KWINANA

Expansion

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

How does the Cabinet decision referred to in answer to question without notice 422 of May 27, 1997, with regard to Cabinet's endorsement of Western Australia's next port at Naval Base, relate to the Government's commitment to sustainable development?

Hon MAX EVANS replied:

Cabinet has endorsed the concept that Naval Base will be the site for development of expanded port facilities to cater for trade that exceeds the existing capacity of the Fremantle Inner Harbour. Before final approvals are granted and any construction begins, detailed designs and environmental impact documentation will be developed and the overall proposal subjected to environmental impact assessment under the Environmental Protection Act (1986) to ensure it is consistent with Government's commitment to sustainable development.

ENVIRONMENT - COCKBURN SOUND

Water Quality

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

I refer the Minister for the Environment to the Southern Metropolitan Coastal Waters Study 1996, by the Department of Environmental Protection -

- (1) Is the Minister aware that the DEP found that "The current water quality of Cockburn Sound is only slightly better than during the late 1970s when the water quality of the Sound was in its poorest state"?
- (2) Is the Minister aware that the DEP found that "the concentrations of TBT (tributyltin) in mussels also exceeded health criteria, primarily at sites in harbours and near the wharves in Cockburn Sound, indicating that the consumption of mussels from these sites poses a risk to human health"?
- (3) Does the Government agree with the DEP's assessment that "TBT contamination of the coastal waters is an issue of extreme concern"?
- (4) If yes, what action is the Minister taking to address these concerns?

Hon MAX EVANS replied:

- (1) Yes.
- (2) There are no Australian Food Standards for TBT in any food. The DEP found that the concentration of TBT (tributyltin) in mussels, primarily at sites in harbours and near wharves, exceeded DRAFT health criteria.

- (3) Yes.
- (4) Regulations were introduced in November 1991 to prohibit the usage of TBT on vessels less than 25 m in length and restrict usage to low leaching forms on vessels over 25 m in length. Regulations controlling licensable activities were amended in September 1996 to include ship-building and ship-maintenance facilities which use or remove organotin compounds. The DEP is identifying and progressively licensing these facilities. The Minister for the Environment is contributing to the formulation of a national approach to the management and hopefully, the eventual replacement of TBT through the Australian and New Zealand Environment and Conservation Council (ANZECC).

ENVIRONMENT - COCKBURN SOUND

Tributyltin Levels

540. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:
- (1) Is the Minister for the Environment aware that the Department of Environmental Protection is concerned about increasing levels of TBT (tributyltin) in Cockburn Sound and that these increases are clearly associated with vessels over 25 metres in length for which TBT paint is still permitted?
 - (2) In view of the evidence about TBT and the poor state of Cockburn Sound, why has the Government decided on a massive expansion of ship building, ship maintenance and harbour facilities in Cockburn Sound?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Regulations were introduced in November 1991 to prohibit the usage of TBT on vessels less than 25 m in length and restrict usage to low leaching forms on vessels over 25 m in length. Regulations controlling licensable activities were amended in September 1996 to include ship-building and ship-maintenance facilities which use or remove organotin compounds. The DEP is identifying and progressively licensing these facilities. The Minister for the Environment is contributing to the formulation of a national approach to the management and hopefully, the eventual replacement of TBT through the Australian and New Zealand Environment and Conservation Council (ANZECC).

ABORIGINAL ART - DUMBARTUNG ABORIGINAL ARTISTS' ADVISORY COMMITTEE

Funding

541. Hon TOM STEPHENS to the Minister for the Arts:
- (1) Can the Minister confirm that the department has not honoured a funding agreement with the Dumbartung Corporation since January 1996?
 - (2) Is the Minister aware that an amount of \$34 000 is owing?
 - (3) Is the Minister going to be taking steps to ensure this outstanding amount will be paid?
 - (4) Is the Minister aware that Dumbartung Corporation had been in the process of engaging consultants to carry out the development of a business plan in accordance with the recommendations of the review report?

Hon PETER FOSS replied:

- (1) The reverse is the case. The department has had difficulties in gaining satisfactory acquittal from Dumbartung. Despite this, Dumbartung Aboriginal Corporation received General Purpose Funds of \$67,500 for 1996 as per its General Funding Contract for 1996. Dumbartung Aboriginal Corporation does not have a funding contract for 1997.
- (2) As there is no contract with Dumbartung Aboriginal Corporation there are no funds owing to the organisation.
- (3) As there is no funding contract there are no funds outstanding to be paid. The organisation was offered a sum of \$10,000 for 1997 but wrote to Arts WA refusing the offer.
- (4) Yes. Arts WA provided advice to Dumbartung Aboriginal Corporation in December 1996 as to how to secure support through the Department of Commerce and Trade to undertake a business plan

following the recommendations of the review report. Arts WA also offered funds for this purpose and held several meetings and phone conversations with the organisation to appoint the consultants. However, Arts WA has not been advised that a consultant has been engaged to date.

ENVIRONMENT - EXMOUTH GULF

Destruction of Mangrove Trees

542. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

What steps is the Minister for the Environment taking to halt the destruction of mangrove trees in the southern reaches of the Exmouth Gulf?

Hon MAX EVANS replied:

CALM is presently investigating an alleged breach of the provisions of the Wildlife Conservation Act in respect of the destruction of mangroves.

EDUCATION - COUNTRY BENEFITS SCHEME

Implementation

546. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

With regard to the Country Benefits Scheme Discussion Paper prepared by the Employee Relations Executive Committee, I ask -

- (1) Will the Minister for Education be implementing the recommendations of the report?
- (2) If the report is still under consideration, when will the Minister be making a decision as to the implementation of the report?
- (3) Will the Minister consider the opposition of some teachers to this scheme, as reported in the *North West Telegraph* of June 4, 1997, in deciding on the implementation of this report?

Hon N.F. MOORE replied:

- (1) As indicated in the report, further development of this draft proposal will be subject to extensive consultation with teachers, union groups and professional associations, as well as endorsement in principle by Government, prior to negotiation of any formal industrial agreements and subsequent implementation of the scheme.
- (2) The document is a discussion paper only and no formal recommendations are under consideration by Government at this stage.
- (3) Yes.

COMPETITION POLICY - LOCAL GOVERNMENT

Share

555. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Local Government:

- (1) Is it the case that the State Government has decided not to provide local government with a share of the competition policy dividend due from the Commonwealth Government during 1997/98?
- (2) What will the decision cost local government in 1997/98?
- (3) If the decision is maintained what will it cost local government over the next ten years?
- (4) What are the reasons for the decision?

Hon E.J. CHARLTON replied:

- (1)-(4) Under the National Competition Principles Agreement, local government is to receive real per capita increases in its Financial Assistance Grants. These Grant increases are the larger of the two types of payment under National Competition Policy.

There was no agreement for local government to receive additional payments conditional on performance because of the relatively limited impact of local government's involvement in National Competition Policy when compared to the State. As it was never intended that local government should

receive a proportion of the additional payments and there was no agreement to this end, it cannot be argued that the "decision" will cost local government money. However, the Government has been canvassing the possibility of making available a small amount of funding and this is being progressed with Treasury.

CORRUPTION - ANTI-CORRUPTION COMMISSION

Delegation of Functions

558. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Has the Anti-Corruption Commission delegated any of its functions?
- (2) If so -
 - (a) to whom;
 - (b) what function; and
 - (c) on what date?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

- (1) Yes.
- (2) (a) To its : -
 - Chief Executive Officer
 - Director of Anti-Corruption Commission Investigations
 - Principal Investigator
 - Investigators

(b) Copies of the relevant delegation documents are provided. [See paper No 677.]

(c) Functions were delegated on the following dates:

 - Chief Executive Officer:25/3/97
 - Director of Anti-Corruption Commission Investigations:5/5/97
 - Principal Investigator:5/5/97
 - Investigators:5/5/97

CORRUPTION - ANTI-CORRUPTION COMMISSION

Act - Section 9

560. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

- (1) Has the Anti-Corruption Commission entered into any agreement with any person or body pursuant to section 9 of the Anti-Corruption Commission Act 1988?
- (2) If so, in each case -
 - (a) with what person or body;
 - (b) on what date; and
 - (c) with respect to what function?

Hon N.F. MOORE replied:

The Anti-Corruption Commission has provided the following information:

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

FISHERIES - SOUTH COAST PURSE SEINE MANAGED FISHERY

Endangered Stock

564. Hon KIM CHANCE to the Minister for Transport representing the Minister for Fisheries:

I refer the Minister for Fisheries to the media statement made by the Minister on June 8, 1997 in which he announced the introduction of new management measures for the South Coast pilchard fishery -

- (1) Can the Minister advise why he proceeded to table the amendments to the Management Plan while the effect of those amendments was still under discussion by the industry?

- (2) Is the Minister aware that at a meeting of industry participants in Albany on June 9, the amended plan was unanimously rejected?
- (3) In view of the fact that the plan has now been rejected by the Management Advisory Committee, WAFIC and the industry meeting on June 9, will the Minister now withdraw the amendments?

Hon E.J. CHARLTON replied:

- (1) The consultation phase was essentially completed in April 1997 as the Minister for Fisheries had advised industry by letter that he would be introducing changes for the 1997/98 licensing period (which began on 1 April 1997). He also advised industry that they could expect further changes would be introduced early into the licensing period.
- (2)-(3) The Minister's understanding is that a number of meetings have been held to discuss the Management Plan. He has received reports from some of these meetings which indicate both opposition and support.

PARKS AND RESERVES - REGIONAL

Gnangara - Advertisements

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

I refer to the four page advertising wrap around feature regarding the proposed Gnangara Regional Park that was run in Community Newspapers in November 1996 -

- (1) Who made the decision to run these advertisements?
- (2) When was the decision to run these advertisements made?
- (3) Can the Minister for the Environment confirm that these advertisements were initially booked to be run in the Community Newspapers one week prior to the date on which they were run?
- (4) If so, why was there this delay?
- (5) What was the total cost of the advertisements?

Hon MAX EVANS replied:

- (1)-(4) The Executive Director of the Department of Conservation and Land Management took the decision to seek public comment on the Gnangara Park proposal in about September 1996. Preparation of a public information document was then commenced, however, publication did not take place until finalisation of preliminary planning, preparation of maps and other material.
- (5) Publication cost of advertisements \$81 369.90.

