



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE COUNCIL

Thursday, 22 June 2000

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 10.00 am, and read prayers.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Tenth Report

Hon Derrick Tomlinson presented the tenth report of the Joint Standing Committee on the Anti-Corruption Commission entitled "Report on the hearings held by the Joint Standing Committee on the Anti-Corruption Commission in the Legislative Council Chamber, Parliament House, Perth on Friday, 5 May 2000", and the submissions and presentations made to the committee at that hearing, and on his motion it was resolved -

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

[See paper No 1085.]

STATE GOVERNMENT POLICY ON TENDERING FOR LOCAL CONTRACTS, REVIEW

Motion

Resumed from 21 June on the following motion moved by Hon Tom Helm -

That the Minister for Works and Services reviews state government policy of amalgamating small and medium sized contracts which ties local contracts to similar contracts statewide and prevents local contractors and suppliers tendering for local contracts.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [10.06 am]: Yesterday I was talking about the benefits available to members of common-use contracts. If these same suppliers want to market their services and goods to the private sector they must pay for the privilege, and placing advertisements in the Press or on radio is quite expensive. Why should contractors not pay for that privilege? Of course, presently it is a taxpayer-funded arrangement. That is why this mechanism is being put in place. Would the Opposition endorse the notion of taxpayers footing the bill for a private business to market its goods and services to government agencies?

I also point out that the progressive introduction of panel contract fees has been undertaken only after consultation with peak industry bodies and individual suppliers. Future panel contract fees will be considered on a case by case basis and in each instance the proposed model will be carefully scrutinised to ensure it is fair, equitable and manageable for all parties. The model of the fee, which is paid retrospectively and based on a small percentage of turnover earned through a contract, offers the advantage that if suppliers earn little or nothing through a contract, they pay little or no fee at all. Rebates or other cost-recovery models are negotiated at logical contract management milestones, such as contract extension, price variation or recall. Contractors and industry groups are consulted, and advice is sought from them on the most appropriate fee model. However, other models are also being canvassed, including the possibility of giving panel members a choice of a set up-front fee or a percentage of turnover.

More than \$700m worth of purchasing goes through the Department of Contract and Management Services common-use contracting arrangements each year. The contract management rebates will total less than \$2m this financial year across this very large amount of purchasing, and it is a tiny amount for suppliers to pay for the huge benefit they receive from being on the panels and the marketing of their services or products. I repeat, they are not obliged to pay a fee unless they win the work. That is a crucial point.

The Treasury Department has endorsed this approach to charging, consistent with government policy on user pays and interagency charging. All other Australian jurisdictions, except the Northern Territory and Queensland, include some form of rebate or supplier fee in their common-use arrangements. The New South Wales rebate or supplier fee is usually 2 per cent of turnover through the arrangement. South Australia is also introducing a cost recovery for its contracts. I point out that New South Wales is a Labor State.

Hon Tom Helm: That is all right then.

Hon M.J. CRIDDLE: I am sure the member will agree it is all right in that case! I turn now to the architectural consultant panel, and pick up the point raised by Hon Tom Helm about a letter from Holton Connor Architects in which it alleges that the medium project architectural period panel contract favours large firms. This is simply not correct. The medium project architectural period panel is made up of 18 architectural firms from across the spectrum, from small to large, although most would be described as medium size.

The panel itself was established only after extensive consultation with industry and in particular through discussions on the Building and Construction Advisory Council, which the Minister for Works, and Services chairs. The panel is one of two; the other covering small projects and known as the small projects period panel. Both panels are designed to help industry and government agencies through providing a quick and economical way of engaging consultants without the need for lengthy and expensive tendering processes. Holton Connor Architects and Planners also asserts that the medium project architectural period panel contract prevents any firms not on the panel from winning government work. This is not so.

Hon Tom Helm: It is easy for you to say that.

Hon M.J. CRIDDLE: It is a well and truly proved point. This is a non-mandatory contract and agencies are free to require the Department of Contract and Management Services to go to the market if they do not wish to use the panel. It should also be noted that the medium panel covers only projects valued between \$500 000 and \$3m. Projects below \$500 000 are handled by the small projects panel, and Holton Connor is a member of that panel.

Hon Max Evans: Does the panel comprise only architects?

Hon M.J. CRIDDLE: Yes. Projects valued at larger than \$3m are normally tendered publicly. It is worthwhile noting as well that both panels were set up through an extensive public tendering process. I repeat, the panels are not obligatory, though they are very popular with industry and government agencies because of their advantages. That is one of the main issues that needs to be pointed out. I can see Hon Tom Helm agreeing with that.

Moving on to matters surrounding the regional buying compact and the participation of regional businesses in government contracting, again it is easy to make sweeping generalisations about the compact's effectiveness but perhaps it is not so easy to ignore the facts. Since July 1998, CAMS awarded 21 contracts valued at \$15.8m as a result of application of the compact. Overall during 1998-99, an estimated 88 per cent of work managed through CAMS country offices was undertaken by local firms. That is a feather in CAMS cap. For many of these projects there was provision for a preference under the compact, but in the majority of cases the local firms are winning the work simply because they have become more competitive.

Some time ago Hon Tom Helm read a letter from Mitchell and Brown Communications - I know Mr Mitchell and Mr Brown very well - a Geraldton computer supplier company which feels it has been let down by the regional buying compact with regard to an Education Department panel contract for the supply of computers to schools. Mr Mitchell, whom I have known for a long time, is a very smart operator with computers. If Hon Tom Helm had scrutinised this matter more closely, he would have discovered that four other Geraldton computer companies had some time ago been appointed as regional dealers by the seven computer assemblers on the Education Department panel. Also news is just to hand that Mitchell and Brown have negotiated an agreement with IPEX ITG, one of the computer assemblers, and is free to be nominated as a dealer by any of the other six, so obviously it has been involved in that process. Three of the seven computer assemblers are Western Australian, and all seven assemblers use a total of 68 regional dealers throughout the State as local distributors.

I object strongly to Hon Ljiljanna Ravlich's innuendo that one can only win government work if one is of the right political persuasion or knows somebody in a government agency.

Hon Tom Helm: I cannot believe she said that.

Hon M.J. CRIDDLE: Hon Ljiljanna Ravlich gives a very detailed rundown on a lot of issues. Her innuendo implies that there are improprieties in the way Government awards contracts. If the member knows of any such instances, she should let us know so that we can deal with those matters. The very nature of government contracting is such that there are some successful tenderers and some unsuccessful tenderers. We will always get people who are dissatisfied at some stage of the game.

The regional buying compact was developed with the best intentions of providing more opportunities for regional businesses to win government work. It is a relatively new initiative and it is acknowledged that there may be scope for improving the way it is applied. The buying compact is currently under review. Of course, the Minister for Works will have more to say on that in the near future.

Finally, I would like to reinforce the tremendous progress that has been achieved in delivering more government business to regional Western Australia. Three years ago the Department of Contract and Management Services adopted a new approach to service delivery in the country and the results have been remarkable. Today, 25 per cent of CAMS staff are directly or indirectly involved in delivering services to regional Western Australia. Seventeen per cent of CAMS staff are located in CAMS' 14 country offices. As I mentioned earlier, in 1998-99 CAMS awarded more than \$130m in regional contracting, and this is expected to reach \$155m this year.

CAMS regional offices have established strong links with the communities in which they work, including industry associations, regional development commissions and chambers of commerce and industry. The new approach has also seen upgrades of CAMS regional offices, including the installation of satellite dishes and personal computer kiosks in public areas for suppliers. This infrastructure is supplemented by an active campaign of regional workshops to help local suppliers improve their competitiveness and adopt online business solutions. CAMS is nearing the completion of a program to implement a system of service alliances with regional suppliers throughout the State. Under the service alliance, CAMS and the contractor agree to work together cooperatively to provide a consistently high standard of work, to the entire satisfaction of the customer, at a just price. That is important for people in regional Western Australia. Getting the service is not the only factor; obviously the price is a factor as well. The majority of service providers in regional areas are members of the CAMS service alliance.

The CAMS approach has also seen the establishment of regional period consultancy panels of architects, engineers and draftspeople to provide the full range of work required by CAMS clients. In the past year CAMS has delivered many forums for suppliers in regional areas. A number of these, in conjunction with the Department of Commerce and Trade, are expressly for Aboriginal businesses. This series of forums will continue on an ongoing basis. The Government is in full agreement that economic and social development in regional Western Australia is a high priority. As such it is

addressing this imperative through the programs I have mentioned plus many more, through CAMS and other agencies. The Opposition has conspicuously failed to acknowledge these very extensive programs currently being delivered by the Government to assist small businesses and regions. There is no doubt that devolving more government contracting business to remote and regional Western Australia has a big role to play in meeting the needs of these communities. I reiterate that the comments made by Hon Ljiljanna Ravlich and Hon Tom Helm lack the substance that is required to justify this motion. Once the question, "What is being done for the bush?" is posed, a huge body of evidence can be found to demonstrate that millions of dollars of government business is being won by remote and regional suppliers. I live out there so I know what is happening.

The motion to review the State Government's policy of amalgamating contracts to prevent small and regional business from winning work has nowhere to go because, as I have stated from the beginning, this policy is nonexistent. Far more concrete are the facts and figures I have presented today, and on previous days. They are proof that as a direct result of government policy and contracting practices, small and regional business is winning a big slice of government business in Western Australia.

HON TOM HELM (Mining and Pastoral) [10.20 am]: It is pleasing to hear that the Government agrees with this motion. The minister has explained that the review is continuous. It is nice to see a bipartisan approach to these matters, although we might have different views and different examples of what is going on in the bush. Regional Australia needs a few answers, and I think the minister provided them in his speech. He also suggested that this motion is relevant to Western Australia, and he explained that the review is an ongoing process.

Speakers from this side of the House tried to highlight some of the matters that we see as important to be open to review. It is bizarre for the minister to say that nobody on this side of the House gave examples of instances in which a regional buying compact or a regional employment contract was relevant or important. He then talked about Mitchell and Brown Communications in Geraldton, which I guess is one of the most significant examples of the reduction of employment in regional and rural Western Australia.

Hon M.J. Criddle: It is a very successful business.

Hon TOM HELM: Yes, it is. Something to the tune of \$7m was taken out of its contract, and there was a reduction in the work force of something like 30 to 100 people because there was a change in the policy of the Department of Contract and Management Services for supplying computers into schools in the Geraldton area - I understand in the Murchison and Gascoyne. I ask the minister to look at *Hansard*. I have not looked at it myself, so I am not accusing the minister of anything. However, I am sure that the Opposition raised the matter of the flags that the Government bought from the eastern States.

Hon M.J. Criddle: I do not recall that.

Hon TOM HELM: We also raised the matter of the china that was bought for Parliament House. That was bought overseas, when an Australian pottery company put in a competitive tender. We are cognisant of the fact that people who lose tenders will sometimes show sour grapes, and we must take that into account. However, while taking that into account, it must be acknowledged that many more contractors will not come to the Opposition with their complaints because they want to continue to tender for government work. If they are seen to be less than cooperative with the Government, the chance is that they will lose the work. That is human nature; that is the way it is. People who do not get on with each other just do not get anywhere; they do not get any contracts, etc. I do not know what we can do about that, apart from recognising it and carrying on, in the same way that we recognise that people will show sour grapes.

I have just read yesterday's uncorrected *Hansard*. I will not quote from it, but I will highlight those things that the minister said we did not bring to the attention of the House, although he went on to talk about Mitchell and Brown and so on. The minister mentioned that it was government policy - it was successful to the tune of \$130m a year, I think - to provide work for companies in rural and regional Western Australia and to provide contracts through CAMS; yet he went on to say that CAMS' policy was also to try to bring those small organisations together as a consortium so that they became a bigger organisation and able to tender for more work.

Hon M.J. Criddle: The point is that some contracts have different aspects to them, and one company is not capable of carrying out each of those jobs. That is why there are more opportunities for a consortium.

Hon TOM HELM: Yes. I do not think we can argue with the philosophy. Any government assistance for small business to do whatever, is surely to be recognised and welcomed. What small business is saying is that the contracts are being let in such a way that if those businesses have not had the required training or are not able to take part in a consortium, they do not get a contract. What I was looking for in the response from the minister was a reason that those companies need to form a consortium, other than for the reason that the contract being let contains certain elements. What small business and I are suggesting is that a consortium does not necessarily need to have those elements, and that CAMS is letting contracts to companies like Transfield Pty Ltd and Geraldton Building Co Pty Ltd - although GBC could be called a regional company. A number of major Perth-based firms get contracts which people think they should not get. In other words, they are part of a consortium, and they subcontract. That is fine as well.

The other criticism we raised during this debate - this is something the minister did not address - is the cost of all this. Are there increased costs or are there cost savings? We do not know. Why? Because no-one tells us. I very much suspect that the fact that this work has been privatised means that people from CAMS put the contract together. The contract is then

put out to tender, whatever the structure of the contract happens to be. That is a cost. Transfield may win the contract. Previously the public works department would do this work. The work will now go to Transfield perhaps, and it will subcontract to whoever tenders to do some of the work. All along the line, there are additional costs. If there are no additional costs, and if it is demonstrated that there are significant cost savings, I am sure that the Opposition would very quickly say less.

I also bring to the attention of the House a matter I raised just recently; that is, the \$200 training voucher that the State Government has made available to a number of firms, all in the south west of the State, an element of which is to help them get over the goods and services tax difficulties. That gets up my nose. I do not begrudge those south west companies getting that assistance, but for the life of me I cannot understand why the Leader of the House, who represents the same region as I do, does not fight for those training vouchers to be available to small businesses in the north west. That is a problem we should look at; that is, how the State Government, not just CAMS, views its relationship with small business.

I have highlighted the matters that the minister did not address. Those matters concern contracts being amalgamated and small contractors being shut out. The minister said that the Government is not doing that. He explained that the Government is providing training for small businesses to form consortia so they can tender for these jobs. In his contribution yesterday he went on to explain that to us again. He said there were additional costs to help companies form consortia. It seems that the whole point of the continuation of ALP policy that there be no public works departments or that we privatise and contract out certain agencies is being reversed in large part as any cost savings that were identified in the first place are being slowly eroded. There needs to be a balance in view of how these entities are privatised and contracted out and how regional employers are treated.