FISHERIES - SOUTH COAST PURSE SEINE MANAGED FISHERY

Management Paper No 99

566. Hon KIM CHANCE to the Minister for Transport representing the Minister for Fisheries:

With regard to the South Coast Purse Seine Managed Fishery -

- (1) Does the Minister for Fisheries intend to implement the principal elements of Management Paper No 99 for the season 1997/98?
- (2) Is it correct that the Purse Seine Management Advisory Committee ("MAC") rejected the Fisheries Management Paper No 99 at its meeting on March 10, 1997?
- (3) Has the MAC advised the Minister that adoption of Paper No 99 could result in the collapse of all zones within the South Coast Fishery?
- (4) If so, why is the Minister proceeding with a plan that the responsible MAC has deemed to be flawed?

Hon E.J. CHARLTON replied:

- (1) The management package that has been implemented in legislation contains the principal elements of Management Paper 99.
- (2) On 10 March the Purse Seine Management Advisory Committee resolved to advise the Minister that its preferred method of restructuring the fishery involved a buy out rather than the proposal in Management

Paper 99. The Minister has taken this advice into account and taken action to establish a Committee of Advice to examine the viability of a Fisheries Adjustment Scheme.

- (3) The Management Advisory Committee advice to the Minister was based on the assumption that adoption of the principal elements of Management Paper 99, could result in unit values being decreased if the Total Allowable Catch for the entire fishery decreased.
- (4) Under the new management arrangements there is now one South Coast Purse Seine Managed Fishery which is divided into catching zones for the purpose of managing the take of small pelagic fish within the fishery, in relation to the overall recruitment of the entire fishery. Individual access has been allocated in relation to the recruitment in each zone.

SENIORS - "TIME ON OUR SIDE"

Consultations

573. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

I note during debate in the Legislative Assembly Estimates Committee dealing with the Office of Seniors Interests the Minister for Seniors indicated that there is no Government commitment to conduct extensive statewide consultation with seniors in relation to the "Time On Our Side" publication. I ask the Minister -

- (1) What remote, rural and regional centres does the Government actually intend the consultation process to visit?
- (2) When will the country consultations conclude?
- (3) When will the metropolitan consultations begin and conclude?

Hon E.J. CHARLTON replied:

- (1) Consultations regarding the Time on Our Side discussion paper were held between 7 May and 26 May 1997 at the following locations -

Albany
Bridgetown
Bunbury
Carnarvon
Esperance
Geraldton
Kalgoorlie
Manjimup
Margaret River
Northam
Port Hedland
Wagin

During November 1996, public meetings were also held at Busselton and Mandurah.

- (2) 26 May 1997.
- (3) The planning for meetings with community groups in the metropolitan area and State Government departments is still underway.

GOVERNMENT INSTRUMENTALITIES - PUBLIC RELATIONS

Expenditure

576. Hon TOM STEPHENS to the Minister for Finance representing the Treasurer:

- (1) What is the department's projected expenditure on public relations/community awareness in the 1997/98 Budget?
- (2) How does this compare to the current financial year's allocations?
- (3) How many FTEs within the Treasurer's department are involved in communications, public relations/community awareness or media relations?
- (4) Are any of those persons journalists, and if so, how many?
- (5) What is the department's projected expenditure on advertising in the 1997/98 Budget?

- (6) How does this compare to the current financial year's allocations?
- (7) Are there any new campaigns to be undertaken by the department in the 1997/98 financial year?
- (8) If so, what is the projected cost of those campaigns?
- (9) Is the management/organisation of those campaigns to be outsourced?
- (10) If so, to whom?
- (11) How many officers from each department or agency are located permanently within the Treasurer's office?

Hon MAX EVANS replied:

- (1)-(11) This information has already been sought by the Honourable Member by way of supplementary questions asked at the hearings of the Standing Committee on Estimates and Financial Operations. The information has been collated for that purpose and is in the process of being forwarded to the Standing Committee.

GOVERNMENT INSTRUMENTALITIES - PUBLIC RELATIONS

Expenditure

577. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) What is the department's projected expenditure on public relations/community awareness in the 1997/98 Budget?
- (2) How does this compare to the current financial year's allocations?
- (3) How many FTEs within the Minister for Public Sector Management's department are involved in communications, public relations/community awareness or media relations?
- (4) Are any of those persons journalists, and if so, how many?
- (5) What is the department's projected expenditure on advertising in the 1997/98 Budget?
- (6) How does this compare to the current financial year's allocations?
- (7) Are there any new campaigns to be undertaken by the department in the 1997/98 financial year?
- (8) If so, what is the projected cost of those campaigns?
- (9) Is the management/organisation of those campaigns to be outsourced?
- (10) If so, to whom?
- (11) How many officers from each department or agency are located permanently within the Minister's office?

Hon MAX EVANS replied:

- (1)-(11) This information has already been sought by the Honourable Member by way of supplementary questions asked at the hearings of the Standing Committee on Estimates and Financial Operations. The information has been collated for that purpose and is in the process of being forwarded to the Standing Committee.

GOVERNMENT INSTRUMENTALITIES - PUBLIC RELATIONS

Expenditure

579. Hon TOM STEPHENS to the Leader of the House representing the Minister for Employment and Training:

- (1) What is the department's projected expenditure on public relations/community awareness in the 1997/98 Budget?
- (2) How does this compare to the current financial year's allocations?

- (3) How many FTEs within the Minister for Employment and Training's department are involved in communications, public relations/community awareness or media relations?
- (4) Are any of those persons journalists, and if so, how many?
- (5) What is the department's projected expenditure on advertising in the 1997/98 Budget?
- (6) How does this compare to the current financial year's allocations?
- (7) Are there any new campaigns to be undertaken by the department in the 1997/98 financial year?
- (8) If so, what is the projected cost of those campaigns?
- (9) Is the management/organisation of those campaigns to be outsourced?
- (10) If so, to whom?
- (11) How many officers from each department or agency are located permanently within the Minister's office?

Hon N.F. MOORE replied:

- (1) \$200 000.
- (2) \$210 000.
- (3) Five.
- (4) One.
- (5) \$527 000.
- (6) \$550 000.
- (7) A campaign to increase awareness of New Apprenticeships will be implemented.
- (8) The cost will depend upon the availability of specific Commonwealth funding, and the tender process for the creative elements of the campaign.
- (9) Yes.
- (10) To the successful tenderer.
- (11) Nil.

GOVERNMENT INSTRUMENTALITIES - PUBLIC RELATIONS

Expenditure

583. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:
- (1) What is the department's projected expenditure on public relations/community awareness in the 1997/98 Budget?
 - (2) How does this compare to the current financial year's allocations?
 - (3) How many FTEs within the Minister for Police's department are involved in communications, public relations/community awareness or media relations?
 - (4) Are any of those persons journalists, and if so, how many?
 - (5) What is the department's projected expenditure on advertising in the 1997/98 Budget?
 - (6) How does this compare to the current financial year's allocations?
 - (7) Are there any new campaigns to be undertaken by the department in the 1997/98 financial year?
 - (8) If so, what is the projected cost of those campaigns?
 - (9) Is the management/organisation of those campaigns to be outsourced?
 - (10) If so, to whom?

- (11) How many officers from each department or agency are located permanently within the Minister's office?

Hon PETER FOSS replied:

- (1) The projected expenditure on public relations/community awareness in 1997/98 is still under consideration.
- (2) No public relations/community awareness budget allocation was granted for 1996/97.
- (3) 12.
- (4) Nil.
- (5) The department's projected expenditure on advertising in 1997/98 is still being finalised.
- (6) No allocation was granted for advertising in 1996/97.
- (7) No new campaigns are currently being planned for 1997/98.
- (8) Not applicable.
- (9) Yes, if applicable.
- (10) Not known at this stage.
- (11) None.

GOVERNMENT INSTRUMENTALITIES - PUBLIC RELATIONS

Expenditure

584. Hon TOM STEPHENS to the Attorney General:

- (1) What is the department's projected expenditure on public relations/community awareness in the 1997/98 Budget?
- (2) How does this compare to the current financial year's allocations?
- (3) How many FTEs within the Attorney General's department are involved in communications, public relations/community awareness or media relations?
- (4) Are any of those persons journalists, and if so, how many?
- (5) What is the department's projected expenditure on advertising in the 1997/98 Budget?
- (6) How does this compare to the current financial year's allocations?
- (7) Are there any new campaigns to be undertaken by the department in the 1997/98 financial year?
- (8) If so, what is the projected cost of those campaigns?
- (9) Is the management/organisation of those campaigns to be outsourced?
- (10) If so, to whom?
- (11) How many officers from each department or agency are located permanently within the Attorney General's office?

Hon PETER FOSS replied:

Office of the Information Commissioner

- (1)-(11) Not applicable.

Director of Public Prosecutions

- (1) Nil.
- (2) Not applicable.
- (3) None in the DPP.

- (4) No.
- (5) Approximately \$1,000 for staff vacancies or legal notices.
- (6) Similar.
- (7) No.
- (8)-(11) Not applicable.

Office of the Solicitor General

- (1)-(11) Not applicable.

Crown Solicitor's Office

- (1) Nil.
- (2) Same.
- (3) Nil.
- (4) Not applicable.
- (5)-(6) Nil.
- (7) No.
- (8)-(10) Not applicable.
- (11) One.

Law Reform Commission

- (1) Nil.
- (2) It is the same.
- (3) Not a question which can be answered by WALRC.
- (4) Not a question which can be answered by WALRC.
- (5) \$5,000.00.
- (6) It is greater than the current financial year's allocation.
- (7) No.
- (8)-(10) Not applicable.
- (11) None.

Legal Aid Commission

- (1) Due to the announcement to terminate the current Commonwealth/State funding agreement at 30 June 1997 without a new agreement being in place, Legal Aid has not had a 1997/98 budget approved at this time.
- (2) Not applicable.
- (3) The majority of legal aid staff perform some of these roles in their public contact work with clients. There are two FTEs who are dedicated full-time to work on community education and publications.
- (4) 0.5 FTEs is a trained journalist.
- (5) \$8,000.00.
- (6) 20 % reduction.
- (7) Yes, Law Society Quality Practice Standards.

- (8) \$6,400.00.
- (9) No.
- (10) Not applicable.
- (11) Nil.

Equal Opportunity Commission

- (1) \$799,709 has been allocated in 1997/98 to meet the Commissioner's statutory responsibilities with respect to raising community awareness of the *Equal Opportunity Act 1984*.
- (2) The 1996/97 allocation was \$804,484. This makes the 1997/98 allocation \$4,775 less than that for 1996/97.
- (3) There are 3 FTEs in the Community Education Section. Some additional support is provided by other sections of the Commission on an as needs basis.
- (4) There are no journalists employed by the Commissioner.
- (5) The advertising budget for 1997/98 is \$1,400. A further \$10,000 has been allocated for Community Radio information segments.
- (6) The allocation for advertising in the 1996/97 budget was \$1,300. This makes the 1997/98 allocation almost equivalent to that for 1996/97. The amount allocated for Community Radio information segments in 1996/97 is \$15,000 which makes the amount for 1997/98 \$5,000 less than that for 1996/97.
- (7) The Commissioner expects to release guidelines on dealing with racism in the workplace during 1997/98. This should result in some expenditure in the community awareness area.
- (8) Costings have not been completed yet.
- (9) This has not yet been determined.
- (10) Not applicable.
- (11) None.

Ministry of Justice

- (1) Approximately \$470,000. Due to the announcement to terminate the current Commonwealth/State funding agreement at 30 June 1997 without a new agreement being in place, Legal Aid has not had a 1997/98 budget approved at this time.
- (2) Estimated for 1996/97 - \$516,000.
- (3) 10.8 FTE.
- (4) 3.5 FTE.
- (5) The allocation of advertising funds for 1997/98 is yet to be finalised by Ministry Programs.
- (6) It is anticipated that the 1997/98 budget allocation should be in the vicinity of the 1996/97 allocation of approximately \$340,000.
- (7) Yes, Law Society Quality Practice Standards (Legal Aid Program).
- (8) \$6,400.
- (9) No.
- (10) Not applicable.
- (11) One.

ENVIRONMENT - DEPARTMENT

Definition of "Pollution"

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

I refer to questions on notice 562 of July 2, 1996 and 471 of May 6, 1997 where the Minister for the Environment stated "The Department of Environmental Protection considers the spill to be pollution because it resulted in direct or indirect alteration to the environment as defined in section 3(1)(a) and (c) of the Environmental Protection Act 1986 as amended" -

- (1) Can the Minister state why and how the Department of Environmental Protection considered the spill to be pollution as a result of directly or indirectly altering the environment as defined in section 3(1)(a) and (c) of the Environmental Protection Act 1986 as amended?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1)-(2) The department considers this issue on a case by case basis and it is not appropriate for generic criteria to be applied. Likewise the department's response to particular saline spills will be dependent on the merits and impacts of the particular circumstance. In this instance the notification under s74 of the Act and heavy rainfall at the time were relevant factors.

ROYAL COMMISSIONS - MARKS

Report - Solicitor General's Advice

589. Hon CHERYL DAVENPORT to the Attorney General:

With reference to the Solicitor General's advice to the Attorney General on matters arising from the Marks Royal Commission, did the Attorney General accept the advice of the Solicitor General in every instance?

Hon PETER FOSS replied:

Yes.

FAMILY AND CHILDREN'S SERVICES - DEPARTMENT

Chamber of Commerce and Industry of WA - Contract

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

The Minister for Family and Children's Services recently advised members that Family and Children's Services had contracted the Chamber of Commerce and Industry to provide a State-wide industrial information and advisory service to the community services sector -

- (1) What other tenderers applied to the department seeking to provide this service to the sector?
- (2) On what grounds was the tender awarded to the Chamber of Commerce and Industry?

Hon E.J. CHARLTON replied:

- (1) There were two other applicants. In accordance with State Supply Policy Manual guideline 1.3, details of unsuccessful offers shall remain confidential.

- (2) The reasons supporting the decision were -

The service specifications for this tender represent in part the Chamber of Commerce and Industry's core business activity. Consequently, its application and presentation of its service delivery model reflect both the professionalism and level of knowledge and expertise required to successfully undertake this contract.

CCI's submission represents the best value for money application. It is significantly less than all other applications received.

CCI has a proven track record in delivering industrial advisory services.

CCI has the dedicated resources and required level of skills, knowledge and experience to undertake the contract.

CCI is able to commence at very short notice. It has the skill, knowledge and organisational infrastructure already in place.

The selection panel was confident that CCI would deliver a quality service to the target group.

FORESTS AND FORESTRY - GIBLETT BLOCK

Logging- Ministerial Condition

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

- (1) Will the Minister for the Environment confirm that logging operations in part of Giblett block are prohibited under a Ministerial Condition imposed by the then Minister for the Environment, Barry Hodge, on February 10, 1988?
- (2) How many hectares of Giblett block are covered by the Ministerial Condition imposed by former Environment Minister Hodge?
- (3) Is there any part of Giblett block that is outside the area covered by the Ministerial Condition which is subject to the Government's voluntary deferral of logging?
- (4) If so, how many hectares?
- (5) Can the Minister table maps showing the areas of Giblett forest subject to -
 - (a) the Ministerial Condition; and
 - (b) any voluntary deferral by this Government?

Hon MAX EVANS replied:

- (1) Yes, an undertaking was made by the Executive Director of CALM that the former Beavis-Giblett Management Priority Area (MPA) in part of Giblett block will be excluded from timber harvesting until 2003. This undertaking was noted in the 1988 Ministerial Conditions.
- (2) 2,260 hectares.
- (3) Yes.
- (4) 200 hectares.
- (5) [See paper No 679.]

SCHOOLS - STUDENTS

Number

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

- (1) In 1992 what was the total number of -
 - (a) kindergarten and pre-primary students;
 - (b) primary students; and
 - (c) secondary students?
- (2) In that year how many attended Government schools in the above three categories?
- (3) In 1996/97 what was the actual number of students attending schools in Western Australia in -
 - (a) kindergarten and pre-primary schools;
 - (b) primary schools; and
 - (c) secondary schools?
- (4) How many attended Government schools in the above three categories?

Hon N.F. MOORE replied:

- (1)
 - (a) 36 864.
 - (b) 180 871.
 - (c) 116 036.
- (2)
 - (a) 25 027.
 - (b) 142 629.
 - (c) 81 400.
- (3)
 - (a) 39 364.
 - (b) 189 609.
 - (c) 124 176.

- (4) (a) 26 393.
(b) 145 115.
(c) 83 577.

Student numbers are as at first semester and exclude part-time secondary students.

Note - Questions (3) and (4) have been answered in the same format as questions (1) and (2) because questions (3) and (4) do not cater for District High Schools or Education Support Schools. Also, pre-primary schools do not exist. Government pre-primary students attend either Education Support, Primary or District High Schools.

FORESTS AND FORESTRY - FOREST INDUSTRIES FEDERATION OF WESTERN AUSTRALIA

Levy

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

Further to question on notice 229 of 1997, which buyers of logs from the Department of Conservation and Land Management ("CALM") pay the Forest Industries Federation (WA) Inc. levy that is collected by CALM, which in 1995/96 amounted to \$365 959.35?

Hon MAX EVANS replied:

Adelaide Timber Company Pty Ltd
Ashfield Sawmill
Blackwood Timber Milling Company
Bunnings Forest Products Pty Ltd
Cockburn Sawmills
Coli Timber Merchants
Coli Timber Products Pty Ltd
Colli & Sons
De Rusett BL & BF
Donnelly Timber Company
Frane & Thompson
Gandy Timbers Pty Ltd
Gisborne Timber Products
Hamilton Sawmills
J & K Sawmillers
Koppers (Aust) Pty Ltd
Mangee Milling (WA) Pty Ltd
Midway Sawmills
Mottram CD & Sons
Pallet & Timber Sales
Pempine Pty Ltd
Pickering Brook Sawmills
Pinetec
KD Power & Company
Rocky Gully Sawmills
SF & PJ Contracts
Saunders GW & NL
Simcoa Operations Pty Ltd
Smithbrook Sawmilling
South West Sawmill Co Pty Ltd
South West Timber Supplies
Stefanelli Sawmillers
Thomson NG & LB
WACAP
Waugh TJ & MB
Wesfi
Wespine
Western Case & Joinery Works
Western Pine Associates
Whiteland Milling
Whittakers Ltd
Worsley Timber Pty Ltd
Yornup Mill Pty Ltd

ENVIRONMENT - NINGALOO MARINE PARK

Whale Sharks - Dive Operator Licences

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

- (1) Is the Minister for the Environment aware of reports of reduced whale shark numbers this year in the joint Commonwealth/Western Australian Government managed Ningaloo Marine Park?

- (2) How many licences has the Western Australian Department of Conservation and Land Management ("CALM") issued to local dive operators this year?
- (3) How many dive operators were operating before CALM issued licences?
- (4) What process did CALM undergo to make its decision about the number of licences to offer?
- (5) What factors did CALM consider when making its decision about the number of licences to offer?
- (6) Are there any ecological studies into the impact of dive operations on whale shark populations?
- (7) If so, would the Minister provide details?
- (8) If not, on what did CALM base its decision?
- (9) Does CALM have eco-tourism guidelines for dive operators?
- (10) If yes, what are these guidelines?

Hon MAX EVANS replied:

- (1) Information on whale shark numbers in Ningaloo Marine Park has not been finalised for the 1997 season.
- (2) Nil. Whale shark licences were issued in 1994 under the CALM Act initially for a one year and then for a three year period. Previously licences were issued in 1993 under the Wildlife Conservation Act 1950.
- (3) CALM's records indicate that approximately eight boats were engaged in such operations.
- (4) CALM conducted investigations into possible management regimes and also consulted the experienced dive operators.
- (5) CALM considered the views of local operators, the opinions of wildlife managers and the ramifications of restrictions on contact times, exclusion zones and area of possible operators before determining a trial number of licences.
- (6) Yes.
- (7) In 1997 four studies are being undertaken, with two of these having commenced in 1995. The draft management program of the "Whale Shark Interaction Management, with Particular Reference to Ningaloo Marine Park 1997 - 2007", addresses the current status of research and makes recommendations for future research and monitoring.
- (8) Not applicable.
- (9) Yes.
- (10) The whale shark licensing conditions address the general licence conditions and the code of conduct whilst interacting with the whale shark. The code of conduct addresses: licensed vessels and their tenders; exclusive contact (exclusion) zone; and swimmers.

ENVIRONMENT - CONSULTANTS

Scientific Accuracy of Claims

611. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:
- (1) Is the Minister for the Environment aware that three separate reviews commissioned by the former Australian Nature Conservation Agency (now Environment Australia), were critical of the scientific accuracy of claims made by environmental consultants Bowman Bishaw Gorham, relating to the Harbour City Project at Mandurah about the value of the Creery Wetlands to wading birds?
 - (2) Will the Minister introduce a peer review for scientific information in environmental assessment documents to ensure public confidence in the credibility and accuracy of the science of claims made by environmental consultants?

Hon MAX EVANS replied:

- (1) I am advised that the reviews commissioned by the former Nature Conservation Agency (now

Environment Australia) in 1995 were not referred to the Department of Environmental Protection for consideration. The Department obtained copies of the reviews in June 1997.

- (2) The EPA pursuant to Section 40(3) of the Environmental Protection Act [1986] has the primary responsibility for determining the form, content, timing and procedure for environmental reviews. I understand that the EPA commissions peer reviews of scientific information in environmental documents where it considers this necessary.