In large part the Labor Party has refuted the minister's criticisms of the arguments put by this side of the House. The Opposition has demonstrated that some companies feel disadvantaged by the policies of the State Government. I am glad the Mitchell and Brown matter has been resolved - I hope that is the case. The documentation Mr Mitchell put forward concerning nine or 10 different departments - including the Premier's - was quite extensive. The manner in which he lobbied was professional. He was angry at the way he was treated. If that problem has been corrected, that is good. The minister should be congratulated for taking that criticism on board. The Opposition addressed those issues. It now asks that the review take into account the various matters it brought to the attention of the House. The minister has refuted some of the accusations put forward by the Opposition. He argues that the Government is conducting a review.

Question put and passed.

SAFE INJECTING ROOMS AND HEROIN PRESCRIPTION TRIAL

Motion

HON NORM KELLY (East Metropolitan) [10.32 am]: I move -

That the Legislative Council -

- (1) Notes the drug policies of Switzerland and the Netherlands, and their impacts.
- (2) Notes the progress being made in Australia for the establishment of safe injecting rooms.
- (3) Supports the provision of safe injecting rooms that are a part of primary health-care centres catering to the needs of drug users.
- (4) Supports the introduction of a heroin prescription trial in Western Australia.

It has been more than 10 months since I gave notice of this motion. Members will recall that recently I sought to amend it largely due to the amount of consultation that had occurred since I first gave notice of it. I expect that a following speaker will move to amend the motion to give it greater emphasis, not so much on the need for this House to support such things as safe injecting rooms or a heroin prescription trial but, more importantly, to inquire into the merits of such schemes for Western Australia.

It is important to compare drugs and to consider the varying effects those drugs have on our community. I refer to a report from the Australian Institute of Health and Welfare of March 1999 which outlined the effect of various drugs. Table 17 of that report shows the number of deaths attributable to drug use. The total number of deaths attributable to tobacco use in Australia is over 18 000 deaths a year, over 3 500 deaths are attributable to alcohol a year, and 550 deaths are attributable to opioid use a year. When talking about the use of heroin, we are talking about a serious drug. We must also remember that when trying to educate young people in our society we must make sure we do not send mixed messages about how drugs should or should not be used. The younger generation sees the older generation as hypocrites because they condone and support the use of drugs such as tobacco and alcohol by the way our laws are structured.

Hon J.A. Scott: Do those figures on alcohol deaths relate only to deaths attributed directly to alcohol consumption and not road accidents and so on?

Hon NORM KELLY: They include deaths from road accidents and the like.

It is important to remind ourselves that we should not send these mixed messages to youths. They see the older generation as hypocrites for condoning the use of legal drugs while enforcing a prohibition policy on drugs such as cannabis which clearly do not have the same serious effects as alcohol and tobacco when we consider long-term injuries and fatalities. I

am not saying that long-term medical problems and illnesses cannot result from cannabis use, but we must be clear and factual when talking about the relative harmfulness of the different drugs.

Another important aspect is the level of funding of drug programs. I refer to a report provided by the previous minister for drugs strategies, Rhonda Parker. The report by the Alcohol and Other Drugs Council of Australia is titled "Drugs, Money and Governments 1997-98". The report indicates that in 1997-98, \$351m in revenue was derived from alcohol and tobacco taxes in Western Australia. On top of that, Western Australia indirectly received approximately another \$104m through commonwealth alcohol and tobacco taxes. When looking at the direct level of funding received by the Western Australian Government, out of that \$351m, the funding for alcohol and drug programs amounted to only \$24m. On average, for every person in Western Australia, \$190 was contributed to the State, yet only \$13 was returned by way of providing assistance through alcohol and drug programs. That is a serious shortfall of funds when we have continuing problems and concerns with the number of fatalities and associated problems caused by these drugs. We are not adequately funding our health programs to counter this.

At the same time, I support many of the strategies of the Western Australian drug strategy. My main concern with that drug strategy is that there seems to be an over-reliance on the prohibition policy of just saying no to illicit drugs, and not enough emphasis on supporting people who have drug dependancies. Recent initiatives with regard to drug courts means that there will be a more constructive approach to diverting people into rehabilitation and treatment programs as alternatives to imprisonment; this must be applauded. It is far better to have people treated within their own community than to exclude them from their support bases by putting them into prison, where they do not have the same level of support or assistance to deal with their drug problems. However, too much money is still being spent on enforcing the prohibition policies in Australia. Approximately 86 per cent of the funding for illicit drugs goes into law enforcement, and only 14 per cent goes into education and treatment and harm minimisation programs.

The first paragraph of the motion refers to the drug policies of Switzerland and the Netherlands, and their impacts. It is important to cast a broad net to look at the way other legislatures are dealing with drug issues. The Netherlands has a similar population to that of Australia and has long had a national belief in individual freedoms. The Government of the Netherlands is expected to avoid becoming too involved in matters of morality and religion, yet at the same time to have a strong sense of responsibility for the well-being of the community. This is evident also in other progressive policies in the Netherlands on medical issues.

The Netherlands has an Opium Act of 1919 which regulates the production, distribution and consumption of psychoactive substances. The possession, commercial distribution, production, advertising, import and export of all drugs, with the exception of drugs used for medical or scientific purposes, is illegal and punishable by law. Since 1985, this Act has also covered trafficking in hard drugs such as heroin, cocaine, LSD and amphetamines. There is no legalisation of these drugs in the Netherlands. The Dutch drug policy is aimed at maintaining a separation between the market for soft drugs, such as cannabis, and drugs that present an unacceptable risk to society, such as heroin and cocaine. An important aspect that we need to consider in Western Australia is the connection between soft drugs and hard drugs and the way that our current laws encourage soft drugs to become a gateway to hard drugs, even though there is no physiological connection between those drugs and a gateway and it is all due to the structure of our current laws.

The Dutch drug policy is often centred on cafes or coffee shops, or whatever they are called, in which people can purchase and partake of cannabis. Hard drugs are strictly forbidden at those establishments, but the sale of soft drugs is not prosecuted if certain conditions are met. These shops must adhere to criteria which prohibit advertising, the sale of hard drugs, the creation of a nuisance, the sale of soft drugs to people under the age of 18, and the sale of large quantities of drugs. The maximum quantity of cannabis or marijuana that can be sold per transaction is five grams, and the maximum amount of stock that a shop can carry is 500 grams, although local councils can impose lower limits.

In 1996, it was agreed that alcohol and soft drugs cannot be sold in the same premises; therefore, there is no consumption of alcohol and marijuana in the same outlet. The reason for the Dutch approach to coffee shops relates to the link between cannabis and heroin use. The assertion that cannabis use leads to heroin use is not based on the pharmacological properties of cannabis but rather relates to the criminality of certain drugs. There is no physically determined tendency to switch from soft to harder substances. However, social factors play a significant role, of course. The more users become integrated into an environment or subculture in which, apart from cannabis, hard drugs can be obtained, the greater the chance that those people will switch to hard drugs. That gateway effect is illustrated clearly by the fact that because of the prohibition and illegality of cannabis, people have to engage in criminal activity to acquire marijuana; and that makes them vulnerable to dealers and traffickers in those drugs, and those dealers and traffickers can then, for their own profit motives, encourage those people to move on to harder drugs. Whenever the Government achieves what it would call a successful drug bust of marijuana crops and there is a shortage of that drug on the local market, the users of that drug either have to pay significantly higher prices for their drug of choice or are encouraged to take harder and more addictive drugs such as heroin, which become comparatively cheaper because of the scarcity of marijuana at the time. It is in the interests of these dealers and traffickers to get people onto the more addictive drugs so that they have more committed clients.

I want to make it clear that the Australian Democrats remain steadfast in our position that we should maintain, if not increase, the penalties for drug trafficking and supply at those levels. If the efforts of the police were directed entirely to those higher levels and to the end users of those drugs, the drug regime in this State would be more successful. It is essential to separate the markets for soft and hard drugs. The statistics on fatalities show that in 1997, there were 550 opioid deaths, yet there was only one marijuana or cannabis-related death. Therefore, it is important to look at the impacts of those different drugs.

I turn now to the level of drug use in the Netherlands compared with other countries. In Western Australia in 1997, 15.6 per cent of people had used cannabis in their lifetime. This compares with almost 33 per cent of people in the United States of America and almost 37 per cent of people in Western Australia. More than one in three people in Western Australia have used cannabis, and a significant number use it on a regular basis. In the Netherlands, 0.3 per cent of the population has used heroin; in the United States, the figure is 0.9 per cent; and in Western Australia, the figure is 2.2 per cent. That is a significant percentage given that it is such a hard and dangerous drug.

The Netherlands has been successful in reducing the number of drug-related fatalities occurring within its borders. In 1995, the death rate was just over two opioid-related deaths per million population; in the United Kingdom the rate was 31 deaths per million; in France it was eight deaths per million; and in Germany it was 19 deaths per million. The rate in the Netherlands is significantly lower than that in other countries. In 1999, Western Australia had 86 heroin-related deaths, which was an increase of 12 per cent on 1998. That translates to an overdose rate of 47 per million population, which is far higher than the rate in the European jurisdictions to which I have just referred.

The Netherlands has a significantly lower illicit drug use rate than not only Western Australia but also the United States. Interestingly, it has been able to achieve that without creating a booming prison industry and simply locking away drug users. Of course, one must consider the effect of imprisonment on not only the offenders but also the wider community when the offenders are released.

Switzerland has about 30 000 addicts in a population of seven million, which is one of the highest rates in Europe. Unlike many other countries, and Western Australia, the death toll in that country has been falling. In 1998, 209 drug-related deaths were reported in Switzerland, which is down from a peak of 414 in 1992. In that six-year period, the Swiss were able to halve the number of hard drug-related deaths. In comparison, in 1983 Germany had 324 deaths, but that figure increased to 1 674 in 1998. Western Australia also experienced a big increase from 1993, when there were 32 such deaths, to 86 in 1999 - which is an increase of 270 per cent during the Court Government's term in office.

The Legislative Assembly Select Committee on the Misuse of Drugs Act 1981 issued a report in August 1998 dealing with strategies to combat illicit drug use. It is very interesting reading and gives a good indication of the recent trends in drug use and fatalities. Page 149 of the report indicates that it is only since about 1994 that this State has experienced a significant increase in drug-related deaths. It is an increase this Government has failed to stem. As much as we applaud the Government's implementation of various strategies, many of the education strategies are targeted at schoolchildren and will not be seen to bear fruit for many years. It is only as the children involved in these programs progress through their lives that we will be able to gauge the effect of those strategies.

This Government should be more committed to adopting proper harm-minimisation policies that take on board the fact that it is very difficult for people with addictions to shake them. Various treatment options should be considered. We often hear of new techniques and drugs that can help those with drug addictions. Methadone is widely accepted as an effective treatment for heroin addiction. However, it has its own problems and it is addictive. Naltrexone is an opioid antagonist and blocks the effect of heroin. Dr George O'Neil has developed the naltrexone program in this State. Apparently those programs help about one-third of participants, and either do not have a positive impact on the other two-thirds or, unfortunately, have a slightly negative impact.

Hon Max Evans interjected.

Hon NORM KELLY: Various programs exist and no single program will suit everyone. That is why we need a full range of treatment options. Given that, consideration should be given to medically prescribing heroin to some addicts. Medical prescription programs in Switzerland are limited to those who have had an addiction for at least two years, who are more than 18 years old and who have suffered at least two relapses after outpatient or inpatient treatment. Of course they need to be assessed for the adverse effects of their drug addiction. Stringent criteria must be followed before getting onto such a prescription program. If such a program were to be supported in Western Australia, we would likewise need to impose stringent criteria before people were allowed onto it. Although we do not have a big heroin-use street scene in this State, a number of people inject in toilet blocks and back lanes and the like and we must treat them in the best possible way. Therefore, the provision of a safe injecting room should also be fully considered in this debate.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Standing Order No 61(a)

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.01 am]: Standing Order No 61(a) refers to consideration of committee reports taking precedence until 1.00 pm, which usually occurs on Thursday. I presume it will apply until 12 noon today.

The PRESIDENT: I understand an agreement has been made not only to bring the sitting hours forward but also to debate the consideration of committee reports for the usual one hour. If that is the agreement it will be applied and the Committee will go for one hour.

Committee

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

Joint Standing Committee on Delegated Legislation - Rules of Harness Racing 1999

Hon SIMON O'BRIEN: I move -

That the report be noted.

This report relates to the Rules of Harness Racing 1999 which are subject to review as subsidiary legislation by the Joint Standing Committee on Delegated Legislation, and it undertook a review. The committee had some concerns about these rules because of the apparent lack of legislative authority for appointed officials of the Western Australian Trotting Association to do certain things under rules 250 to 252 inclusive. In this case the powers prescribed by the rules related to the power of appointed officials to demand breath and urine samples as evidence of offences committed under those rules.

The committee moved a protective motion for disallowance to protect the position of this House in reviewing those rules to ascertain whether they were ultra vires in part. The matter had been dealt with previously by action of the committee when leave was sought and granted by the House to withdraw that motion for disallowance subsequent to its concerns being addressed by the WATA, with the assistance of the minister.

The report relates how that inquiry occurred and copies of relevant correspondence are on file. The world has since moved on from these matters, so I will not speak to them in any great length, except to say that the matter was resolved. An interesting and beneficial amount of correspondence has occurred between the WATA and the committee, the minister and the committee and the minister and the WATA, which occurs regularly anyway.

The minister was able to give us advice on a number of matters and we thank him for his assistance. I commend the report to the attention of members.

Question put and passed.

Joint Standing Committee on Delegated Legislation - Meeting of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committee, Darwin, 14 and 15 February 2000

Hon RAY HALLIGAN: I move -

That the report be noted.

Report No 48 of the Joint Standing Committee on Delegated Legislation refers to the meeting held in Darwin in February this year by the working group of chairs and deputy chairs of the Australian Scrutiny of Primary and Delegated Legislation Committees. Parliamentary committees throughout Australia have considered uniformity of delegated legislation to be particularly important. They have tried to come together regularly to ensure that delegated legislation by way of regulation, local laws and the like are as uniform as possible throughout Australia; hence the need to meet periodically to undertake a review of the standing committees within each State. As I said, this report refers to a meeting of chairs and deputy chairs that continue that task.

Question put and passed.

Standing Committee on Delegated Legislation - Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999, Report No 2

Hon J.A. SCOTT: I move -

That the report be noted.