WOMEN'S INTERESTS - WOMEN'S SUFFRAGE CENTENARY

Funding

612. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

I note that the Government has estimated a \$260 000 expenditure for this financial year on the 1999 Suffrage Centenary celebrations. Will the Minister for Women's Interests provide a breakdown on how the money will be allocated?

Hon MAX EVANS replied:

The breakdown is as follows:

Centenary of Suffrage community grants	\$100,000
Steering Committee costs	42,000
Staff and related costs	75,000
Operational costs	43,000

PASTORAL INDUSTRY - PASTORALISTS

Ashburton - Flood Damage Assistance

613. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

I refer the Minister for Primary Industry to statements that have been made by the Government on the matter of assistance to pastoralists whose properties suffered infrastructure damage as a result of flooding on the Ashburton River in February this year. In particular, I refer to the Premier's reported statement on Radio 6PR on April 1, to the effect of "with flooding of this type there is a facility available for low interest loans" -

- (1) Can the Minister clarify the Government's response to the Ashburton flooding allowing for the present policy in such cases, which excludes the type of loan described by the Premier?
- (2) In order that Ashburton pastoralists may get on with their planning, financing and reconstruction, will the Minister clearly advise -
- (a) if long term, low interest loans are available to them; or
 - (b) if pastoralists will be required to obtain commercial loans and apply to RAFCOR under interest subsidy arrangements.

Hon E.J. CHARLTON replied:

- (1) Each Government Minister is responsible for his/her portfolio responsibilities by ensuring the provision of service or access to relief measures which are available to the affected region.
- (2) (a) Long term, low interest loans are only available under "national disaster" provisions.
(b) Yes.

CORONERS ACT - AMENDMENT

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

I refer to the reported comments of Justice Owen in *The West Australian* of June 13, 1997 calling for a review of the Coroners Act -

- (1) Will the Attorney General consider introducing legislation to amend s37 to provide for a period longer than 2 days for an application for an order that no post mortem be performed?
- (2) If so, when can we expect the introduction of such legislation?

Hon PETER FOSS replied:

- (1) Consideration is being given to a possible amendment to section 37(3) of the Coroners Act 1996.
- (2) Following consultation as to the possible ramifications of such an amendment and consideration as to whether other amendments to the Coroners Act 1996 are also required, such legislation could be introduced in the relatively near future.

FORESTS AND FORESTRY - PEMBERTON MILL

Karri Logs from Regrowth Forest

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

- (1) Does the Pemberton mill currently utilise any karri logs from regrowth forests?
- (2) If yes -
 - (a) what amounts, on an annual basis;
 - (b) what age are the logs;
 - (c) where have the logs come from over the past five years; and
 - (d) where are they scheduled to come from over the next three years?

Hon MAX EVANS replied:

- (1) Yes.
- (2)
 - (a) Over the last 5 years the average annual intake of karri logs to Pemberton Mill from karri regrowth first thinning operations has been approximately 415 tonnes.
 - (b) Range between approximately 20 and 60 years.
 - (c) Logs have been sourced from karri first thinning operations in harvesting coupes in the following forest blocks:
 - Court
 - Diamond
 - Brockman
 - Dombakup
 - Muirillup
 - Northcliffe
 - Warren
 - Babbington
 - Treenbrook
 - (d) The schedule of harvesting coupes for karri first thinning operations for the next 3 years is yet to be finalised. It is likely harvesting coupes in the following forest blocks will be included:
 - Dombakup
 - Poole
 - Babbington
 - Crowea
 - Warren
 - Boorara

FAMILY AND CHILDREN'S SERVICES - NGALA FAMILY RESOURCES CENTRE

Funding

617. Hon NORM KELLY to the Minister for Transport representing the Minister for Family and Children's Services:
 - (1) What is the Government's commitment to parenting, by funding organisations, such as the Ngala Family Resources Centre, to ensure that they can operate properly and employ quality staff?
 - (2) Has funding to Ngala, in real terms, been decreased since the Court Government came to power in 1993?
 - (3) Does Government funding incorporate some type of contingency for staff pay rises?

- (4) What incentives does the Government provide for attracting and keeping quality staff at agencies, like Ngala, when nurses at Ngala earn 8 to 10 percent less than nurses in public and private hospitals?

Hon E.J. CHARLTON replied:

- (1) Family and Children's Services will provide a total of nearly \$9 million for family support services provided by non profit organisations in 1997/98.
- (2) From 1993/94 to 1996/97, funding to Ngala increased by 5.7%. The Perth CPI increased by 5.8%. Ngala have been given a 2.82% increase for 1997/98 based on the projected Perth CPI figure for 1997/98.
- (3) Yes.
- (4) All aspects of the employment of staff and the operation of the Funded Service are the sole responsibility of Ngala.

LOCAL GOVERNMENT - ADVISORY BOARD

Budget

618. Hon BOB THOMAS to the Minister for Transport representing the Minister for Local Government:

In relation to the Local Government Advisory Board -

- (1) What is the total budget for this board?
- (2) What remuneration is paid to -
- (a) the Chairman; and
- (b) ordinary board members?
- (3) How many board members are remunerated?
- (4) What travelling and accommodation expenses are paid to -
- (a) the Chairman; and
- (b) board members?
- (5) What other costs are covered by the budget of this board?

Hon E.J. CHARLTON replied:

- (1) The 1997/98 budget is \$331,000.
- (2) (a) The Chairman receives \$12,000pa plus an additional \$19,600 until 30 June 1997.
(b) \$4,800pa
- (3) Two.
- (4) (a) The Chairman is paid travelling allowance (per day or part thereof) and mileage (per kilometre) according to Public Service rates.
(b) Board members are paid travelling allowance (per day or part thereof) and mileage (per kilometre) according to Public Service rates.
- (5) Staff salaries, consultants, travel fares, vehicle hire and administrative costs.

COURTS - SUPREME

Applications for Inquests

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

- (1) With respect to what matters have you, as the Attorney General, been requested to provide authority for an application to be made to the Supreme Court for an Inquest?
- (2) In each case -
- (a) when was the request made;
- (b) has a decision been made and if so, what and when; and
- (c) if not, when is one likely to be made?

Hon PETER FOSS replied:

- (1)-(2) Section 14(1) of the Coroners Act 1920 (now repealed) allowed the Attorney General to either himself make application to the Supreme Court for the holding of an inquest or a fresh inquest or to authorise another person to make such application. Requests to me relating to the holding of inquests or fresh inquests are not always made in terms which make it clear whether it is desired that the Attorney General apply or that only an authority is sought. The following matters are those where consideration as to recourse to Section 14 has been made.
- (i) By letter dated 23 November 1995 a request was made in relation to the death in 1994 of Joseph Isaacs. On 22 March 1996 I decided that an application would not be made and authority would not be given.
 - (ii) By letter dated 27 February 1996 a request was made in relation to the death of an unknown person buried on Christmas Island in 1942. On 18 June 1996, I decided that authority would not be given. However, this matter was later reviewed and it was determined that the matter was one for decision by the Commonwealth Minister for Sport, Territories and Local Government.
 - (iii) By letters dated 18 November 1996, 25 November 1996 and 3 March 1997, requests were made by various parties in relation to the deaths of Pieter Johannes Matthys Van Emmerik, Margaret Helen Newman and others in the Avro Anson air disaster of 1956. On 26 February 1997, I determined that authority would not be given.
 - (iv) By letters dated 2 July 1996, 8 July 1996, 23 August 1996 and 3 September 1996 various parties made requests in relation to the inquest into the deaths of the 7 persons who died in Cyclone Bobby in 1995. On 4 September 1996, I determined that it would be inappropriate for there to be a new inquest. The answer to Parliamentary Question on Notice 866 is relevant in this respect. On 17 February 1996 following the receipt of a letter dated 24 January 1997, I determined that an application to the Supreme Court was not justified.

ENVIRONMENT - SHARK BAY

Salt Works - Impact on World Heritage Area

623. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:
- (1) What environmental impact assessments have been conducted on the proposed expansion of the Shark Bay Salt Joint Venture works in Useless Inlet on the edge of the Shark Bay World Heritage Area?
 - (2) How close will the expanded works, if approved, be to the World Heritage Area?
 - (3) What impacts would the expanded salt works have on the values of the World Heritage Area?
 - (4) Is the Minister for the Environment aware of a scientific report prepared for the Denham Fishermen's Association which indicates that the expanded salt works will have a range of serious impacts on the values of the World Heritage Area, including the area's rich diversity of marine fauna?
 - (5) What is the Minister's response to the report, authored by Dr Shelley Burgin?
 - (6) Is it correct that a recent survey of the World Heritage marine environment immediately adjacent to the salt project, believed to have been undertaken by Conservation and Land Management utilising the Denham-based charter boat "James Shearer", identified unique coral species or formations?
 - (7) If yes, what efforts will be made to investigate whether such unique coral species or formations may occur within the expanded salt lease area?
 - (8) When are the construction works for the expanded salt project due to commence?
 - (9) Is it correct that over 35 kilometres of coastline within, or adjacent to, the Shark Bay World Heritage Area is not committed to salt industry leases and works?
 - (10) What measures will the Minister be taking to ensure that the existing salt industry operations, and any expansion of that industry, do not cause damage to the Shark Bay World Heritage Area?

Hon MAX EVANS replied:

- (1) The proposal to expand the existing salt ponds in Useless Inlet by Shark Bay Salt Joint Venture (SBSJV) was assessed at a level of Public Environmental Review (PER) by the Environmental Protection

Authority (EPA) in 1991, and it was recommended that the project be approved, subject to a number of environmental conditions. Ministerial Conditions were subsequently issued for this proposal on 20 July 1992. As a result of an appeal by the proponent against the environmental conditions, amendments were made to the statement resulting in a new statement, which was published on 21 August 1996.

- (2) At its closest point, the additional SBSJV salt pond will be located approximately 0.3 km from the edge of the World Heritage area.
- (3) It is considered that the existing and expanded salt mining operation can be managed such that there are no significant impacts on the values of the adjacent World Heritage Area.
- (4) Yes.
- (5) On advice from the EPA and DEP, it is considered that the factors raised in the report by Dr Burgin have been addressed during environmental assessment of this proposal and in the construction phase Environmental Management Plan (EMP). Subsequent EMP's developed for the operations and decommissioning phases of the SBSJV development will further address these factors.
- (6)-(7) Current information is inadequate to determine if the coral patches, found by CALM during recent monitoring, are unique. The Department of Conservation and Land Management undertook surveys of the Shark Bay World Heritage Area marine environment in August 1996 and April 1997 to initialise monitoring sites and to provide baseline ecological data from which potential impacts from recreational usage can be monitored and managed. CALM has advised that future surveys of the area will be undertaken to improve the Shark Bay habitat map to include the location of the majority of coral reefs in the region.
- (8) SBSJV has indicated that the construction works for the expansion to the SBSJV project are due to commence in July/August.
- (9) Yes.
- (10) The salt mining operations by SBSJV at Shark Bay will be audited by the DEP throughout the life of the project to ensure it is being carried out in accordance with the environmental conditions set for this proposal in August 1996 by the then Minister for the Environment, and that the proponent is meeting commitments made during the assessment of the proposal and in subsequent EMP's. Any non-compliance identified by the DEP will be reported to the Minister for the Environment and further action will be taken. Additionally, salt works require a works approval and licence under Part V of the Environmental Protection Act 1986. This provides an additional mechanism for the regulation of construction and operations of this proposal. Any future proposals to expand the salt project will be subject to further environmental impact assessment.

POLICE - MEDIA GUIDELINES

Tabling

626. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Police:

- (1) Is there a police media liaison manual or guidelines?
- (2) Will the Minister for Police table the manual or guidelines?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Yes. However, the Media Relations Guide is currently being reviewed.

FUEL AND ENERGY - OFFICE OF ENERGY

Electrical Inspectors - Inspections in Mining Industry

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

- (1) Do electrical inspectors from the Office of Energy undertake inspections in the mining industry?
- (2) Do they need to be co-opted as special inspectors under the Mines Safety and Inspection Act?
- (3) If no, what arrangements are in place?

Hon N.F. MOORE replied:

- (1)-(2) Yes.
(3) Not applicable.

DEPARTMENT OF MINERALS AND ENERGY - OFFICE OF ENERGY INSPECTIONS

Payments

630. Hon MARK NEVILL to the Minister for Mines:

What payments have been made by the Department of Minerals and Energy for inspection work undertaken by the Office of Energy?

Hon N.F. MOORE replied:

Financial Year	1995/96	\$372 200
Financial Year	1996/97	\$377 280

FUEL AND ENERGY - OFFICE OF ENERGY

Technical and Safety Division - Staff

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

What is the current number of staff employed in the Safety Section that reports to the Director of Energy Safety?

Hon N.F. MOORE replied:

The current number of staff employed in the Technical and Safety Division of the Office of Energy who report to the Director of Energy Safety is 42.

ENERGY COORDINATION ACT - SECTION 25 COMMITTEES

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

- (1) What committees have been established under section 25 of the Energy Coordination Act 1994?
(2) When did they commence, and when were they wound up?
(3) What were the terms of reference or matters specified to be considered and advice provided to the Minister for Energy?
(4) Who are the members of each committee and who did they represent?

Hon N.F. MOORE replied:

- (1)-(4) Electricity Access Steering Committee
Commenced: February 1996
Terminated: Ongoing

Membership/Representation

Dr L Farrant	Office of Energy
Mr V Walsh	Office of Energy
Mr R Hayes	Western Power Corporation
Mr J Kelly	Western Power Corporation

Electricity Distribution Access Consultation Committee

Commenced: December 1996
Terminated: Ongoing

Membership/Representation:

Mr D Bitney	Chambers of Commerce and Industry and Minerals and Energy
Mr R Borden	Chambers of Commerce and Industry and Minerals and Energy
Mr M Carr	Chambers of Commerce and Industry and Minerals and Energy
Mr J Malone	Chambers of Commerce and Industry and Minerals and Energy
Mr N Ninkov	Western Power Corporation
Mr V Walsh	Office of Energy
Mr R Strika	Western Power Corporation
Mr S Thackray	Office of Energy
Ms K Findlayson	Regional Development Commission
Mr K Cao	Western Power Corporation

Electricity Transmission Access Consultation Committee
Commenced: February 1996
Terminated: June 1997

Membership/Representation:

Mr M Bostick	Chambers of Commerce and Industry and Minerals and Energy
Mr M Carr	Chambers of Commerce and Industry and Minerals and Energy
Mr B Gaynor	Chambers of Commerce and Industry and Minerals and Energy
Mr P Jensen	Chambers of Commerce and Industry and Minerals and Energy
Mr N Ninkov	Western Power Corporation
Mr P Southwell	Western Power Corporation
Mr K Cao	Western Power Corporation
Mr V Walsh	Office of Energy
Mr R Harris	Office of Energy

Gas Distribution Access Steering Committee
Commenced: September 1995
Terminated: Ongoing

Membership/Representation:

Mr P Harvey	AlintaGas
Mr J Hennessy	AlintaGas
Mr L Farrant	Office of Energy
Mr V Walsh	Office of Energy

Gas Distribution Access Implementation Committee
Commenced: April 1996
Terminated: January 1997

Membership/Representation:

Mr A Garmathy	Chambers of Commerce and Industry and Minerals and Energy
Mr W Isted	Chambers of Commerce and Industry and Minerals and Energy
Mr D Gilham	Chambers of Commerce and Industry and Minerals and Energy
Mr J Malone	Chambers of Commerce and Industry and Minerals and Energy
Mr J Hennessy	AlintaGas
Mr N Philip	AlintaGas
Mr A Marshall	AlintaGas
Mr V Walsh	Office of Energy
Mr G Wood	Office of Energy

Kalgoorlie-Boulder Gas Reticulation Selection Panel:
Commenced: July 1996
Terminated: February 1997

Membership/Representation:

Mr C Crouch	Treasury
Mr R Radosevich	City of Kalgoorlie-Boulder
Mr B Power	Independent Consultant
Mr N Parry	Office of Energy
Mr P Kolff	Office of Energy
Mr G Wood	Office of Energy

- (3) Terms of reference relate to provision of advice on the titled subject. Advice has been provided through various means including presentations and direct policy advice by representatives to the Minister for Energy. Given resources to collate all information requested under this item, the Minister will provide specific information upon request.

FUEL AND ENERGY - GAS

Alcoa Contract - New Transmission Tariffs

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

When the gas supply and transmission contract with Alcoa ends in the year 2005, what arrangements are in place within the contract in respect of any new transmission tariff?

Hon N.F. MOORE replied:

The Alcoa contract does not end in the year 2005 and no longer involves gas supply. Alcoa will continue to pay a transmission tariff in accordance with the terms of the contract until such time as Alcoa elects to cease requiring a gas transportation service.

COMPETITION POLICY - IMPLEMENTATION

Strategy

636. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

- (1) Does the Ministry have a strategy prepared which has been adopted by the Government to implement the National Competition Policy?
- (2) Will the Minister for Health table the strategy?
- (3) How advanced is the policy implementation?
- (4) When will the implementation be completed?
- (5) Is a competition policy evaluation planned?
- (6) If so, when will it occur?

Hon MAX EVANS replied:

- (1) There are three limbs to National Competition Policy:

- (i) legislation review;
- (ii) application of the Trade Practices Act; and
- (iii) competitive neutrality.

The Health Department has listed the legislation to be reviewed. That legislation and the review timetable is set out in Treasury's Whole of Government Legislation Review Timetable. In terms of the application of the Trade Practices Act, the Health Department has commissioned a Perth barrister to carry out an audit of a number of public hospitals to ascertain what, if any, potential liability the public hospitals in this State have pursuant to the Trade Practices Act. In terms of competitive neutrality, the Health Department has not developed a strategy on the basis that Treasury's publication on competitive neutrality did not identify the public hospitals as significant Government businesses.

- (2) The Treasury publication on State Government Legislation Review is a public document. The Minister for Health will not table the Trade Practices audit advice on the basis of legal privilege.
- (3) Legislative review of "health" legislation has not advanced due to lack of available resources.

The report on the Trade Practices audit is scheduled for completion and delivery to the Department within the next few weeks.
- (4) Under the Conduct Code Agreement and the Competition Principles Agreement, implementation must be completed by the year 2000. Implementation will be completed within this time frame.
- (5) In terms of legislation review, a cost/benefit evaluation must be carried out because of the State's obligation under the Competition Principles Agreement. Otherwise, a competition policy evaluation is not planned.
- (6) Refer (5).

HEALTH - BREAST CANCER

Screening Services - Assessment Service

637. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

The Health Department currently only has provisional accreditation for its Breast Cancer Screening Services due to the fact that it does not have an assessment service on site -

- (1) When will an assessment service be provided in order for Western Australia to become nationally accredited?
- (2) How will the approximately \$1m required to establish the assessment service be raised?

Hon MAX EVANS replied:

- (1) Once the current cost effectiveness review of the WA BreastScreen program is completed and the size of the potential savings identified, steps will be taken immediately to provide an assessment service which meets accreditation standards.

- (2) It is unlikely that satisfaction of national BreastScreen accreditation requirements will entail an additional expenditure of \$1 million. Cost savings expected from implementation of review findings will be applied to the provision of the new assessment service.

EMPLOYMENT AND TRAINING - MIDWEST TRAINING GROUP

Funding

638. Hon KIM CHANCE to the Leader of the House representing the Minister for Employment and Training:

- (1) Is it correct that the Department of Training has allocated Commonwealth sourced expansion funding for group training in Carnarvon to organisations other than the MidWest Training Group?
- (2) Has the current provider of group training services in Carnarvon, the MidWest Training Group, been advised by DOT that it will receive no additional funds for the year 1997/98 as a result of that decision?
- (3) Was the MidWest Training Group ever advised that it would be the likely recipient of the Commonwealth expansion funds?
- (4) Will the MidWest Training Group be forced to withdraw its services from Carnarvon as a result of this decision?

Hon N.F. MOORE replied:

- (1) No.
- (2) Growth funding for group training has not been allocated to any organisation for group training services to the Gascoyne region. The MidWest Training Group has been advised that, although there is no additional core funding available for 1997/98 for the Gascoyne region, it would be eligible for the supplementary funding that each additional apprentice would normally attract.
- (3) No.
- (4) The decision to withdraw services from Carnarvon and service the region from Geraldton was made by the MidWest Training Group. Two other organisations have established group training services in the region without funding under the joint policy arrangements between the State and ANTA.

ENVIRONMENT - SPILLAGE

Kalgoorlie Consolidated Gold Mines Pty Ltd

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

I refer to question on notice 172 of 1997 -

- (1) The Minister for the Environment has stated "I am waiting for a report and recommendation from the Department of Environmental Protection and the Advice of the Crown Solicitor's Office". Has the Minister or the department commenced prosecution proceedings against Kalgoorlie Consolidated Gold Mines Pty Ltd or the owners, for breaching condition B1 on licence number 6420?
- (2) If not, why not?
- (3) Has the Minister or her department commenced prosecution proceedings against Kalgoorlie Consolidated Gold Mines Pty Ltd or the owners for causing "pollution" as defined under the Environmental Protection Act 1986?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1) No.
- (2) In this case it was considered more appropriate to prosecute under Section 49 (1) of the Environmental Protection Act.
- (3) Yes.
- (4) Not applicable.