From memory, this report arose because people in the gas industry were concerned about the safety factors involved in the changes of regulation. A considerable change has occurred within the system. The committee examined this matter in depth because it was a complicated and technical issue which required a great deal of hard work to understand it.

However, members will note that a major concern identified by the committee was an ambiguity arising in the definitions of "appliance" in the regulations and the Gas Standards Act. This was of concern because the system has changed to one where an appliance can be inspected on a shop floor and may not need further inspection until it is fitted by a gasfitter who then signs off on that appliance. Previously, a far more rigid system was in place requiring a much greater scrutiny by inspectors in situ. The words "gas appliance" have some effect on the issue because a type B appliance is mentioned in the introduction to the regulations. Type B appliances may not be capable of gaining approval and some manufacturers who fit these appliances believe that they cannot give them clearance. There is also a further risk along the road in having a gasfitter putting together these appliances as they are not suitably qualified to understand the implications of the work required. Although they understand how to properly fit the appliances, there may be occasions when they could add a gas appliance to an array of other gas appliances but with little knowledge of the total capacity of those appliances. The committee was therefore concerned about that matter.

According to some people in the industry, the regulations did not provide an ability to advertise. The committee's report refers to a potential for section 13D of the Act to cause hardship to manufacturers of type B appliances, some of which may not be able to be approved prior to advertising. This made it difficult for people who had appliances that were only concepts at that time to advertise under this regulation.

The committee was also concerned about the conflict between the procedure for supplying commissioning gas for inspection and testing under regulation 22 and the prohibition contained in regulation 35 on the supply of gas to a consumer's gas

installation other than with the exemption of the director. There were concerns that some appliances could not be properly installed without commissioning gas.

There was also a major concern of people in the industry about a shift of responsibility from gas suppliers and inspectors to gasfitters. They believe that gasfitters, who are being given the ultimate responsibility for signing off on these appliances, are not highly qualified enough in this State to do that and it would be preferable to give that final decision to an inspector; or, alternatively, to increase the training level of gasfitters in this State. To put that much responsibility for some of these huge appliances onto a gasfitter could create a real problem. I share that concern that these people have with the regulation. Previously the government-owned gas suppliers, for the most part, were the ultimate responsible parties; unless they signed off on the appliances, no gas would be provided to the appliances, rather than commissioning the gas to test the appliance at some stage. There was therefore a strong safety element brought in by the supplier of the gas by his saying he would not provide the gas at a particular point. That safety element has been taken out of the equation. Will that measure cause us grief in the future? Some of these appliances, as I said, are very large and could cause considerable damage to surrounding communities if there were a problem. Members would be fully aware of the problems that occurred in Victoria when an inadequate safety regime in that State resulted in a major and tragic accident. Although I do not directly relate that accident to this State's regulations, there is a move in a direction which I do not favour which will weaken the safety of gas appliances in this State. I believe that a little of the changes being made to the system relates to the selling of our state gas bodies to private enterprise. Clearly, a gas body will be of more value to a new enterprise if that enterprise's responsibility is reduced in this way. It would certainly make the gas businesses in this State rather more attractive to potential buyers. Are we sacrificing the safety of the community and the workers for the sake of a better price for our gas facilities in this State? Time will tell.

The final matter is the failure to publish inspection plans and policies of gas suppliers granted exemptions under section 13(2) of the Act. I recall that some concern was expressed about the forms. People told the committee they felt the forms were not sufficiently standardised, which could lead to confusion with gasfitters and result in accidents and problems in the future.

The committee worked very diligently on this issue. The minister accepted the four or five changes to the regulations recommended in the committee's report and advised that the committee's recommendations would result in amendment to the Act and regulations being introduced this year. The minister displayed a good level of cooperation, and I hope the changes will result in a safer gas industry and better regulations. I am still concerned about the change in responsibility, which should lie not with a gasfitter at the end of the chain but with somebody more highly qualified or with some larger organisation. Nevertheless, I commend the report.

Question put and passed.

Joint Standing Committee on Delegated Legislation - City of Kalgoorlie-Boulder Sewerage and Drainage Local Law

Hon SIMON O'BRIEN: I move -

That the report be noted.

This report was presented on 5 April 2000. The genesis for this inquiry and report has been dealt with by the House; that is, the City of Kalgoorlie-Boulder sewerage and drainage local law was disallowed by the House on the motion of the Joint Standing Committee on Delegated Legislation. Therefore, it is probably unnecessary to examine this rather large report in any detail, other than to outline the gist of the committee's concerns which led to that disallowance.

The City of Kalgoorlie-Boulder sewerage and drainage local law offended on a number of grounds; specifically, the provisions in the local law for the licensing of plumbers were anti-competitive and inconsistent with national competition policy under the competition principles agreement. The local laws authorising entry by an officer or other person authorised by the city onto private property at all reasonable times with or without any notice went beyond the provisions of the Local Government Act 1995, under which the powers of entry were purportedly exercised. Furthermore, the local law was not made under the appropriate heads of power contained in the Health Act 1911. Provision exists under the Local Government Act 1995 to make local laws relating to some of these matters, but further requirements contained in the Health Act 1911 apply when dealing with local laws on such matters. These were not adhered to, for which reason the local law had to fail.

Another interesting aspect of this local law is that, after extensive inquiry and correspondence, the City of Kalgoorlie-Boulder ultimately not only agreed with the committee that the local law should fail, but actually requested that the committee proceed with the motion for disallowance. In the course of enacting this local law, the city had repealed previous, if somewhat outdated, local laws related to sanitary and sewerage arrangements. The city was concerned that if it repealed the latest local law, no provisions dealing with such matters would be available to it and its officials. Therefore, the city asked the Delegated Legislation Committee to proceed with disallowance - which it was going to do anyway - on the basis that the Interpretation Act would apply; that is, when the latest local law was disallowed, the previous local law was revived. The city would then have the old provisions operate until 1 July 2000, when fresh regulations under the Water Services Coordination Act would apply to water, sewerage and other matters across the entire State. That will supersede this process.

This was an occasion in which not only did the House see fit to disallow the local law, but also no-one elsewhere was upset by the local law being disallowed. That is a brief version of events. I commend that the report be noted.

Question put and passed.

Standing Committee on Constitutional Affairs - Seminar on the Role of Parliaments in Treaty Making, Canberra, 24 and 25 June 1999, Correction to Report No 38

Hon RAY HALLIGAN: I move -

That the report be noted.

This report is but a correction to report No 38 by the Standing Committee on Constitutional Affairs. It had been drawn to the committee's attention that two references in report No 38 could convey the impression that the High Court decision in *Crown v Tasmania* in 1997 determined that commonwealth legislation overrode provisions of the Tasmanian Criminal Code. The forty-ninth report adjusts that situation and explains that the High Court determined only preliminary matters in favour of the plaintiff, the Crown, but the Tasmanian Parliament shortly afterwards repealed the provisions of the Criminal Code being challenged concerning the illegality of homosexual activity. As the provisions were repealed, there was no further basis to the litigation which came to an end. I commend that the report be noted.

Question put and passed.

Standing Committee on Constitutional Affairs - Petition into Homeswest and the Department of Land Administration Policies: Opposing the Proposed Subdivision of Land Owned by Homeswest in Spencer Park, Albany

Hon RAY HALLIGAN: I move -

That the report be noted.

The report relates to the subdivision owned by Homeswest in Spencer Park, Albany. The petition relates to some remnant vegetation that was being removed to allow for housing development. The committee visited the site, met with the petitioners and conducted a hearing into the issues that had been raised in the petition. During that process the committee could not do otherwise but become aware of the local significance of the land to the people of Albany and to the petitioners in particular. The committee concluded that the local planning strategy and the region strategy scheme for Albany, which were being developed by the City of Albany and the Ministry of Planning, should assist in identifying areas of remnant vegetation which should be preserved. When the City of Albany and the Ministry of Planning are allocating and setting aside public open space, consideration should be given to the quality and not just the quantity of the vegetation to be included in the 10 per cent quota, and in the allocation of each parcel a sufficient amount of remnant vegetation should be included in the public open space in order to sustain some form of ecological integrity. The amount of public open space in surrounding areas needs to be taken into consideration when determining where the space might be.

Hon BOB THOMAS: It has been a number of months since I read the report and I congratulate the committee on its recommendations. However, first, we should acknowledge the work that has been done by Mr Bob Howard, one of the local conservationists in Albany. Mr Howard brought the matter to the attention of the general public and took a stand on it more than a year or so ago. He organised the petition which was eventually dealt with by the committee. I know the committee has some pretty strict rules regarding environmental matters and whether or not it will deal with them, and I appreciate that it looked into this issue as it clarified the matter for me to a greater extent than I was able to achieve by talking to local people and reading the local media.

Members would know that the Woodrise estate is on Ulster Road, near St Joseph's Primary School, and it backs onto the Breaksea estate which was developed by Homeswest in the early 1990s. There is very little public open space left in the Breaksea estate. I was an enthusiastic supporter of the estate when it commenced in 1990. However, one of the problems with the Breaksea estate is that the blocks are all about 600 square metres or less. At the time it was very cheap land with commanding views over King George Sound, Lake Seppings and Emu Point. People have spent a lot of money building very large houses on the relatively small blocks and we now have a development which is not as good as it could have been, because we have large houses very close together, and in some cases there is zero lining. There is a huge jumble of big houses in the area and there is not very much public open space or bushland left.

The Woodrise estate, which is a Homeswest development, will be developed under a contract with Heath Development Company. This development is an opportunity to get it right because I believe we made mistakes with the Breaksea estate. I think we should take into account the amount of natural vegetation within the area and develop a design for the Woodrise estate which ensures that there is sufficient public open space in the area. It should also ensure that those areas of the estate which are to be set aside as public open space are significant and representative of the environmental integrity of the area. From information I have received from people in Albany, I do not believe that has happened and some areas which have been set aside for public open space are not the best high conservation areas. Therefore, the committee's recommendations regarding maintaining the integrity of those areas that are set aside are spot on. I congratulate the committee for having done the work and got it right on that issue. For future stages of the development, if the recommendations are adhered to, we will get it right, because there is some important bush in the area. I commend the report to the House.

Hon CHRISTINE SHARP: I was downstairs working on other matters when I heard the name Spencer Park. My ears pricked up and I have raced to the Chamber as I am keen to add a few words. I praise the Standing Committee on Constitutional Affairs for selecting some good issues to bring to the attention of the Parliament and for its report and recommendations on this matter. Spencer Park, and the destruction of the remaining she-oak woodland on that site for a Homeswest development, is the tip of a very large iceberg. It is a phenomenon that is happening throughout Western Australia, particularly as a result of urban expansion. I know there are huge issues elsewhere, including in my electorate of Mandurah. It is a topical issue on many sites - the gradual and cumulative loss of remnant vegetation of significance.

In this case in Albany, it is a beautiful stand of she-oak woodland with some trees of great size and character with a very complex understorey. I have not visited the site in spring, but I believe at that time of year it has a diversity of wild orchids which has made it famous locally. I believe that the Albany wildflower society organised spring excursions to the site in Spencer Park for the local people to admire the orchids. Yet, these little patches are being lost everywhere to this subdivision or to that road and so on as we gradually turn the world into concrete.

In the metropolitan region a whole process has been set up to deal with the need to seriously look at the conservation of remaining remnant vegetation; that is, the process known as Bushplan. I will not go into the methodology of Bushplan - it is not the subject of today's debate - and whether it has sufficient sensitivity to small areas to be affording the kind of protection one needs for these stands which, in many cases, are not necessarily regionally significant, because the scale is not there. Leaving that aside, at least in the metropolitan area there is a process for recognising, identifying and protecting outstanding patches of remaining remnant vegetation. Outside of the Perth region there is absolutely nothing. The City of Albany, which is at the forefront in this matter, recognised the problem of this incremental loss of important remnant vegetation some time ago, and it has begun a whole process to identify the regional significance of remaining vegetation throughout the city boundaries, because the city has now expanded. That process of botanical survey and data collection is perhaps only one-third of the way through formalising it into an actual proposal which, for the City of Albany, will be a way of recognising areas which need more conservation and which are not scoped, as Hon Bob Thomas said, under current reserves and provisions for public open space.

One of the interesting things about this matter is that, in the past, areas were set aside for public open space and for parks and recreation. Unfortunately, in most cases these areas bear no correspondence whatsoever to the areas of valuable remaining remnant vegetation. Many of them are either cleared or are grass and so on and have no conservation value at all; yet, next to them there may be a patch of outstanding native vegetation which is zoned urban and which will be lost, and there is no protection for that area whatsoever. This is precisely the case with the area in Spencer Park and the proposed subdivision there.

The she-oak woodlands which cover a large part of the site were widespread throughout that part of the south coast. However, the very early indications of the botanical surveys that the City of Albany is undertaking to revise its remnant vegetation protection, to which I just referred, indicate that although quite a few patches of these she-oak woodlands remain, if one looks at the gazetted protection of those remaining areas, one will see that almost none of them is secure in their protection for the long term. They are all privately owned and zoned for development. Therefore, I believe a tentative figure could be used that there is less than 5 per cent of the original extent of casuarina woodlands of this type remaining in the Albany region which are located in areas of secure tenure. This is a very important matter because it means that, over time, we will lose virtually the lot.

I have made a submission to the committee, and I thank the committee for taking up some of the content of that submission. I have also written to the minister requesting that he look very seriously at the recommendations in the committee report and that we do not simply adopt this rigid approach that there be 10 per cent open space which must be scattered throughout the site. In that way, without being imaginative about how we design this proposed Homeswest development, we will lose almost all of it straightaway, and what little remains will be so small that the vegetation will not have the necessary scale to keep its integrity over time. This is an opportunity for Homeswest to do something for conservation. It is also an opportunity for it to do something for the people who will live in the subdivision and for the people who live around it in Spencer Park. Spencer Park, despite its name, is no park. It is one of the densest areas of suburban development in Albany. There is very little quality public open space already in that part of the city. Therefore, here is an opportunity to do something which would benefit the people of the whole of Albany, the people in the suburb of Spencer Park and, in particular, the people who will live in that future subdivision. How will we ever have anything except barren suburbs? How will we ever develop a sense of place and belonging if we take an approach of blitzkrieg to all the environmental values that are remaining on that site? Although it is only small scale in the overall scheme of things, it is important to that location and it is also indicative of problems in many other locations. I hope that the minister will have the necessary insight into this issue to do something creative and imaginative and which is a win-win for low-cost housing as well as a win-win for the environment.