MINISTERS OF THE CROWN - ATTORNEY GENERAL

Visit to South America - Itinerary

642. Hon CHERYL DAVENPORT to the Attorney General:

- (1) Did the Attorney General, in his former capacity as the Minister for the Environment, visit South America in 1996?
- (2) On what date did the Attorney General depart from Perth to South America?
- (3) On what date did the Attorney General return to Perth from South America?
- (4) Was the Attorney General accompanied by any ministerial staff or departmental staff?
- (5) Who accompanied the Attorney General?
- (6) On what date did each of the people who accompanied the Attorney General -
 - (a) depart from Perth; and
 - (b) arrive back in Perth?
- (7) What are the names of the hotels or other accommodation places the Attorney General and ministerial staff stayed at while in South America?
- (8) Was a formal itinerary prepared for the Attorney General prior to his trip to South America?
- (9) Is a copy of that itinerary still available?
- (10) How many official meetings with South American officials did the Attorney General have during his stay?
- (11) On what dates were the meetings held?

Hon PETER FOSS replied:

- (1) Yes and as Minister for the Arts.
- (2) 29 July 1996.
- (3) I didn't, I went to the UK.
- (4) Yes.
- (5) Mrs K Smith, Mr J Sharp.
- (6) (a) Mrs K Smith, 29 July 1996
Mr J Sharp, 29 July 1996

(b) Mrs K Smith
Departed South America on 8 August 1996 to London
Arrived Perth on 17 August 1996

Mr J Sharp
Departed South America on 9 August 1996 to South Africa
Arrived Perth on 14 August 1996.
- (7) Marriot Plaza
Lao Lao
Naoum Plaza
Hotel Foz Cataratas
Belo Horizonte Othon Palace
Pousada Do Mondego
- (8) Yes. I suggest you may like to read the report that I tabled in the House.
- (9) Yes.
- (10) 15 scheduled but quite a number of extra meetings were added during the course of the visit at the suggestion of local officials.
- (11) 29 July 1996
30 July 1996
31 July 1996

2 August 1996
5 August 1996
6 August 1996
8 August 1996

for the scheduled meetings but meetings occurred each day when not in transit.

MINISTERS OF THE CROWN - ATTORNEY GENERAL

Environment Portfolio - Discussions with Premier

643. Hon CHERYL DAVENPORT to the Attorney General:

- (1) Prior to the Attorney General visiting South America in 1996, had there been any discussions between the Attorney General and the Premier about the Attorney General shedding his then Environment portfolio?
- (2) Was any agreement, tentative agreement or arrangement concluded?
- (3) What was the agreement, tentative agreement or arrangement?

Hon PETER FOSS replied:

- (1)-(3) No.

MINISTERS OF THE CROWN - ATTORNEY GENERAL

Environment Portfolio - Loss

644. Hon CHERYL DAVENPORT to the Attorney General:

Before the Attorney General undertook his trip to South America in 1996, did the Attorney General know he would lose or potentially lose the Environment portfolio?

Hon PETER FOSS replied:

No.

GOVERNMENT CONTRACTS - NUMBER AND DETAILS

647. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) How many contracts over \$10m have been awarded by the Western Australian Government since 1992?
- (2) Will the Minister for Works list those contracts?
- (3) What was the value of each of those respective contracts?
- (4) What is the duration of each of these contracts?

Hon MAX EVANS replied:

- (1)-(4) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs.

At the present time, there is no single repository across Government for information on contracts, regardless of the financial level. This matter was referred to as part of the Commission on Government recommendation No 11 to which I am currently formulating a response.

WORKSAFE WESTERN AUSTRALIA - GRACETOWN TRAGEDY

Prosecutions

650. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:

- (1) Is the Minister for Labour Relations aware of an article that appeared in *The West Australian* newspaper on May 3, 1997 concerning the possibility of WorkSafe prosecuting education authorities for breaching their duty of care to five adults and four children who died at Gracetown?
- (2) Has this matter been investigated by WorkSafe?
- (3) What action has WorkSafe taken?

(4) What action does WorkSafe intend to take?

Hon PETER FOSS replied:

(1)-(2) Yes.

(3)-(4) Legal advice has been obtained by WorkSafe Western Australia which will be used to determine action to be taken.

PARKS AND RESERVES - RESERVES 31900, 31901 AND A22307

Vesting

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

I refer the Minister for the Environment to the Environmental Protection Authority's Bulletin 838, Mining of Titanium minerals, 2km south of Yarloop. When will the Minister act on the EPA's recommendation that Reserves 31900, 31901 and A22307 be vested in the National Parks and Nature Conservation Authority for conservation purposes?

Hon MAX EVANS replied:

The Minister for the Environment acted on this recommendation in April 1997, when, in determining the appeals against the Environmental Protection Authority's Bulletin 838, she provided that the Department of Conservation and Land Management would be responsible for 'ensuring that the status of Reserve No. 31900 is upgraded to "A" class, and that the three reserves No.s 31900, 31901 and A22307 are all vested in the National Parks and Nature Conservation Authority for conservation purposes'. This matter had already been taken up by CALM, which is liaising with the relevant authorities in order that a proposal can be put to the Department of Land Administration for implementation.

PARKS AND RESERVES - NATIONAL

Creation of New Parks

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

(1) Does the Minister for the Environment have plans to create any new national parks or expand any current national parks in Western Australia?

(2) If yes, where and when will these occur?

Hon MAX EVANS replied:

(1)-(2) The Government through the Department of Conservation and Land Management continues to seek additions to the conservation estate of ecosystems which are poorly represented or unrepresented in the existing conservation reserve network. Additions to the reserve system are achieved by direct purchase of private or leasehold land, additions of Crown land of high conservation value and to a lesser extent, land exchanges. The Commonwealth Government through the Natural Heritage Trust within the National Reserve System Program provides assistance towards the direct cost of purchase of suitable areas for conservation.

Once the private or leasehold land is acquired or the Crown land becomes available, the process of reservation can take some time to effect, given the need in particular to clear native title issues and mining prospectivity issues. The Native Title Act 1993 needs to be complied with and an agreement reached with agencies such as the Departments of Minerals and Energy and Resources Development over mineral prospectivity matters. Given the many factors and clearances involved to achieve reservation, it is not possible to say when new national parks or additions to existing parks will occur. The Government is, however, committed to working towards the conservation of Australia's biodiversity via protection in the reserve system. During 1996/97, reserve A44698 of 843.1 hectares was created for the purpose of 'national park' by way of a private land purchase. The freehold nature of the land removed the native title constraint. This reserve is proposed to be added to the Fitzgerald River National Park.

PARKS AND RESERVES - NATIONAL

D'Entrecasteaux - Land Swap

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

I refer the Minister for the Environment to question on notice 219 of March 18, 1997 -

- (1) What consultants' reports were available to the Government in relation to the D'Entrecasteaux National Park landswap deal?
- (2) Who commissioned and paid for these reports?
- (3) Has the National Parks and Nature Conservation Authority ever supported a mining proposal in the D'Entrecasteaux National Park?

Hon MAX EVANS replied:

- (1) "Jangardup South proposed mining lease: Environmental Assessment of the Vegetation and Flora." W G Martinick and Associates P/L, prepared for Cable Sands (WA) P/L June 1993.

"Results of small Mammal survey Lake Jasper area". Department of Conservation and Land Management (Nannup office).

"Vertebrate Survey north of Lake Jasper Nelson location 12897". W G Martinick and Associates P/L. Prepared for Cable Sands (WA) P/L.
- (2) Cable Sands (WA) P/L.
- (3) No.

WATER RESOURCES - FARM WATER GRANTS SCHEME

Applications

654. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many applications were received for the Farm Water Grants Scheme round which closed on March 31, 1997?
- (2) What was the total value of applications?
- (3) How many applications were successful?
- (4) What was the total value of successful applications?
- (5) Have all applicants been notified of the result of their application?
- (6) If not, why not?
- (7) What was the highest number of points received by a successful application?
- (8) What was the lowest number of points received by a successful application?
- (9) What was the highest number of points received by an unsuccessful application?
- (10) When is the next round of applications due to close?
- (11) How much money has been allocated for the next round of applications?
- (12) Has the Farm Water Co-ordinating Committee made any recommendations for priority areas for the allocation of grants available in -
 - (a) March 1997; and
 - (b) the next round?
- (13) If yes, what are their recommendations?
- (14) On a shire by shire basis, can the Minister for Water Resources provide the location of the successful applications?

Hon MAX EVANS replied:

- (1) At the close of Round Two of the Farm Water Grants Scheme, 266 applications appeared to meet the initial eligibility criteria required for consideration.
- (2) 208 applications were approved at a total value of \$1,649,931. 58 applications were deemed ineligible after review. It is not possible to provide information on the total value of these as they did not progress to the point where a grant amount was calculated on the total works proposed by the applicant.

- (3) 208 applications were approved.
- (4) Total value of successful applications was \$1,649,931.
- (5) Yes.
- (6) Not applicable.
- (7) 159.
- (8) 85.
- (9) 84. However some applicants had higher scores but did not meet other eligibility criteria.
- (10) 30 September 1997.
- (11) This has not yet been determined.
- (12) No.
(a)-(b) Not applicable.
- (13) Not applicable.
- (14) Yes. [See paper No 679.]

QUESTIONS WITHOUT NOTICE

TOURISM - ELLE RACING

Contract - Signing

641. Hon TOM STEPHENS to the Minister for Tourism

Some notice of this question has been given. In relation to the contract between the Western Australian Tourism Commission and Elle Racing Pty Ltd, will the Minister clarify on what dates -

- (a) Mr Harvey and R. Dixon signed the contract;
- (b) the Premier announced the Elle deal;
- (c) the WATC committee gave its approval to the contract and gave its authority to be signed; and
- (d) the chairman and the CEO of the WATC actually signed the contract?

Hon N.F. MOORE replied:

I do not have an answer to the question. I suggest the Leader of the Opposition either ask me again tomorrow or place the question on notice.

Hon TOM STEPHENS: I am concerned that the Minister for Tourism is not in a position to answer the question because he was given notice earlier, but I ask -

The PRESIDENT: Order!

Hon N.F. Moore: I do not work for you.

Hon TOM STEPHENS: He is supposed to work for the people of Western Australia. It is about time he started doing that.

The PRESIDENT: Order! The Leader of the Opposition should understand that it is question time. If he has a question he should direct it through me to the responsible Minister.

TOURISM - COMMISSION

Mr John Harvey - Details of Agreement

642. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Will the Minister confirm that the \$1m deal between the Western Australian Tourism Commission and John Harvey -
 - (a) did not go to Cabinet for decision; and
 - (b) was announced by the Premier before being approved by the WATC commissioners?
- (2) If yes, can the Minister clarify who made the decision for this deal to proceed?

Hon N.F. MOORE replied:

No notice has been given of that question, just so that members understand that Hon Tom Stephens does not propose to give me the opportunity to find out the answers before he asks the questions in the House.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: That is fair enough, as long as everybody understands that that is the game he wants to play. A moment ago he asked a question of which he gave some notice. I do not have the answer, but I will provide it in due course. I got from him a verbal tirade suggesting I must provide an answer whenever he expects to have one and that I am working for him.

Hon Tom Stephens: The people of Western Australia.

Hon N.F. MOORE: That is exactly right.

The PRESIDENT: Order!

Hon N.F. MOORE: I am delighted that he knows that is what Governments are for.

The PRESIDENT: Order! The Minister for Tourism will direct his answers through me.

Hon N.F. MOORE: I do not have a photographic memory so perhaps the Leader of the Opposition might provide me with a copy of the question.

- (1) I confirm that is the case. Subparagraph (b) was part of the previous question and I do not at present have the information. I will provide it when he asks me the question again either tomorrow or by placing it on notice.
- (2) The decision was taken by the WATC, which is a statutory authority. It agreed to the proposal initially put forward by Mr Harvey. The decision was made by the WATC and ratified by me in consultation with the Premier. A lot of rubbish is being spread about this matter. Hon Tom Stephens in an earlier tirade this afternoon talked about my blowing money on the Elle deal. I suggested that he should say that outside so that I could take the necessary action because those remarks in my view are quite defamatory.

Hon Tom Stephens: Accuracy is a defence!

The PRESIDENT: Order!

Hon N.F. MOORE: He would know more than most about defamation. He should know very well that what he is saying verges on that.

The PRESIDENT: Order! The Minister will direct his answer to me.

Hon N.F. MOORE: A contract was entered into between Elle Racing Pty Ltd and the WATC. I remind the Leader of the Opposition again that the WATC is a statutory authority with its own Act. It is entitled to make decisions under that Act. It made that decision. The contract has been terminated by the WATC. That decision has been supported by the Western Australian Government because of non-compliance by Mr Harvey on behalf of Elle Racing Pty Ltd. The Western Australian Government has paid to Elle Racing all moneys owing to it at the time of the termination of the contract. If my memory serves me right, some \$540 000 has been paid to Elle Racing. In exchange the State Government has had provided to it through the WATC the services of Elle Macpherson, who

made a number of television commercials for Western Australian tourism. Those commercials are being shown throughout eastern Australia and South East Asia. They will be launched into the United Kingdom market at the end of this month. The number of dollars that have been paid out for the services provided indicate that the WATC has entered into a very good deal on behalf of Western Australian tourism.

FISHERIES - SOUTH COAST PURSE SEINE MANAGED FISHERY

Management Paper No 99

643. Hon HELEN HODGSON to the Minister representing the Minister for Fisheries:

- (1) On what date was the fisheries management paper No 99 made available to the Western Australian Purse Seine Management Advisory Committee?
- (2) By what date was the management advisory committee required to provide advice back to the Minister on that paper?
- (3) Did the Minister implement the advice provided by the management advisory committee?
- (4) What other sources of advice did the Minister consider in developing amendments to the South Coast Purse Seine Management Plan?
- (5) On what date did the Minister advise the management advisory committee of the proposed amendments to the South Coast Purse Seine Management Plan?
- (6) What method did the Minister use to communicate this advice?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) The fisheries management paper No 99 was released to the Purse Seine Management Advisory Committee at an industry meeting held in Albany on 5 March 1997. At that meeting the department gave a detailed explanation of the proposals contained in the paper.
- (2) The management advisory committee provided its advice to the Minister following a meeting held on 10 March 1997 in Albany.
- (3) The Minister implemented part of the committee's advice by establishing a voluntary fisheries adjustment scheme committee.
- (4) The Minister considered advice from the Fisheries Department, the Western Australian Fishing Industry Council, fishery representative organisations, individual managed fishery licensees and other interested parties.
- (5) The management advisory committee and industry were notified of the Minister's decisions on 27 March and 5 June 1997.
- (6) The Fisheries Department circulated notification of the Minister's decisions by letter to all concerned parties.

ROADS - HIGH COURT DECISION

Effect on Funding

644. Hon MURRAY MONTGOMERY to the Minister for Transport:

- (1) Will road funding be affected by the recent High Court decision on state taxes?
- (2) Will any road programs be curtailed?

Hon E.J. CHARLTON replied:

- (1)-(2) Everyone knows that the High Court decision has taken away the right of the State to raise franchise levies. This is a personal observation: Western Australia could quite justifiably not respond to the decision on the fuel franchise levy because the moneys go into a trust account and as a consequence are almost totally expended on roads and certainly totally expended on transport.

Hon N.D. Griffiths: From whom did you get that legal opinion?

Hon E.J. CHARLTON: It is stated in the decision of the High Court, which was made on the basis of the Constitution. The reason for the 4:3 decision was that the franchise levies may not be allocated to the purpose for which they were raised.

Three of them did not agree at that point. As a consequence of that decision, the State Government has abided by the decision on all the franchises. The Federal Government decided to apply an 8.1¢ a litre levy, following which there will be a \$29m shortfall in the funding in the current Budget for expenditure next year on roads in Western Australia. The Government has decided to make up that \$29m shortfall from other funding sources from the combination of other incomes the State is likely to receive. The problem is that it is not guaranteed. It will be reviewed in six months, and we do not know the formula that will be used for allocating the 8.1¢ a litre levy to Western Australia or any other State.

Under the previous system Western Australia received a guaranteed amount of income that was totally based on the volume of fuel consumed. Those funds went to the trust account, together with vehicle licensing fees. From that, local government received 25 per cent of the total for use on the 85 per cent of road networks in Western Australia for which it is responsible. The State received the balance for expenditure on its area of responsibility. A number of other roads are not being serviced, as Hon Tom Stephens attempted to point out earlier today, and I am sure we all agree with him. The community has requested that approximately \$2.8b worth of roadworks be attended to. The Government was considering ways of borrowing some of those funds to enable the roadworks to be carried out now. Included in that amount was \$10m for Aboriginal community roads, as well as other special projects across the State. As a consequence of the decision, that option is no longer available to the State and I have advised all the communities in Western Australia that until such time as the Government has the option to raise or borrow additional funds with a repayment program, all those projects are in jeopardy.

MINISTERS OF THE CROWN - ATTORNEY GENERAL

Visit to Los Angeles Justice Complex

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

With regard to the Attorney's recent trip to North America, was he aware that the Premier had visited a state of the art justice complex in Los Angeles to help consideration of the most effective way to deal with Perth's court accommodation needs? Did the Attorney visit this state of the art complex?

Hon PETER FOSS replied:

The Premier visited that complex at my request, because I became aware of it and thought it would be useful for him to see it as he is chairman of the committee which deals with the development of Perth.

I did not visit that particular complex but I visited a number of other complexes, which were also state of the art. Our combined knowledge will be extremely useful. It is not necessary for us both to visit everything, and it is useful to split the task between us.

RAILWAYS - KENWICK-JANDAKOT

Surveys

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

I refer the Minister to his media statement of 7 August on the development of a master plan to build a Kenwick to Jandakot railway line - it seems to be the fourth time he has announced it - in which he stated "Our surveys have shown that projected passenger numbers already justify a Kenwick-Jandakot service" and ask -

- (1) Will the Minister table these surveys?
- (2) Does the survey show how many people travel daily between Rockingham and the Jandakot-Kenwick area and if so, how many?
- (3) Does the department have daily travel figures for journeys between Rockingham and the Fremantle-Cockburn area?
- (4) If yes, how many people travel daily between Rockingham and the Fremantle-Cockburn area?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The member referred to the number of times this announcement has been made. I advise members that the first announcement 12 months ago was to the effect that planning had been

identified for the alignment of the railway and where it would go. The second announcement was about the timing and completion date, and the third announcement was about involving the communities so that they could state the type of facilities they want to be associated with the trains, stations and public transport interchange.

Hon J.A. Scott interjected.

Hon E.J. CHARLTON: The member would do well to listen, because he is supposed to be a promoter of public transport. I strongly advise him to get serious, become involved and make a submission on the sorts of facilities he wants associated with this service. That would be preferable to the Government building a railway line - as happened a few years ago - and locating one station half a kilometre from the biggest sporting venue in the northern suburbs. This Government does not want to do that but wants to act efficiently so that people can use the service and gain benefit from it. In answer to the member's specific questions -

- (1) Yes. I refer the member to some statistics which I shall seek leave to table. The forecasts for Jandakot-Kenwick for the year 2006 indicate up to 12 800 one way boardings - 25 600 return trips - Monday to Friday inclusive, in spite of suspect land use data at Thomsons Lake.
- (2) Rockingham-Jandakot for the year 2006 - forecasts indicate in the order of 5 500 trips from Rockingham and Kwinana towards Jandakot in the period 7.00 am to 9.00 am Monday to Friday inclusive.

Hon J.A. Scott: I am asking about figures for current usage.

Hon E.J. CHARLTON: The railway line is not yet established. We are waiting for information from the member so that we know where to put it. To continue -

- (3)-(4) Yes, but this is highly variable depending on the data source. However, the figures for the years 2005-2006, Monday to Friday inclusive, from 7.00 am to 9.00 am indicate up to 2 100 northbound passengers between Kwinana and Cockburn, and between 1 100 and 1 200 passengers from Cockburn towards Fremantle.

I seek leave to table the paper.

Leave granted. [See paper No 676.]

POLICE - GAOL BREAK OPERATIONS

Final Say by Attorney General

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

- (1) Will the Attorney confirm the accuracy of the article in *The West Australian* dated 14 July 1997 on page 4 under the heading "Ministry right on escape bid: Foss" which stated -

Attorney-General Peter Foss has demanded he has the final say on any police operation involving attempted jailbreaks from WA prisons.
- (2) Is the Attorney aware that the report also stated -

When contacted by *The West Australian* . . . a spokesman for Police Commissioner Bob Falconer said he did not want to disturb Mr Falconer to comment on Mr Foss' comments.