Hon KEN TRAVERS: I, too, rise as a member of the committee to make a few brief comments on the report. I appreciate the comments of Hon Bob Thomas about the work of the committee, and I hope that members of the House will read the report. I and the other members of the committee put a lot of time into the report and found it a very interesting issue. Unfortunately, like a lot of issues raised in petitions, often we get them towards the end of the process rather than at the start so we could have a real input into it. Although, there is still some possibility for amendments to be made to the development at Spencer Park by the Ministry of Housing, I suspect it is probably too late to make significant changes; it has a joint-venture arrangement already in place. Some of the land has not been cleared, and I hope the minister looks at whether there is an opportunity to remodel the final plans before all of the remaining remnant bushland is cleared.

The history of this matter goes back some significant time. Because of that long time, it meant that we were limited. I draw members' attention to paragraph 8.4 of the report which is very important. The committee concluded that the evidence supplied to it indicated that at least the current minimum planning and environmental requirements had been met and that there had not been a breach of the current proper planning or environmental procedures in this instance. I would not want my comments to in any way be taken as suggesting that that was not the case.

One of the issues that was raised - members should look at paragraph 4.6 of the report - is that if this land were rezoned under the current processes, it is possible that there would have been an automatic referral to the Environmental Protection

Authority before it could be cleared. That was not required in this case because of the timing of the rezoning of the land for urban use. However, some of the problems experienced in the rezoning of this land could be addressed through that. Hon Christine Sharp mentioned, and I agree, that it was clear during the hearings that the City of Albany is trying to address some of the mapping of remnant vegetation issues in the Albany regions. Recommendation 9.1, which refers members to paragraphs 6.11 and 6.12, outlines what the City of Albany and the Ministry for Planning are trying to do through the state planning strategy to address these problems. They are worthwhile and I hope members, particularly cabinet members, note that and continue to support the process so that it can be implemented at the earliest opportunity.

Recommendation 9.2 refers to setting aside public open space within such areas. The committee walked through the remnant bushland. Unfortunately, there has been some degradation through people dumping rubbish. However, it struck me that it was a unique site. Evidence to the committee indicated that it had been a real show in the past during wildflower season and that the vegetation had some merit. The committee recommended that the quality of the vegetation be taken into account when the Ministry for Planning identifies the 10 per cent of remnant bushland that will remain in new subdivisions. It is important that the bushland is reserved in large chunks so that its ecological integrity is maintained. The committee also visited a reserve, which contains a unique and endangered species of pitcher plants. The park has been reserved for the purposes of preserving that plant. It was obvious to all the committee members that there were major problems with weed infestation as the area was too small to provide the ecological integrity to maintain the value of remnant vegetation. Remnant vegetation is often an area of passive recreation and use by the community, rather than one of active recreation. In the metropolitan area, remnant vegetation areas tend to be regional open spaces, rather than local open spaces. The 10 per cent of land that is set aside deals only with the requirement for local open space. The committee's final recommendation is that if 10 per cent of land in a new development is reserved for passive use, it must be considered in the context of whether the surrounding area would have enough areas of open space for active recreation. The Spencer Park development is interesting in that regard. I prefer the term "high level of density", rather than the one Hon Christine Sharp used. The existing residential areas in Spencer Park have a high density of housing and a small amount of public open space. The pitcher plant reserve is one of the few tracts of public open space. The committee did not have the resources to map the area, but I think the amount of public open space in Spencer Park is well below 10 per cent. The final dot point in recommendation 9.2 is important; that is, the surrounding area should be taken into consideration when planning new subdivisions. It should be asked whether there is need to include more open space. That is particularly pertinent to Spencer Park as it provides a unique opportunity. The Ministry of Housing, which is developing the land, is the largest owner of land in the suburb. A New Living program has begun in that area. The ministry has indicated that it is keen to increase the amount of public open space and scale down its presence. As the major landowner, it has an interest in revitalising the area. One hopes that government agencies such as the Ministry of Housing always try to be good corporate citizens, although I understand those off-budget agencies are under commercial pressures. However, it would be good financial sense for the Ministry of Housing to improve the general appearance of the Spencer Park area by providing a large amount of public open space because that would increase the value and amenity of the property for its existing tenants. I look forward to the response from the ministers for Housing and Planning, as prescribed under the standing orders. I hope they address the recommendations in the report, which were unanimously made in good faith by the committee. I hope it is possible to do some remodelling within the subdivision in Spencer Park, or, if not, that those recommendations can be implemented in future subdivisions.

Question put and passed.

Standing Committee on Constitutional Affairs - Petition in relation to Denmark Agricultural School

Hon RAY HALLIGAN: I move -

That the report be noted.

The fifty-second report of the Standing Committee on Constitutional Affairs relates to the old Denmark agricultural college and a request that it be allowed to remain, following the stated intention of the Minister for Education to demolish it. He had a valid reason for wishing to go down that path. A new high school is being built in a number of stages near the site of the old Denmark agricultural college. The committee went to the site and inspected the business and the surrounding area.

Debate adjourned, pursuant to standing orders.

REGULATION 4 OF THE WORKERS' COMPENSATION AND REHABILITATION AMENDMENT REGULATIONS (No 11) 1999 - DISALLOWANCE

Order Discharged

HON N.D. GRIFFITHS (East Metropolitan) [12.00 pm]: I move -

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

To put the motion in context I will explain briefly the effect of the regulation. Section 93E(3) of the Workers' Compensation and Rehabilitation Act provides the circumstances in which damages of common law may be awarded. Regulation 19M sets out the procedure for making an election under section 93E. New regulation 19M is regulation 4 in the regulations and therefore the precise regulation of which I gave notice that it be disallowed.

Regulation 19M sets out the procedure for making an election and was to come into effect on 14 December last. A view

was held, particularly by the Law Society, that that regulation was retrospective in its effect. I note the content of the fifty-second report of the Joint Standing Committee on Delegated Legislation, in particular the observation at paragraph 5.5 at page 8 which reads -

The operation of the Amendment Regulation on the day of its publication in the *Gazette* did not adversely affect existing substantive rights by including elections sought to be made that day. These rights were altered by the operation of section 32 of the *Workers' Compensation and Rehabilitation Amendment Act 1999*.

That view is consistent with a Supreme Court decision handed down late last year. Notwithstanding that, it was considered appropriate that notice of motion to disallow be given. The purpose of doing so was to put pressure on the Government to improve its act in the operation of workers compensation law in Western Australia.

I note that my colleague the member for Nollamara, Mr John Kobelke, has made a number of representations to the Minister for Labour Relations and I understand that, as a result, the minister is implementing improvements to a major issue that is dealt with elsewhere in the report of the Delegated Legislation Committee; namely, regulation 19N. Regulation 19M is the subject of the proposed disallowance motion that I am seeking to have discharged. Regulation 19N is related to it and provides for operation of the system with respect to the 16 per cent significant disability. I will not stray into debate on regulation 19N, save to say that the minister's reaction to how 19N is to be dealt with was a significant factor in the member for Nollamara persuading me that I should move this motion.

I refer briefly to a letter from the minister to the member for Nollamara which, curiously, is undated. The minister refers to discussions that Mr Kobelke had with Mr Neesham, the Chief Executive Officer of WorkCover WA, the relevance of the disallowance motion and the fact that concern was raised by Mr Kobelke at the inability of an injured worker to seek extension of the election period under regulation 19N when the worker has been treated or investigated by a medical specialist, the outcome of which could impact on whether surgery was required in the six months post-termination date. The minister says that the issue has been considered and says -

In view of this, I am prepared to extend Regulation 19N(2) by including a further provision to enable the director to extend the termination date

She refers to two other aspects. It is noted in that context that instructions from WorkCover to the deputy parliamentary counsel were given. For the sake of relative completeness I will note what the member for Nollamara achieved in his representations to the minister. I quote -

The intention of the amendments is that workers may be granted an extension of 4 weeks where the Director is satisfied the worker will require further treatment or investigation before a decision may be made by a specialist in a relevant field of medicine as to whether the worker will require major surgery in respect of the disability in the extension period. This application is to be made 21 days before the termination day. It is also intended that following the granting of such extension, the worker may then be granted a further extension pursuant to subregulations 19N(2)(a), (2)(b) or (2)(c). This further extension may be granted for a period of up to the balance of the period that is six months after the termination day. The application for the further extension must be lodged 21 days before the expiry of the initial extension period granted and fixed by the Director for further treatment or examination.

The Opposition does not think that is satisfactory but it is better than what would otherwise be on offer.

HON HELEN HODGSON (North Metropolitan) [12.07 pm]: I disagree that this Order of the Day be discharged. Even after hearing the member's reasons I believe the action proposed is not satisfactory in this instance. Primarily, my reason for opposing this motion is that if the copy of the letter to which the member has just referred is the same as the copy of the letter I have seen, it does not pick up on the recommendations of the committee. However, I should not refer to them as recommendations because the committee has not referred to them in that way. The committee urges the minister to consider introducing certain amendments to the principal regulations and the Act. Those amendments require the definition of major surgery and amendments to permit an appeal from a refusal to extend time under regulation 19N. The correspondence that I have seen does not address those issues adequately at all. If we are to rely on the basis of the minister's assurances, those assurances should at least include the recommendations of the committee that examined the issue in detail.

When I started to examine this regulation, as it appears before us, I came to basically the same conclusions as did the committee. Unfortunately, the time lines in this place mean that frequently we conduct the work prior to receiving the report, and when we receive the report we find the work that we have spent the past week on has already been done. I will put that concern to one side, as I appreciate the constraints under which the committee system works. The regulation we are discussing today relates to whether the disallowance motion should be discharged. The regulations are in two parts: Regulation 19M deals with a process and regulation 19N deals with the director's discretion in certain circumstances. The substantive provision, 19M, is the one to which the original motion to disallow refers, although the remedy is actually in 19N, which is the one the minister has agreed to review. The former regulation 19M allowed a process which would allow an injured worker to fulfil the requirements of an election without necessarily losing his or her weekly benefits. That process involved signing a form which stated that the worker wished to take common law action within a time frame. If no further action was taken to have the election registered, there was an assumption that weekly benefits continued. Then at any time in the future the worker could decide to commence a common law action and seek to have the level of disability agreed upon and determined. It was not until after that step that the election form, already signed, would be registered by

the director. I appreciate that a court decision referred to in the committee report as the unreported decision of *Re; Monger Ex Parte Woodford* has occurred in the meantime. It is clear that the decision has an impact on the way in which the regulation is framed. However, the previous system ensured that the worker had a reasonable period of time in which to consider his or her options and make a necessary decision. Without going back over old ground, the Australian Democrats never believed that the election process gave enough time to workers in the first place. For that reason we would be happy with the original regulation which could be interpreted in a way that meant that workers had sufficient time to make that election. The new regulation ties it to a point at which it is very difficult for a worker to make an appropriate election within the time frames.

Another issue that has come to my attention is the effect that the regulation has on time frames, the ability for injured workers to proceed through the process and the fact that an injured worker has basically no access to income support for a prolonged period. The answer to that, of course, is that injured workers are entitled to apply for social security benefits; however, that is not the point of the workers compensation system. The idea of a workers compensation system is to provide income support when someone is in need of that support. The Australian Democrats made a few inquiries of people who work in the insurance industry. We spoke in particular to a lawyer working on compensation for one of the big law firms which deals substantially with one of the major insurance companies; in other words, representing insurers rather than workers. We were advised by that person that the changes have not sped up the commonwealth system at all. Since the legislation came into effect, not one case has proceeded to a stage of referral to a panel. As I said, the information that these time lags are still in place came from the employer's representative of one of the largest workers compensation insurers in the State. People are therefore still substantially without any form of income support at a time when they most need it.

In principle we do not support retrospective regulations and this is another issue that has been raised in respect of this regulation. It was tabled and gazetted with effect the day prior to the date of the gazettal of the regulation. I am told anecdotally that on that day an interview occurred on a radio station talkback session with a prominent workers compensation insurance lawyer who represents workers regularly. There is a lot of speculation in the community that the timing of that talkback session with the insurer and, I think, the Premier and the director of WorkCover, had some bearing on the reason that the regulation was backdated. In principle we are not happy with the prospect of retrospective regulations.

The main problem with this system is not in the regulation before us today but, rather, with the legislation itself. The committee report makes it clear that the inherent unfairness is in fact in the legislation. The regulations in that sense are not *ultra vires*; however, I would have hoped that the regulations could be used in a way to make the system work efficiently and fairly. In this instance, although the regulations are not *ultra vires*, they certainly do not help the system work fairly.

The Australian Democrats have particular issues with section 93E of the Act and the tight restrictions on the definition of "termination day" which has led to some workers missing out on the opportunity to make elections as to whether to go to the common law system or remain on a weekly compensation system. The whole legislation needs a drastic overhaul. I note that the legislation comes back before us on a periodic basis, as it has now. I am not surprised that the member for East Metropolitan Region, Hon Nick Griffiths, has moved to withdraw this disallowance motion as it basically establishes a system to which the Australian Labor Party agreed last year; that is, the very tight time lines and the very tight election requirements. The ALP negotiated that with the Government at the time and it is not at all surprising that it continues to allow this tight interpretation of the system.

The Australian Democrats therefore do not support the discharge of this motion as we believe the motion should be fully debated and the regulation should in fact be disallowed.

HON J.A. SCOTT (South Metropolitan) [12.18 pm]: I speak in support of the argument put forward by Hon Helen Hodgson. She is correct in saying that the minister's proposed amendments do not address the concerns put forward by the Joint Standing Committee on Delegated Legislation. They are, rather, a result of discussions with the member for Nollamara in the other place. Many issues remain to be dealt with. The interpretation of major surgery, for instance, causes a great deal of concern. That definition varies greatly from one medical practitioner to another. It also varies greatly between medical practitioners and people having that surgery. Certain major surgery can quickly and easily repair somebody's life or body and have them back on deck quickly; however, other surgery can have long-term effects and thus it takes longer to determine whether a permanent problem exists. Also, an injury originally may not manifest as a major problem, but permanent disability may not be apparent until after years of treatment. In other cases, the reverse may happen. An injury may at first be seen to be a significant disability, but may be cleared up with time and physiotherapy. The time required to interpret what is major surgery is critical in many cases, and there can be a great deal of variation between individuals. That is an unfair aspect of the regulations and the Act, and, despite the changes, some people will still have problems in that regard.

The committee report, although not as part of its major conclusions, expressed the view that people who, for instance, suffer from chemical inhalation, which hardly requires major surgery, can experience significant disability and be largely incapacitated for work. However, such injury will never fit within the major surgery area. Under regulations of this type, such people are doomed to receive no satisfaction and will have to support themselves through this trauma, whether or not they are to blame for the position in which they find themselves.

I am also concerned that, once again, the changes will provide further discretion for the person who makes the original decision; namely, the director. It would be fairer to have an external review process by which an appeal can be made by an injured person. I do not like in-house appeals by which people review their own decisions.

The letter from WorkCover states that amendment may be required regarding reforms Nos 26 and 27, but the measure does not pick up the matter of the director securing medical information from the injured person's doctor or medical practitioner. Although some improvements are being made and some people will come in from the cold as a result of the changes, the regulations still fail overall to provide a fair system for people who, through no fault of their own, are largely impaired and not able to support themselves properly. These people are forbidden to go to common law to satisfy their losses as a result of these very restrictive regulations. They have a long way to go before they are fair. I support Hon Helen Hodgson's proposition that we should continue with the disallowance of these regulations.

Question put and a division taken with the following result -

Ayes (24)

Hon Kim Chance
Hon J.A. Cowdell
Hon M.J. Criddle
Hon Dexter Davies
Hon E.R.J. Dermer
Hon B.K. Donaldson
Hon Peter Foss

Hon G.T. Giffard
Hon N.D. Griffiths
Hon Ray Halligan
Hon Tom Helm
Hon Barry House
Hon Murray Montgomery

Hon N.F. Moore
Hon Mark Nevill
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon B.M. Scott
Hon Greg Smith

Hon W.N. Stretch
Hon Bob Thomas
Hon Derrick Tomlinson
Hon Ken Travers
Hon Muriel Patterson
(Teller)

Noes (5)

Hon Helen Hodgson
Hon J.A. Scott
Hon Christine Sharp

Hon Giz Watson

Hon Norm Kelly
(Teller)

Question thus passed.

DAIRY INDUSTRY AND HERD IMPROVEMENT LEGISLATION REPEAL BILL 2000

Second Reading

Resumed from 21 June.

HON KIM CHANCE (Agricultural) [12.30 pm]: When I began my contribution to the debate at 4.00 pm yesterday I advised the House that I had to hand the preliminary results of the ballot which had been conducted by the Australian Electoral Commission at the instigation of the Australian Milk Producers Association. I advised at the time that they were provisional figures. A number of questions arose in relation to the poll which I undertook to respond to today. This morning I had had a meeting with Mr Tony Pratico of the Australian Milk Producers Association and I believe that I can address at least some of those questions now.

The figures I have to hand seem to be the official figures. They carry the name of Mr E.M. Panegyres, the returning officer, and the date is 21 June 2000. I will not go through the details for the ballots relating to the States of New South Wales and Queensland, and will confine myself to the ballot in Western Australia. In Western Australia 497 ballot papers were issued. It is my understanding that there are 500 dairy quotas on issue, so there is a difference there of three. Two duplicate ballot papers were issued. I questioned Mr Pratico on that, and he indicated they were instances in which there had been a late notice of a multiple quota holding in a single dairy. The total number of ballot papers issued was 499. That could be the current figure for the current number of quota certificates on issue, because the figure of 500 that I obtained from the Dairy Industry Authority was obtained in March this year. That could account for the slight difference there.

Hon Barry House: Are those dairies that do not have a quota?

Hon KIM CHANCE: I was going to clarify the matter of licensed dairy farmers who do not have a dairy quota and attempt to quantify that number. It was my understanding from the DIA figures of March this year that there were 41 licensed dairy farmers who did not have a quota. Since that time I have heard a figure referred to of 38 dairy farmers, so it is in that bracket. These things change over a period of months. Somewhere between 38 and 41 dairy farmers, who are licensed dairy farmers but do not hold a quota, did not get a vote in this ballot. A total of 499 ballot papers were issued; 396 ballot papers were returned for scrutiny; and 21 ballot papers were rejected at the preliminary scrutiny. My understanding of the significance of that number is that the validation process of the lists submitted by the Australian Milk Producers Association was carried out against the Dairy Industry's Authority current role. AMPA was not shown the DIA list; however, AMPA read the names to the DIA, which then advised if those persons were current dairy farmers. The list was then updated. It is my understanding that was required before the Australian Electoral Commission could validate the list. Although AMPA concedes that the base list was four or five years old, there was an updating validation. That process falls down to some extent because of the age of the list - that four or five year-dating - as those quota holders who had acquired their initial quota in the past four or five years were left off the list. From an analysis of the numbers I have before me it seems that 22 people would be affected in that way. That is open to question.

Hon Greg Smith: Do you consider the 25 per cent who did not respond to be yes votes or no votes?

Hon KIM CHANCE: The AEC makes no assumption.

Hon Greg Smith: With the feeling out there to deregulate or not to deregulate, can you extrapolate that the people who did not return a ballot paper were probably pro deregulation?

Hon KIM CHANCE: I am not sure we could take that. In the light of an official ballot carried out by the Australian Electoral Commission, while it is interesting question, it is no more than idle speculation.

Hon Greg Smith: Twenty-five per cent is a pretty big percentage.

Hon KIM CHANCE: It is, although it could be argued that the number of no votes was an absolute majority anyway. From the 499 ballot papers issued, 245 no votes were received. It is virtually an absolute majority - four and a half votes short of an absolute majority.

I will continue through the figures. The total ballot papers that were submitted to scrutiny - that is, after the exclusion of those 21 farmers who were not on the DIA list - numbered 375. Those 375 ballot papers represent 75.45 per cent of ballot papers admitted to scrutiny. Three ballot papers were returned as unclaimed mail, and 98 ballot papers were not returned. The number of yes votes was 130. The number of no votes was 245. There were no informal votes. There were 375 votes in total. I will make this information available should a member require it.

[The paper was tabled for the information of members.]

Hon KIM CHANCE: Yesterday evening I was talking about the parallels between this case and the situation of milk vendors in 1995. The parallels, as I indicated at that time, are remarkable. In the case of the milk vendors, and in the case of this Bill, we were told that it was inevitable that deregulation would occur. In each case, the argument for deregulation within the industry was split between those who would personally benefit from the decision and those who would personally lose from the decision. In each case, the winners benefitted directly from the loss of property that their farmer colleagues suffered. In each case, there was no offer of compensation for the legislated loss of real and personal property. In each case, there was an offer of an adjustment or restructuring fund in lieu of any compensation for that loss of property. In each case, the effect of the distribution of the assistance was variable and inequitable. I believe that were we to make a decision to progress this Bill, we would come to regret our decision equally. It is close to five and a half years since we made that decision about the milk vendors; and this House has expressed its view that it regrets the decision that it made. I hope we do not have occasion five years hence to express a similar regret about this issue.

I take this Bill and the issues that are raised by this Bill very personally. I do not make any apology for that. I have no direct interest in the dairy industry, other than as a consumer. I do not have a relative who is involved in the dairy industry, and there is no dairy industry in my electorate, although historically there has been. I take the matter personally because it is an offence to everything that I believe in and everything that I have ever believed in. It is an offence to me that decent, hard working people are, because of the actions of others, about to be deprived of their property and everything they have ever worked for and everything they have taken to be their right and their future in their retirement.

Hon Barry House: What is the alternative?

Hon KIM CHANCE: That is a broader question. I will look at this aspect of the question first, but I will address that, because it is a fair question.

I am offended by the processes that have been employed to represent the so-called industry view. I am offended because the Parliament has literally been handballed a problem that the industry cannot sort out. The industry has said to us, "Here it is; you sort it out." I do not often come to the defence of the Minister for Primary Industry and on this issue I have been a fairly harsh critic of the minister, but it has occurred to me over the past few days that perhaps I should have some sympathy for the minister, because what the minister was presented with was a request from the industry for him to do something. We need to look at the objective facts of how the industry has backed that up. There have now been two polls. The first poll indicated 58:42 that the industry wants the legislation. Just after that poll, the minister went into the Parliament and said, "The industry wants this legislation." The ballot that influenced the minister to make that decision was quite a close poll - not decisive, but any one of us would like to win our seat by a margin of 58 per cent. Subsequently, there was another poll which indicated a no vote. That poll was certainly of quota holders only - I acknowledge that - but 65 per cent of quota holders did not want deregulation to occur.

The minister has, I believe very wisely, refused to comment on the most recent poll. I do not think I would want to comment either. I would be too busy kicking the cat to want to comment on that poll, because that is the way the Minister for Primary Industry must be feeling now. The industry came to him with a request, and the industry turned around and said, "We do not really want it." As I said, it is not often that I defend the minister on this matter, and I do believe he has shown a distinct lack of leadership on it -

Hon M.J. Criddle: That is a bit harsh.

Hon KIM CHANCE: I thought I was being somewhat gentle. I will get harsh, if the minister likes. The Minister for Primary Industry has been put in a situation in which there is no clarity in terms of the request from industry. The minister came into the other place with a second reading speech which made it quite clear that he does not particularly want this legislation; he is doing it because the industry has asked him to do it.

Hon Barry House: None of us particularly wants it.

Hon KIM CHANCE: Is it not reasonable to now say that the industry is not making that request; and that if it had ever made that request, it has, by virtue of the poll announced yesterday, withdrawn that request, because that is certainly the way it looks to me?

Hon Greg Smith: One could argue that 25 per cent did not return their ballot papers.

Hon KIM CHANCE: One can argue anything. The fact is there is virtually an absolute majority, on the basis of those who did vote. I think the industry has sent us a very clear message. If I were the Minister for Primary Industry, I would want to withdraw this legislation so that no vote was taken on it. I believe that is probably the best course available to the minister, because in that way he will avoid the embarrassment of the potential defeat of this Bill in this House, which is the way this Bill is heading. I can now advise that the Australian Labor Party has made the decision that it will oppose this Bill if it is forced to vote on it by 30 June.

I am similarly offended by the manner in which Western Australia's interests have been so severely compromised in a deal that has been stitched up to benefit a single Victorian company. That is what this is all about, and I find that totally offensive.

Hon M.J. Criddle: Just for the sake of clarity, what company are you talking about?

Hon KIM CHANCE: Murray Goulburn. The industry has handballed this issue to the minister and, by extension, to the Parliament of Western Australia, to make a decision.

At the close of my speech yesterday I outlined five or six issues which I believe are unresolved; and unless there is an answer to those five or six issues, I believe this Parliament has no business legislating to remove the structure that exists. One of the minor issues in that group is the discounting rate by the Commonwealth Bank of Australia for the up-front loan arrangement. We were told by the Commonwealth Bank - or I assume we were told, because certainly that is what the dairy industry told us - that it would release the discount figure on 6 June. It is now 22 June, and we have heard nothing from the Commonwealth Bank. This is absolutely crucial, because I acknowledge that there are farmers who need that restructuring package to go through. I acknowledge that if this Parliament makes a decision to defeat this Bill, we will severely disadvantage a number of people. I know that, and that is why I believe this Parliament has no business legislating at all, because we will hurt people one way and we will hurt people the other way. However, those people who are reliant on the dairy structural adjustment payment coming through and on their capacity to negotiate an up-front payment through the arrangement with the Commonwealth Bank of Australia do not even know what the discount factor will be. I have spoken to the Australian Dairy Farmers Federation and they gave me an idea of what the figure might be. I have made contact with the Commonwealth Bank of Australia in the hope that it might give me, within some reasonably narrow parameter, the likely discount factor, but we have received nothing. How can the Parliament reasonably legislate until we know at least that fact? How can we legislate until we know whether the goods and services tax will apply to the DSAP? We know that the GST must be removed from the subsidy payments. We know that the DSAP is deemed by the Australian Taxation Office as a subsidy payment. Yet I have a piece of paper lying around somewhere from the Australian Dairy Industry Council which advises that the DSAP will be exempted from the goods and services tax. Which is the truth? Who is acting on the basis of what belief? Is the Australian Dairy Industry Council correct? Is the DSAP exempt from GST? If it is exempt from the GST, why were we unable to determine that in the inquiries we made? I do not know, and I do not know that it is my job to find out, however, Parliament should not proceed until we do know. The question is left hanging in the air. Does Parliament have the right to legislate while those questions remain unanswered? It is not my intention to drag through those points again, but they are on the record; I have raised the issues. If the answer to any one of those questions is lacking, it is sufficient reason for us not to proceed with the legislation. If the Government chooses to proceed with the legislation, it now knows that at least the Australian Labor Party - I do not know who else - will vote against the legislation. It is a matter of choice for the Government; the Labor Party cannot vote against the legislation if the Government does not proceed with it. If the Government chooses to defer it, that is another matter altogether; it lives on for the time being at least. I now send a clear message that the Labor Party will oppose it if it is forced to a vote this week or next week.

I will try to give a snapshot of what the outcome of deregulation will be. One only has to look at two examples. The first of those examples is in Australia right now, the second is in the United Kingdom. Today there are three so-called quota States in Australia: Western Australia, Queensland and New South Wales. Those three States have undergone a long, but relatively painless restructuring period over 40 or more years. Although the specific mechanisms for the regulation of the industry vary somewhat between those three States, each has factors in common that have resulted in their dairy industries being among the most secure and rewarding of all primary industries carried out in any of those three States. Each State identifies the extent of the premium white milk domestic market share, each has a system of tradable quotas which defines the access producers will have to the market under regulation. Each State permits producers to market an unlimited quantity of milk outside that identified limited entry market. In each State the ratio of volume of milk between market milk and manufacturing milk is roughly 50:50, if the three States are lumped together. These States have viable and efficient dairy industries. Victoria and Tasmania do not have quotas. I might add that they did, but those quotas were bought out. When people say that Victoria is already mostly deregulated, that is true; yes, they did have quotas. Yet the Victorians, in trying to push the rest of Australia into their way of thinking, rarely admit that when they divested their quotas they were paid for them. They want the rest of Australia to go without payment for quotas.

Both Victoria and Tasmania are major exporters. They work on a pooling system which effectively equally shares the premium component of the domestic market. In Victoria, some 60 per cent of dairy farmers are recipients of some form of welfare from the public purse. Victoria has the lowest per capita milk consumption and the highest consumer milk prices in Australia. The source of that information is the Centre for International Economics, National Competition Policy Review of the Dairy Industry Act 1992, July 1999, page 9. In short, to the extent that deregulation will produce an industry environment that is similar to that now in place in Victoria, the prognosis for the Western Australian industry

post-deregulation is for economic hardship for farmers, regional recession, and higher prices for consumers. It is a nonsense. That is putting into perhaps better sourced terms exactly what Bob Katter is saying in Queensland.