"The Commissioner will consider it when he has further particulars,"
- (3) Has the Attorney been advised of any comment by Mr Falconer on his comments?
- (4) Has he discussed this matter with the Commissioner of Police and if so, when and what was the substance of the discussion?
- (5) Will he seek the final say on any police operation involving attempted gaol breaks from Western Australian prisons?

Hon PETER FOSS replied:

- (1)-(5) I am very glad Hon Nick Griffiths has raised this question because the one thing that I, the Commissioner of Police and the Minister for Police have agreed on is that we have never come across a more inaccurate article. There is practically nothing correct in anything stated, and I have written to *The West Australian* pointing out how wrong the article is. It is totally wrong.

First, *The West Australian* reported that there had been an attempted breakout and that police were concerned that the Ministry of Justice had prevented that breakout because they intended to catch the people on the outside. As we all subsequently discovered, it was a furphy and there was never any intention of a break-out; it was an attempt to have the informer's boyfriend returned to Casuarina, which successfully occurred.

Secondly, it was reported by *The West Australian* that the police wanted the people to escape. I told *The West Australian* that I could not comment because I did not know what had happened; I had only an article written in *The West Australian* on which to make a judgment and I was not certain it was accurate. As it turned out the article was inaccurate and I was right to refuse to comment.

However, I said that, in a purely hypothetical fashion, if it were intended that someone leave the prison it would be inappropriate for him to do so without my permission. In fact I said it was not a matter of hypothesis, but the law; people may not be permitted to leave prison without my consent. As I said, it was purely hypothetical because I did not know if that was even what the police suggested. As it turned out it was not.

What did *The West Australian* do? Notwithstanding that I said I could not comment because I did not know the facts, it wrote another article headed "Foss said Ministry of Justice right". I did not say that; nor did I say that I would have the final say on any police action. The article does not show that I said that. The crazy thing is that *The West Australian*, in continuing to muddle through and get everything wrong, said that. The newspaper told Mr Day and Mr Falconer that I requested that say. I did not. I have no interest in police operations. However, I have an interest in prisoners not being allowed out of prison - the law is quite clear on this - without my consent. I have never said anything about my having a final say on police operations. I made that clear to Mr Falconer, who was also anxious to tell me that the police did not say they wished to see the prisoners escape from gaol.

Four or five articles in *The West Australian* exist totally in the imagination of the newspaper staff, caused by inaccurate reporting. If it were not for their muddle headed reporting the stories would not have existed. I intend to take the matter further. Notwithstanding I have written to *The West Australian* pointing out that it totally mucked up the report -

Hon Tom Stephens: I suppose you will put them in gaol next.

Hon PETER FOSS: The Opposition Leader of the House might join with me. I am sure members opposite have been totally misreported at times. Having got it wrong in the first and second instances, *The West Australian* continued to report non-existent events. The matter was inaccurately reported and it does not surprise me that *The West Australian* has got it wrong again. There is no point making any further comment because it was a muck-up on the part of *The West Australian*.

ENVIRONMENT - SHARK BAY

Effect of Earth Fill Bar on World Heritage Area

648. Hon NORM KELLY to the Minister representing the Minister for the Environment:

Regarding the earth fill bar being constructed across Useless Inlet adjacent to the Shark Bay World Heritage area -

- (1) What baseline studies have been done over the marine environment surrounding the development itself in the Shark Bay World Heritage area?
- (2) Is any ongoing monitoring being conducted to determine the impact of sediment flow from the bar into the Shark Bay World Heritage area?
- (3) If no monitoring is taking place, how can the Minister ensure that the World Heritage area is not being seriously damaged?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Studies of the marine environment of the development area were carried out as part of the environmental assessment of the proposed expansion to Shark Bay Salt Joint Venture's salt pond in Useless Inlet. The studies were undertaken in 1990 and included the following -

Technical report of fish down exercise; technical report of fish nursery survey; archaeological survey of Aboriginal sites in the area of Useless Loop, Shark Bay; waterbird usage of the Useless Inlet Salt Ponds, August 1989; net fishing catch and effort data from Useless Inlet, an area of Shark Bay subjected to reclamation for salt production; technical report of biohabitat and quantitative benthic faunal survey; technical report on changes to hydrodynamic regime of Useless Inlet; and technical report of dugong usage of Useless Inlet.

The result of the surveys was discussed in the proponent's public environmental review document assessed by the Environmental Protection Authority and reported on in EPA bulletin No 542 of June 1991. The Department of Conservation and Land Management has recently established a comprehensive monitoring program throughout the Shark Bay World Heritage Area. Over 60 permanently marked relocatable sites were established and the marine communities were surveyed by underwater video to establish their current health and to provide a baseline for future reference.

These sites are located within the Useless Inlet section of Shark Bay Marine Park World Heritage area and will be used to monitor potential impacts to the benthic communities from human usage and salt production in Useless Inlet.

- (2) Increased turbidity of the adjacent marine environment is a potential environmental impact during construction of the new bar. As outlined in the construction environmental management plan developed by the proponent for this proposal, the proponent will monitor construction related turbidity throughout the construction period. This monitoring will include the adjacent World Heritage area. After construction of the bar, no major turbidity will occur during the project.
- (3) The monitoring program will provide baseline data to measure any broadscale effects of the sediment plume if they occur.

DRUGS - HEROIN

Increase in Deaths

649. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Health:

- (1) Is the Minister aware of the extent of heroin use among Western Australian youth?
- (2) How many heroin related deaths were recorded in 1992, 1993, 1994, 1995, 1996 and to this date in 1997?
- (3) If an increase has occurred, what responsibility, if any, does the Government take for this increase in the number of deaths, and what practical solutions will the Government provide to assist addicts who wish to get off heroin?
- (4) Does the Minister intend to explore the option of rapid detoxification involving the drug naltrexone?
- (5) If so, when and, if not, why not?

Hon E.J. CHARLTON replied:

I understand that question was directed to the Family and Children's Services portfolio.

Hon Tom Stephens: You have had a ministerial change in responsibility.

The PRESIDENT: Order! The question was directed to the Minister for Finance. The Minister for Transport indicated there had been a transfer or redirection of the question to the responsible Minister. I call on the Minister for Transport to provide the answer if he has it.

Hon E.J. CHARLTON: I thank the member for some notice of this question.

I understand the question was directed to the Minister for Family and Children's Services; there has been no change. Hon Tom Stephens should get things right from tomorrow onwards.

The PRESIDENT: Order! The Minister for Transport will give us the answer. Other people are waiting to ask questions.

Hon E.J. CHARLTON: The answer is -

- (1) The Government has been warning the public about the magnitude of the heroin problem for some time.

- (2) The number of opiate, predominantly heroin related, deaths over recent years is as follows -

1992 - 26
 1993 - 28
 1994 - 46
 1995 - 81
 1996 - 65
 1997 to date - 54.

- (3) There has been an increase in heroin use and consequently heroin related deaths. This follows a more than doubling of world production in recent years and it mirrors similar trends around Australia and the world. This is not an issue that the Government can solve on its own. The community must take responsibility for combatting drug abuse, as must individuals in families and in our towns and suburbs. Government can provide the essential support and services to help people. However, in the final analysis, whether to take up drugs and to recklessly risk an overdose is a decision made by individuals.

The Government has a wide ranging program of initiatives which was launched in June this year. The range of strategies necessarily includes education, health services, community support, law enforcement and community action. The Government is fast-tracking a number of these initiatives and is also launching a major public education campaign in the next week.

A range of services is available to addicts to help them kick the habit. I note particularly that the expansion of community based methadone treatment has resulted in a long waiting list being reduced to a period of two weeks to access the central clinic, while an addict whose general practitioner is a prescriber can access treatment immediately.

- (4) I am aware of the publicity surrounding the drug Naltrexone and the claims made for its use as a rapid agent for detoxification. The Minister responsible for the WA drug abuse strategy has met with a Naltrexone patient and will meet with a prescribing doctor this week to discuss the treatment and its benefits. International studies on the drug Naltrexone, used as an antagonist to prevent relapse to heroin use, indicate it has good success with highly motivated individuals who have an intact social network. This drug should be available as one option to treat heroin addiction. Many options are necessary. This issue is being pursued both in Western Australia and nationally. The Minister responsible for the WA drug abuse strategy advises that many initial claims of miracle cures are later found to have been grossly exaggerated. However, as outlined in the "Together Against Drugs" strategy, the Government has a commitment to examine other pharmacotherapies, of which Naltrexone would be a priority.

ROADS - FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY

Cost

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

- (1) What is the projected cost of building the Fremantle-Rockingham controlled access highway?
- (2) Why was the western side of the coastal ridge chosen as the site for the Fremantle-Rockingham controlled access highway?
- (3) What are the estimated additional costs of building the controlled access highway on the coastal limestone ridge as opposed to using the existing road alignment along Cockburn Road?
- (4) What is the estimated cost of upgrading Stock Road as the major north-south transport route?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. I am not able to provide a response to the question within the given time frame. However, I will have the answer by tomorrow.

SCHOOLS - PRIMARY

Landsdale - Construction

651. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) Has the Education Department considered building a primary school in Landsdale, and when was it first considered?

- (2) During the 1996 state election campaign did the Government state that a school would be established in Landsdale by the beginning of the 1998 school year?
- (3) When will the Education Department open a primary school in Landsdale and what years will be catered for when the school first opens?
- (4) When will grades, kindergarten through to year 7, be catered for at a primary school in Landsdale?
- (5) How many students of primary school age are estimated to currently reside in the area that would be serviced by a primary school built at Landsdale?
- (6) What primary schools do these students currently attend and what is the approximate distance to each of these schools from the proposed primary school site?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. Developments in this area have been regularly monitored since the first subdivision at Landsdale Gardens Estate was released for housing in 1993. Consideration was first given to the proposed permanent school in 1994 when a tentative opening date of 1997 was identified. The subsequent downturn in the housing sector meant that a recommendation to defer this start-up date was made in 1995.
 - (2) On 13 November 1996 the Government announced that a relocatable school would be based at Landsdale. It was expected that the school would be operational by the start of 1998. Unfortunately the quotations received for this were significantly higher than the cost of building a permanent school. Consequently, a decision was made not to proceed with the relocatable school option.
 - (3) Two preprimary units will be located on the Landsdale site for 1998, and the primary school for years 1 to 7 will be constructed for the beginning of 1999.
 - (4) In 1999.
 - (5) Approximately 200 to 250 primary aged students.
 - (6) Landsdale children are gazetted to attend either Wanneroo Junior Primary School or Wanneroo Primary School, to which they are transported 8 kilometres by bus. However, Landsdale parents have chosen for their children to attend a variety of other schools, the closest of which are Illawarra, 5 kms, Alinjara, 5.2 kms, and Ballajura, 7 kms.
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