I have a copy of the winter 2000 edition of the *National Leader*, which is the quarterly magazine of the National Party of Australia, New South Wales branch. Under the heading "Dairy - Labor's nightmare", it is interesting to compare our relevant positions. Hon Barry House raised the interesting contrasts that exist between the States. The heading of the article is "National Party leader, George Souris offers the answer to the NSW Government's insensitive handling of the dairy industry deregulation". The article states -

A price support scheme is the only way to avoid massive social dislocation in the dairy industry.

Initial estimates are that one third of the State's 1800 dairy farmers will be forced out of the dairy industry. My fear is that this figure could rise to 50%.

The supermarket price for milk has risen from around \$1/litre to around \$1.38/litre over the last two years.

But returns to farmers under deregulation could fall by up to 26c/litre. For many farmers this means making a decent living will be extremely difficult.

He goes on to say that he has written to the Australian Competition and Consumer Commission hoping that it will look at the disparity between supermarket prices and farm gate prices. He goes on to mention Western Australia, which is why I thought the Legislative Council might be interested. He said -

The Western Australian Government is giving \$27 million to its dairy industry.

Which is dead right, he could have said \$37m.

Hon M.J. Criddle: If this goes through.

Hon KIM CHANCE: Yes, assuming it goes through. I continue -

The New South Wales Government is giving absolutely nothing.

Worried dairy farmers should be hammering the Labor Government to come good on this very serious issue.

Labor in NSW is absolutely responsible for what happens to the dairy industry in this State - nobody else.

That is the point I was getting to, although I thought members might be a little amused by the other comments -

Hon Barry House: Just before you leave the article, does Souris or Bob Katter propose any solution?

Hon KIM CHANCE: I did skip over one part of the article, and I am happy to go back to it. He says -

Moreover, we are moving to create an adjustment program that is at least equivalent to the package Labor has given to the NSW timber industry for restructuring - in other words, around \$80m.

With the respective difference of scale in industries, \$80m would be roughly equivalent to the \$37m that has been provided here. I have acknowledged that and I am relieved and grateful that the State Government did that. In particular, I applauded that \$2.23m which will go to resolving that anomaly in the Capel area. It is a relief and I am disappointed that Labor Governments in Queensland and New South Wales have not been able to make that offer. It is rich for the National Party to criticise two state Labor Governments for their failure to act in a matter over which they had no control at all. They had no control whatsoever in this matter. This would not have been an issue had the Commonwealth Government not failed to renegotiate the domestic market support scheme arrangements. Had the Commonwealth Government not proposed what seems to be on the face of it a very generous federal restructuring grant - so generous that the Commonwealth makes a \$370m windfall gain from it -

Hon Barry House: The industry proposed that; the Commonwealth is just facilitating it.

Sitting suspended from 1.00 to 2.00 pm

Hon KIM CHANCE: Before the lunch suspension I mentioned that the market situation in the milk industry in Victoria is probably the worst of all the Australian States. The market situation in Western Australia, New South Wales and Queensland is probably the best of all the Australian States. That is not simply a function of regulation. It is principally a recognition of the fact that the three quota states, Western Australia, Queensland and New South Wales, have got their act together and achieved a balance between the amount of milk consumed on the domestic market and the amount of milk forced out onto the processing and export markets.

In the three quota States, as I indicated broadly - do not pick me up on the detail - there is a 50/50 split between the local market and the manufacturing market. In Victoria the producers have not heeded the signals that the world was trying to send them. Victoria has continued to produce for a market that does not exist. When we look at the situation with which we are being presented by the proponents of deregulation, we see all the arguments are aligned towards the necessity to grow the Western Australian milk industry. The fact is, the market milk sector in Western Australia is relatively static. It grows a little as the population grows. However, it does not have the potential for the exponential growth that is forecast by the proponents of deregulation.

If we are to have even steady sustained growth, let alone exponential growth, it follows logically that that growth will primarily be in the manufacturing sector, particularly the export manufacturing sector, the very sector to which we have pointed as being so heavily corrupted. Members do not have to take my word for it or the word of the Senate select committee. However, the evidence given to the Senate committee from authoritative sources points to the problems that exist in the export market.

The export market for milk is suffering the same problems as any other international market suffers when the European Union is involved. The European Union has a propensity to produce more than it needs of any given commodity. To solve the problem of that overproduction it dumps it. It does not matter whether we are referring to wheat, even beef from time to time, dairy product or wine - the European Union wine lake has caused significant problems for the wine industry in past years. Europeans dump commodities and corrupt markets. It is a function of the union's trading pattern to corrupt export markets. Its export markets are of no significance to the European Union other than as a sink for surplus product. Yet on a marketing basis, we are attempting to restructure the Australian industry so it can have the effect in Western Australia at least of realising the potential growth of the industry. I am the first to concede we can grow more milk, just as we can grow more wheat and more wool. However, there is no market sense in chasing that growth if, at the margin, there is no profit to be made.

At the margin we are competing with export parity of 16¢ or 17¢ a litre. Which Western Australian can produce milk at 16¢ or 17¢ a litre? The more the portion of the total production of milk in Western Australia which is not for domestic market consumption sector is expanded, the lower the average price will be. Until the export parity price exceeds the domestic price, that will always be the case. It is an immutable fact of mathematics.

Why, therefore, are we pursuing a course that we are told has growth in the market as its destination? We do not need to be growing in the market. Indeed, the dairy industry would probably benefit if we had less exposure to the export market. I understand why people want to do it and the arguments about the critical mass of the industry. It is good that we have pursued a policy that now means the Western Australian industry has an export component of roundly 20 per cent, because it gives the industry balance and structure. However, we should not think that the expansion in the industry that has led us into the export sector, if our production were deliberately geared for that sector, has caused a rise in the average price of milk per litre in Western Australia, because it has not. All it can do mathematically is bring down the average price.

I talked also about the effect of the concept of deregulation on the market in another sense. The sense to which I was referring is the ratio of the producer's share of the consumer dollar. As a State Parliament that has control of the dairy marketing industry, one of the things we should consider among our highest priorities is how we can maintain the maximum share that the producer gets out of the consumer dollar.

At present the ratio of producer price to consumer dollar is about 1:3. In the United Kingdom, prior to deregulation, the ratio was also of the order of 1:3. Post deregulation in Great Britain, it has fallen to 1:5. Tragically, the indicative post-deregulation prices that we have already seen here in Western Australia indicate that it will not take four years, as it did in the United Kingdom, to fall from a ratio of 1:3 to 1:5; it will occur almost immediately.

Indeed, for farmers in the wrong part of the State, roughly anywhere south of Elgin, that ratio will fall substantially below the ratio of 1:3. Those farmers have no access whatsoever to the market milk sector under the currently proposed deregulation arrangements. I will let that sink in for a minute. Apart from five or six dairy farmers, the bulk of the Capel suppliers, of which there are 80 producing 34 per cent of the State's milk, will have no access to the liquid milk industry. There is no provision for it anywhere other than what a southern farmer can negotiate with a processor. They will be condemned to receiving manufacturing prices. Some of those farmers have been quota holders. A significant proportion of the quotas are held by the suppliers to Capel Dairy Co (WA).

Hon Murray Montgomery: The picture you have just painted is one of absolute gloom and doom. It could be the other way. One can be quite positive and say there is room for negotiation. The processors may take another view.

Hon KIM CHANCE: I know what the processors think as the Standing Committee on Constitutional Affairs spoke collectively to the processors when they gave evidence to the committee.

Hon Murray Montgomery: Only to the committee, not since the committee met with them.

Hon KIM CHANCE: No. However, the committee has only just reported. There is nothing in construction, as far as I am aware. I spoke at length about this issue with Danny Harris, the president of the Western Australian Farmers Federation dairy section, as recently as yesterday. He is working extremely hard to put together an arrangement which could provide an outcome to which I believe Hon Murray Montgomery is referring. However, there is no agreement. There is not even a heads of agreement at this stage which could indicate that the key players, the Peters and Brownes Group, National Foods Ltd (WA), the farmers themselves and the Capel Dairy, could come together even at the level of a heads of agreement. I am not saying that the system that Mr Harris is trying to put together is not a workable solution; it may well be. All I am saying is it should have been done already. We should not be launching Western Australian dairy farmers, particularly those south of Elgin, into a deregulated market which will condemn them to the scrap heap; because at the moment that is what will happen.

The member suggested that I have taken a particularly gloomy view. He might be right. However, I argue that in this world, in which we are supposed to accept commercial realities, sadly those are the commercial realities. Farmers near the Brunswick plant, in the northern part of the milk producing area of Western Australia, have a slim chance of survival with

the prices that have been so far indicated. Those chances of survival are much slimmer if they are south of Elgin. That is a matter of deep concern to me and should be a matter of deep concern to all members. No structure has been proposed which can prevent the prices for those producers, save the half dozen I mentioned, falling to export parity. Until we can answer that question, we have no business allowing this Bill through the Parliament. What will we do?

The difficulty for members who intend to oppose this Bill is that they must face the reality; that is, we are saying to the industry that it cannot have access to the federal restructuring grant. That is a real problem which caused the Australian Labor Party to modify its position when the debate occurred in the other place. However, we really must analyse the worth of the federal restructuring grant. The committee has suggested that it will bring no net benefit to the State. That is a reference to the export, principally to Victoria, of some \$70m-odd of the levy which will be raised in this State. However, we should look at the issue from the individual farmer's point of view. Although it is called a consumer levy, it is essentially a levy that will come directly from the producer's pocket. I do not think any member in this place will argue with that.

Dairy farmers, therefore, will pay themselves their own dairy structural adjustment payment, save the \$360m of the windfall that the Commonwealth Government will take out of the deal. It does not make sense. It may make sense for the Victorian dairy industry, for which it was constructed. However, if one pulls it apart and tries to get it down to its components, it does not make sense on its own. It makes even less sense when one considers the possibility that the goods and services tax may have to be taken from the payment as well. It makes even less sense when one considers that we do not even know the Commonwealth Bank's discounting factor.

In commenting on that fall in the ratio, I believe we are confronting a lose-lose scenario. Whatever members have been told about deregulation of this industry, either as to its desirability or inevitability, must be measured by those outcomes; that is, a fall in the net ratio of producer price to consumer dollar. I believe that the outcomes are so bad that the proposition before us is not the answer. If it is the answer, we have just asked the wrong question.

I have had the opportunity to look at two of the alternatives that have been proposed by the Australian Milk Producers Association. I am not a professional marketer; I am not even an economist. However, having looked at those plans, it appears to me that they should be seriously considered. It is the opinion of one Queen's Counsel that section 92 issues do not arise if certain things are done. I will not try to second guess a QC. I am sure the Minister for Primary Industry will not try to second guess a QC. However, let us have the issue examined by the Australian Dairy Industry Council and the Australian Dairy Farmers Federation Ltd. Let us get the Commonwealth Government involved in this matter to give us some idea about whether that is a prospect. I know the Minister for Agriculture in the Commonwealth Parliament, Hon Warren Truss, said that he had legal advice that the section 92 options proposed in the AMPA plan did not stand up. However, when he was asked to produce the nature of that advice, in fact the advice he received was not legal advice at all; it was simply a five minute look-over of the scheme. I do not mind Warren Truss saying that. What I want him to do is submit it to some legal scrutiny. I cannot say whether it will work. However, I would have thought that, given the potentially tragic economic outcomes which dairy deregulation will bring, a proposition which might save the Government from those outcomes is something that it should take seriously.

The Australian Milk Producers Association has similarly produced a second plan, which revolves around a national pooling arrangement. Again, I discussed that, albeit briefly, with Danny Harris yesterday. Mr Harris indicated to me that the dairy industry nationally had considered such an arrangement. However, I wonder whether it was considered with the kind of discipline that is needed and I wonder whether what was looked at was precisely the same as that proposed by Mr Eric Baker of the AMPA.

There are options for the dairy industry. Those of us on the floor of this place who are charged with making a decision have no indication whatsoever that those options have ever been thoroughly researched. Why are we in a position of having to make a decision on one alternative which has been suggested to us without the benefit of knowing whether other ways of achieving the desired ends have been researched with any kind of legal or intellectual rigour? I am unconvinced that there has been adequate research. What appears to me to have happened is that one company in Victoria has exerted such massive leverage on the industry that all other options have been dismissed. That might be a somewhat assertive statement, but I genuinely believe it to be the case. It seems that the deregulation forces in Victoria have been so strong that they caused the consideration of any other way of restructuring the industry to be dismissed prematurely. Therefore, we need to answer this question. If it is not the right answer, maybe we were asked the wrong question.

As both the opposition spokesperson on this matter and a participating member of the Standing Committee on Constitutional Affairs, I have spoken to industry members about this issue in depth and detail for some years. I do not profess to be an expert, but I have listened to, and tried hard to understand, both sides of the story. It is not a simple issue. I have looked at it as rigorously as I can and heard the possible outcomes of deregulation or retaining regulation. I find it hard to envisage a worse outcome than that proposed in the Bill. Having said that, simply retaining regulation will not make the problems go away. Members should never think that is the case. The industry is headed for extremely difficult times whatever we decide to do. However, deregulation brings with it more problems than it solves. If that statement is correct - I have seen no conclusive evidence to disprove it - a complicating factor in our decision-making process is the commonwealth restructuring payment. If we refuse to accept deregulation, we can wave goodbye to an average before-tax payment of \$248 000 per Western Australian dairy farmer over eight years. The question before us ultimately is whether we should do that.

Hon M.J. Criddle: It is the industry that is important.

Hon KIM CHANCE: The determining issue is the dairy structural adjustment payment. If that were not before us, we would not face a question on the option of deregulation as it would have been long discarded. Even in Victoria, the matter of deregulation has always been dependent on the achievement of the dairy structural adjustment payment. Victoria was the first jurisdiction in which farmers were polled on the matter, and access to the payment was the first point in the question asked of Victorian farmers. Farmer opinion is deeply divided on this matter of the dairy structural adjustment payment. Some are insisting they must have access to the payment or their future as farmers will be at risk. I do not doubt that. Others say that the payment will be taken from their income anyway, so no advantage is involved in receiving the payment; that is, it is borrowing money that farmers will have to pay for over the next eight years. They say that DSAP does not remotely approximate the losses farmers will suffer if deregulation proceeds.

The dairy industry has handballed this loose bundle of issues to Parliament to resolve. I have spoken to people who were originally hostile to some views I put in the broader debate, particularly that we should have more carefully considered the question. I am told that the industry has been expecting, if not working towards, this notion for years, and that all the industry wants is to get on with it. I understand why people say that. However, with respect to those genuinely held views, it is not apparent that the industry has been working towards alternatives to or consequences of deregulation. Nothing is in place, or even expected to be in place, to begin to address the gross inequities which will occur in the industry after deregulation. DSAP does not even pretend to do this. This is an important aspect.

The architects of the dairy structural adjustment payment never pretended it could address the problems of the industry through deregulation. That theme runs through the Senate committee report. DSAP was structured for the particular purpose of allowing farmers to meet the adjustment which is to occur, to generate new income streams and to restructure their farm operations. Certainly, it was never proposed - the Senate report makes this clear - that DSAP was to serve in some way as de facto compensation for the loss of quota. The final recommendation of the Senate report is that the question of compensation be left for the States. I have recognised that Western Australia has done more than any other State to ease the pain of transition. Nevertheless, even Western Australia is not paying one dollar of compensation to the dispossessed quota holders.

The question of the legitimacy of property rights is sufficient reason for us to reject this legislation, although it is not the only reason I hasten to add. The devastation of property rights inherent in this kind of licence will, if Parliament creates another precedent in this matter, threaten a wider range of industries than members can imagine. The industry first threatened would be the rock lobster industry. Its property right is established in exactly the same way as the property right of dairy farmers. The taxi industry's property right to access the limited entry market is established in the same way as the dairy quota is. In each case, the binding factor is the legislated mechanism - be it licence, endorsement, right or whatever one calls it - which allows and shares access to a limited entry market. It is that simple. We have accepted that it is property. One can buy an argument in any court in Australia about whether that right is property. As legislators we have accepted that it is property. Even though one might get a different ruling in court, we have always treated it as property. In a number of examples in the Family Court and other courts of law, the access rights have been treated as property. We have taken stamp duty from the farmers on the transfer as though it were property. There is not much argument about whether it is property. However, we propose to devolve that property without compensation. Imagine how world war III would break out, Hon Bruce Donaldson, in our electorate if we proposed such devolution in the rock lobster industry.

Hon B.K. Donaldson: It would be done with great difficulty.

Hon KIM CHANCE: I have made the point before that farmer opinion has no unity. We have undertaken the process of analysing the polls and the comment on the legitimacy of the polls.

Whether one favours one poll over another - I do not have a preference - and whatever one's view about the numbers - we can argue all day whether one farmer should or should not have a ballot paper or whether 22 farmers should have been able to vote - and whichever way one analyses the two polls, nobody can tell me with a straight face that there is anything other than a deeply, and near as damn, evenly divided opinion on whether we should regulate. Where does that put us? The industry effectively handballed this decision to the Parliament in a form that could barely be picked up. It was so loose and sloppy, and there were so many untied ends, we were always going to have a problem resolving it. I have taken the attitude to this debate that I have, and have not politicised the matter as perhaps I might have in other circumstances, because the Government has got caught up in this as much as we did. Nonetheless, the issue is before us and it is loose and sloppy. It has untied ends and we must make some sense out of it. Having had the decision handballed to us, we cannot handball it to anyone else. That is a sad fact of life. We must somehow make some sense out of this. We can have a dozen different ways to deal with an awkward situation. It has taken the committee some time, and I apologise for that, to get to a point where we could even tell members on the other side and our colleagues in opposition what we intend to do with this. The committee has now made a decision. I am sorry it has taken a while to get to that point of clarity. Even having arrived at that position it is not one I feel 100 per cent certain about.

Hon Derrick Tomlinson: I sympathise with Hon Kim Chance because once I had to lead a debate against a Bill that I supported, so I know exactly what you are saying.

Hon KIM CHANCE: Hon Derrick Tomlinson should not get me wrong - I support our position on this. That is the position that I have presented consistently to the party room. I have arrived at that position, and have gained my colleagues' confidence in that decision. However, I cannot be 100 per cent sure that it is the right decision. As I said some time ago, in two years' time I could regret the decision that I recommended with the clear light of hindsight. However, I have tried to balance the issues, and who will be hurt by the decision to deregulate and who will benefit. I have tried to make some

kind of adjudication on what seems to be the opinion of dairy farmers and considered the opinion of quota holders, who are a separate group and entitled to a separate expression of opinion and consideration of that opinion. I have tried to analyse the options and what analysis there has been of those options. Somewhere along the line I have come to a decision that it would be better not to proceed with this legislation. The only way as an opposition member I can bring that about is to recommend that my colleagues oppose the Bill. I do not have the option of withdrawing the legislation, because it is not our legislation. I do not have the option of going back to ministerial colleagues around Australia and suggesting that other options be considered. Those things are beyond any opposition member. They are not beyond the power of the Government. If the Government chose to do that, it would find willing support from the Opposition in that attempt.

I have pages of notes, although people have probably heard all they need to hear from me. In leaving these notes aside, I will be leaving some important information aside. However, I want to relate one story that is not in my notes but which happened in evidence before the committee. Two quota holders came before the committee whose cases created a powerful impression on me. I am allowed to say this because it happened in an open session. One of those quota holders was no longer a dairy farmer; he is one of those despised, perhaps, lessors of quota. This man and his wife had worked all their life and had generated a quota, and decided to take a less occupationally stressful form of farming. They were no longer dairy farming but had decided to retain their quota, lease it and rely on that as a means of maintaining their income, funding their retirement and closing off whatever last mortgage payments they had to make. If we vote on Tuesday or thereabouts to introduce this Bill, that farmer's entire asset, which was yielding what some people might say was an obscene amount of money - it was a lot of money - will go up in smoke as of that day.

Hon Derrick Tomlinson: What does he get in return?

Hon KIM CHANCE: I did not calculate the amount. My guess would be up-front about \$300 000. That is from an asset that was yielding him \$200 000 income a year.

Hon Derrick Tomlinson: It sounds like a licence to print money.

Hon KIM CHANCE: If Hon Derrick Tomlinson held 100 000 shares in Westpac, he would be able to live extremely well, even by his modest tastes, and never work again. How property is held is largely irrelevant. Some people are wealthier than other people. I have gone through my whole life knowing that almost everybody is wealthier than I am, but I have never been jealous of them. I raised that point only to illustrate the difficulty that man and his wife will be faced with should this Bill go ahead.

At the other end of the scale is a young farmer, a 21-year-old man who works with his brother and who has through his whole working life so far - short as that may be - managed to scrimp and scrape together \$30 000, with which he bought 100 litres of quota at \$300 a litre. We are about to say to that young man at 21 years of age that everything he has had confidence in about commerce in Western Australia and about justice out of the parliamentary system will go up in smoke. We will take the \$30 000 that he has scrimped and saved for and we will give it to someone else.

Hon W.N. Stretch: When did he buy that quota?

Hon KIM CHANCE: After 1996, although I may be a year out either way. He has bought it bit by bit. He presented us with the list of the amounts and the dates on which they bought it. It is terrible that at a time when we are doing our best to encourage young people in Western Australia to get involved in commerce, to have faith in our business systems, in other people and our parliamentary system, we will take this young fellow and say, "Well, we tricked you, didn't we!" That young man probably impressed me more than anyone else. He is only 21 years of age; he will survive and live to fight again. I am sure that with the tenacity he has shown so far, he will do that, and he stands a much better chance of surviving than does a 55-year-old male who left school after junior high school and who finds that his future as a producer of 100 per cent quota milk is no more. That person will find life infinitely more difficult than that young man. I was struck by the situation into which people are put as a result of this. If I have over-concentrated on the plight of quota holders, I should at least acknowledge that. However, I have also tried to represent the position of those persons, many of whom are not large quota holders or hold no quota at all, who farm in that part of the State south of Elgin, because their potential position is similarly tragic.

One might reasonably ask the question: If we do not deregulate and do not pass this Bill, how will they be better off, because they will not even have the federal restructuring grant to carry them over? That is a fair question. I do not particularly know the answer. All I can say for those quota holders in particular is that even the federal restructuring grant will not get them through. The federal restructuring grant is something which they are paying themselves anyway. I find it hard to work through the logic of it. We know the consumers are not paying it; so if consumers are not paying it, who is? It must be the very people whom we represent as being the beneficiaries of the dairy structural adjustment payment. By and large it is an absolute nonsense.

Finally, I want people to consider two issues on this matter which need to be separated, and this is where I should have started some time ago. There are two issues which have not been separated in people's minds, but which the Parliament needs to be able to keep apart: One is the issue that regardless of whether deregulation is desirable, necessary, inevitable, unavoidable or whatever, deregulation by its own merits is justifiable. The other issue is of property rights; that is, whether it is right to take away from the quota holders what we propose to take away. So far the debate outside of this place has dealt with those two issues cognately. As a result, we have a fairly obscure picture of the debate. The Parliament, in its consideration, must be very careful to keep the two issues separate right to the bitter end. On the one hand, should we arrive at a conclusion that deregulation is supportable because it will happen anyway - in other words, the inevitable argument,

and it might be a justifiable conclusion on its own? On the other hand, should we decide that the answer to the other question is that this is not fair and we should not be treating the owners of property in this way? Because the answer to one question is yes and the other is no, should the end result be no and should members vote against the Bill? There must be a yes to both questions.

Hon Barry House: Do you think the Parliament will answer the second question?

Hon KIM CHANCE: Yes. I think Parliament has a much better chance of answering the second question than it has of answering the first question.

Hon Barry House: It is all a matter of money.

Hon KIM CHANCE: It is all money?

Hon Barry House: Basically.

Hon KIM CHANCE: People say that it is all money, but when they say that, they are always talking about someone else's money.

Hon Barry House: I do not mean that in any sense.

Hon KIM CHANCE: I know. What we propose to take away will be compromised anyway. The value of the quota will fall as the effect of commercial competition starts to impact on Western Australia. We are talking about a depleted asset in any case. In fact, even if someone is left with nothing more than the ability to identify the value of that part of the milk quota which is going into the premium market - in other words, to identify that part of the market where a person may be able to sustain as a bare minimum import parity prices, plus maybe 1¢ or 2¢ - the quotas will always have some value because that person is always taking that part of the milk and setting it aside from that part of the milk which may go into export parity prices. That person is simply maintaining the ability to identify the local amount of milk. That will have a value. It will not be a value anywhere near \$309 a litre, which is the figure we have been trying to work out should be the price of a quota. However, if quotas are dissolved, even that limited value will be taken away from people. We must make a determination in the question of whether it is only money and whether people will be better off retaining that part of the value which is represented by the residual value of their quota or whether they will be better off letting it go and paying themselves the DSAP. That is a much shortened version of my view. I hope members will consider this issue with the gravity and fairness that it deserves. I know from past experience that members will be able to do that. I urge members to oppose the Bill.

HON HELEN HODGSON (North Metropolitan) [2.46 pm]: The Australian Democrats will also be opposing this Bill at the second reading stage. We also have been through quite a prolonged process of trying to decide which is the best way to go on this matter. The key difference between the procedures we have gone through and those that Hon Kim Chance has just said that the ALP has gone through is that we probably reached our conclusion a little earlier. There was a bit of toing-and-froing in assessing the views of the two opposing sides of the industry on this matter.

This is, as we have heard, a federal matter in the sense that the States as a federation and the Federal Government are working together on the deregulation issue. Having said that, it is not really a commonwealth matter because the key driving forces are coming from Victoria, and there are reasons that State has a particular influence in this debate.

I have had the opportunity to read the report of the Senate Rural and Regional Affairs and Transport References Committee on the deregulation of the Australian dairy industry. I commend it to anyone who is interested in the debate and in the two sides to this argument. One of the things that I found particularly useful was some of the information on the structure of the industry in different States. It clearly points out some of the differences and similarities which are driving this debate and why people in different parts of the country are coming at it with a different perspective. Basically, prior to last year all States had a form of regulation in place, at least as far as price support and the requirement that an authority within the State purchase the milk and effectively monitor or be involved in the marketing of that milk is concerned. There are all sorts of reasons - partly historical - that that has been the case. Some of those reasons still have some validity, and I will come to that later when I talk about some of the issues arising from the national competition review.

At some stage all the States have had quotas in place but the difference now is that the key State, Victoria, removed its quotas in the mid-1970s. The nature of the industry in that State has now varied markedly from what is known now as the quota States of Western Australia, New South Wales and Queensland. South Australia and Tasmania line up with Victoria because of proximity; their industries are very closely linked with the Victorian milk producers. Two blocs are forming in Australia - the non-quota States of Victoria, South Australia and Tasmania, and the quota States of New South Wales, Queensland and Western Australia.

An interesting table at paragraph 2.12 in the Senate report refers to the extent to which each State produces market milk compared with manufacturing milk. In Tasmania and Victoria, about 90 per cent of the milk is used in manufacturing milk and the remaining 10 per cent goes into the fresh market sector. In Western Australia, Queensland and New South Wales, it is much closer to a fifty-fifty split. According to the 1998 statistics, Western Australia had a ratio of 49 per cent market milk to 51 per cent manufacturing milk. An interesting statistic indicates the domination of Victoria with a little under two-thirds of the total production of the milk market sector in Australia coming from Victoria. It is interesting to read comments about the strengths of the Western Australian dairy industry. I have a colleague from South Australia who, whenever he is here, cannot get enough of our yoghurt. Apparently it is one of the premium products of the Western Australian milk

manufacturing sector. A lot of our manufacturing milk goes into yoghurt and I am told by people whose palates are finer than mine that a noticeable difference is evident in the quality of what we produce.

Hon Barry House: Was that Brownes or Peters?

Hon HELEN HODGSON: I am not sure which one it is but the premium yoghurts are even better again.

Hon Derrick Tomlinson: Probably Mundella.

Hon HELEN HODGSON: No, he just buys a little tub from the local delicatessen. Western Australia's product has a definite and different profile from that of Victoria.

A certain amount of federal pricing support through the dairy market scheme has provided some support to the manufacturing sector of the industry. The bulk of the pricing decisions and pricing support with the quota issues are state matters. The interesting twist is that, to a large extent, it is the sunset clause in the dairy market scheme which was established in 1992 that has brought the deregulation debate to a head. It is true that it has been talked about for a long time and people have regarded deregulation as inevitable. It comes down to a chicken and egg situation: Does the talk of deregulation make people believe that it is inevitable, or is it genuinely inevitable, and that is why people talk about it? I think it is a question that cannot be answered. It is clear that the deregulation is largely driven by the market factors that make the Victorian industry different from that in the other States, particularly the Western Australian industry. It is also clear that a lot of the agenda has been driven by the manufacturers and the cooperatives. I was in Victoria earlier this year, as we had our national conference in Melbourne in January. I took the opportunity to meet with some Victorian dairy farmers. Anybody who says that the Victorian dairy industry is totally behind this industry reform has not been speaking to the same people to whom I spoke.

Hon Ken Travers: They were Australian Democrats-voting farmers.

Hon HELEN HODGSON: No, they were not. They were a cross-section of people who took the opportunity, just as was done last week at the National Party conference, to speak to us about their concerns. I received some correspondence in April this year from Victorian dairy farmers who describe themselves as Bonlac suppliers. Bonlac is a Victorian manufacturer and although it has a cooperative background, it is now a private company. Anybody who thinks that Bonlac is acting on behalf of the farmers, who at one time had a real say in what went on through their cooperative structure, will see that is no longer true. I have heard from a lot of dairy farmers in Victoria who are suppliers to Bonlac, who are not at all impressed with the way this issue has progressed. I have an email from a Bonlac supplier who attended a live telecast in Colac on 28 April and was very concerned about the decisions being made. A 30 per cent reduction in overheads, facilities, staff and services will cost \$36m. The email says that no counselling or support has been offered to any of the suppliers on how to cope with the poor milk prices. It also says -

We are getting very tired of being given false hopes. We are also behind \$200,000 by being loyal and having faith in Bonlac!!!!

A further email in response to that states -

I am also a Bonlac supplier in the North and attended the meeting in Melbourne. I also did not come away from the meeting feeling a sense of elation. In fact, if anything, I have more questions running around in my brain than before.

Even in Victoria, where this is all being driven, there is not the full support of the dairy industry. There was a lot of discussion at the meeting I attended because the result of the ballot in Victoria had just been announced. Even though the numbers showed that there was substantial support for deregulation, they had only just started doing the sums. I was told about a financial adviser who worked in one of the dairy towns who said that after doing the sums for a number of his clients, he was so discouraged that he was going to leave the industry as he could not go through the process of doing the sums for everybody and finding that they were all going to go broke and that he was unable to offer them any solutions. That is what it comes down to: There were no solutions and the adviser could do or say nothing to show the producers a way out of the problem. One of the comments that sticks in my mind - we have a debate before us on water rights - was that the water rights on some of the properties were worth more than the milk. I would hate to see a similar situation arise in this State.

There are three main reasons for promoting deregulation of the dairy industry. The first reason is the belief that, in order to compete more in the export market and to expand, the industry needs to be restructured and become more competitive price-wise. I have a question: In spite of all the things that go on at the General Agreement on Tariffs and Trade meetings, do we really work on a level playing field? This is not the only country that has price support for dairy farmers. Australia might be the only country that calls it that, but the dairy farmers in other countries are subsidised to a far greater extent than our dairy farmers. Why are we forcing our dairy farmers to compete in a market that is already flooded? It was Victorian milk producers who said that they wanted to compete more in the export market. Yet part of the decision announced by Bonlac in April - when it talked about its internal restructuring and sold about 75 per cent to New Zealand interests - resulted in it cutting its export emphasis from 50 per cent to 30 per cent.

Bonlac Foods will reduce its exposure to the export market from the current 50 per cent to 30 per cent of its volume in the next five years. This information is in an email I received following the meeting at Colac to which I referred earlier. That move was apparently announced as part of its strategic plan. Why are we saying that we are restructuring to facilitate our entry into the export market when the suppliers driving it are talking about reducing their exposure to the export market?

Much has been said about the possibility of export into the Asian market, particularly from Western Australia. Must we go through deregulation to facilitate that? I do not think we do.

The Senate committee report indicates a philosophical opposition to regulation. All I can say in rebuttal is that regulation has served the dairy industry well. It ensures good standards. Our entire primary industry sector is developing a clean, green image. I am not sure we will be able to maintain that without regulation. Regulation does not have to involve price control. However, the price control mechanisms assist in maintaining the health and quality of our products. I and the Australian Democrats do not agree with that philosophical opposition to regulation.

The third reason given for deregulation is linked to the second reason in that it relates to the national competition policy. The Senate committee report stated that there had not been a coherent national competition policy review across the country, and that each State had run its own review and come up with different answers. That may be a result of the differences between the States that I have highlighted. Some States may have got the answers they wanted.

The Western Australian national competition policy legislative review is reported at paragraph 2.8 of the Standing Committee on Constitutional Affairs committee report, which states -

In February 1999 the National Competition Policy Legislative Review of the Western Australian *Dairy Industry Act 1973* found that a net public benefit arose from:

the regulated farm-gate price for market milk . . . and the vesting of milk, in so far as it provided funds to the Dairy Industry Authority (DIA) to provide services to the industry; and

licensing of processors and dairy farmers with respect to food safety standards.

The committee's review determined that there was no reason to deregulate.

This State has met the national competition policy requirements - we have said that there is a net public benefit. The ideologues have said that the situation has been reviewed and accepted, but that it is still contrary to national competition policy. This State has reviewed the situation and concluded that a public benefit exists, and that is all it has been asked to do.

Hon Barry House: The conclusion was different in Victoria.

Hon HELEN HODGSON: Yes; I will refer to that. The difference in Victoria does not mean that we must deregulate our industry. The conclusion in Western Australia is that this State benefits from a regulated industry.

The minister has said that industry wants this legislation. He is not the only person saying that; ministers in other States are saying the same thing. Ministers in Queensland and New South Wales are also relying on dairy industry ballots. Who is the industry? Is the industry the manufacturing sector or the farmers? The ballot question was based on a set of assumptions, which Hon Kim Chance talked about at length. The question was: Do you want access to the restructuring package? The assumption was that deregulation had to happen. If farmers voted in support of access to the package, they would also be voting for deregulation.

Hon Barry House: It is not an assumption; it is a fact.

Hon HELEN HODGSON: It is asking the second of two necessary questions. The first question should be: Do you want deregulation? The second question should be: If deregulation occurs, do you want access to the package? That is the reason we are now seeing a change in views.

At very short notice the Australian Milk Producers Association has pulled together a number of groups from different States and with their own backgrounds. It is true that AMPA does not have the long history in the farming industry that the dairy section of the Western Australian Farmers Federation has, but that does not mean that individually and collectively its members do not have a great deal of experience and knowledge of the dairy industry. The organisation is young, but its members have a great deal of knowledge of what is going on in the industry.

This second ballot has been held after much discussion between farmers and work by AMPA to inform people about the real implications of deregulation. People now understand the effect that this will have on their businesses. They are starting to say that this is not the right way to go. They have realised that they will not survive if deregulation is imposed in these circumstances.

That is the case across the country - we have national unrest. I have already referred to my discussions with Victorian farmers. I have also had information from meetings in Bega and in Queensland. The level of unrest is significant, particularly in the quota States. To which industry is the minister listening? I acknowledge that he must work with the groups present at the time. However, enough people are now saying that this is not a unanimous industry request for the situation to be reviewed. For the Government to say that it is responding to the industry is to wash its hands of the decision. Ultimately, the Government is acting in response to a request from a group that represents only part of the industry.

I participated in the Constitutional Affairs Committee in that I attended the hearings. I do not remember one farmer making a submission in support of deregulation.

Hon Ken Travers: What about Danny Harris?

Hon HELEN HODGSON: He was speaking as a representative of the Western Australian Farmers Federation.

Hon Barry House: Believe me, there are some.

Hon HELEN HODGSON: The vast majority of submissions to the committee did not favour deregulation. Some of the submissions were heartrending. They were handwritten submissions from people who could see their life's work going down the drain. The main point made before the committee related to quota rights and, again, it is a response to the perceived inevitability of deregulation.

I now refer to the Senate committee report. That committee did not make very many recommendations, but recommendation 3 stated -

That the states of Queensland, New South Wales and Western Australia consider the issue of quota entitlement and any form of compensation that may be appropriate for the resumption of quota entitlement, including the possibility of using NCP payments as compensation.

Recommendation 4 was -

That regional adjustment packages for rural and regional communities affected negatively by deregulation be developed by both State and Commonwealth Governments.

I have yet to see evidence that that has been dealt with satisfactorily. An amount of \$37m has been allocated for quota compensation, but in no way would that compensate for the loss of the quota rights. In fact, all the information I have seen suggests that up to \$70m would be required to properly compensate people. Hon Kim Chance referred to the problems that arose from the distribution adjustment assistance scheme following the deregulation of milk vendors. I have been heavily involved in that over the past couple of years and have been lobbying to have the situation rectified. I agree that lessons should be learnt from DAAS. We are making the same mistakes all over again. We are setting up an adjustment scheme, rather than a compensation scheme. As the State does not have a constitutional requirement to compensate people on just terms, it effectively means that farmers will not be fully compensated for the value of the asset the State is taking from them. I do not want that to happen again.

I go back to the issue of the inevitability of deregulation, and the fact that the competition review in Victoria said it had to deregulate, and it was thought that would have a flow-on effect throughout the States - the domino theory. Some issues need to be explored further. The theory underlying all this talk about the inevitability is that once Victoria deregulates, it will be in a position to become a player in the Western Australian market, we cannot stop that and, therefore, we must deregulate and our farmers must suffer as well. First, there is the matter of the restriction on interstate trade under the Constitution. I hope the minister has obtained a copy of the legal opinion forwarded to the Australian Milk Producers Association, which was publicly released a couple of weeks ago, because it makes interesting points about the structure of section 92 of the Constitution and how it has been interpreted by the Supreme Court. That section relates to free trade between States. It provides that a person's place of residence or business cannot be used as a means of discrimination, but it does not mean that a quota system cannot be in place with certain requirements to be met within the state boundary, provided the same rules apply to those outside the State as those inside the State.

Farmers in Western Australia have an advantage that farmers in New South Wales and Queensland do not have, namely, the Nullarbor Plain. For a number of reasons the domino theory does not apply in Western Australia. Let us assume the legal opinion is correct and that this State must remove any requirement for a quota holder to be a Western Australian. If a Victorian farmer could buy a quota in Western Australia, how would he get the milk to Western Australia?

Hon M.J. Criddle: It is not a matter of the quota, but of the milk coming across.

Hon HELEN HODGSON: That is the next issue. At paragraph 8.76 of the committee's report - I was not at this hearing - Mr David May of PB Foods Ltd, trading as the Peters and Brownes Group, is quoted as saying -

Fortunately for us, freight is a significant barrier. Despite there being technological advances, there is a 20 cents per litre premium in price from the east coast of Australia to the west coast for fresh white milk.

He also said -

Unless there is a fundamental change in the dynamics of transport across the Nullarbor Plain, that barrier will remain and it will protect pricing in Western Australia.

Is it genuinely thought that Western Australia will be flooded by milk coming across the Nullarbor? All the economics say otherwise, and even with technological advances it will not happen. It was put to me in a private meeting that it would not be necessary for the milk to come to this State, because the supermarkets can enter into contract pricing and purchase at a certain price across the country. It was said that the physical transfer of milk was not necessary, because it could be purchased by contract pricing mechanisms. If that were the case, I hope the Australian Competition and Consumer Commission would take a strong interest in the matter because it sounds like predatory pricing practice. Even if the system were done properly, what would happen if milk could not be sourced in Western Australia at the contract price? Would it be shipped in and would the suppliers wear the additional 20¢ a litre on fresh milk? Even if supermarkets took that route, it would not last long because they would soon carry such a loss there would be short-term pain to the industry, and in the end they would need to buy milk in Western Australia again. If it were a free market and people paid the market price, the sellers would get a price for their milk far closer to the current quota price than the price supermarkets are willing to pay in contracts. I do not think that issue will be relevant.

My third point relates to consumer patterns. Western Australians drink more fresh milk than UHT milk. People say that

UHT milk will take the place of fresh milk in the market. In my office I keep a few small cartons of UHT milk, so that I can make a cup of coffee when I want one. I did that this morning and it tasted horrible.

Hon Derrick Tomlinson: What brand of coffee?

Hon HELEN HODGSON: The same brand I use at home, but at home I use fresh milk. I can taste the difference. I am not sure everybody can taste the difference, and some people may adjust to it or even prefer it. It is a consumer preference issue, but I do not think UHT will get the market domination that fresh milk currently has.

The next point is the effect on farmers and this is the crux of the matter, even though I have sidestepped it until now. Farmers who attended the hearings had just been notified of the price they would be offered from the suppliers. They were doing their sums during the hearings, and the price offered is 11¢ a litre less than the price currently offered for market milk quota. The current quota price is about 48¢, which means that farmers are being asked to wear a reduction in income of about 20 to 25 per cent. It is hard to give precise statistics, because it depends on the proportion of manufacturing and non-manufacturing milk. How many of us could wear a loss of about 20 to 25 per cent in our gross income without a corresponding decrease in the cost of production? We are talking about a reduction per litre. If a farmer is faced with a reduction in income, he can get rid of his cows, but if he gets rid of his cows, he will not be able to reach the litre requirement set by the contract, so it is not really an answer. In the farming sector the dairy industry is particularly high in costs because it is not only capital intensive but also labour intensive. We will be cutting the income without necessarily cutting the expenses.

The packages that have been constructed to relieve the loss involve price support for eight years, which is taxable because it is an income replacement. That will take some of the pain out of the process, but in the meantime what happens when banks start to ask for interest payments and a farmer's income flow is not enough to keep up payments? He will end up cashing in the income replacement and taking the advance payment option, which is discounted significantly to take into account the cost of eight years' income, to pay off the bank so that he does not have interest to pay. From what will he pay his costs for the rest of the eight years? To sit and work out how to cope with this change is a real nightmare for dairy farmers. What is the next answer? To sell up and get out? If a farmer sells up and gets out and his assets are below a certain level, he will qualify for, I think, \$45 000 capital support as an exit payment.

Hon Barry House: What about this Parliament rejecting it?

Hon HELEN HODGSON: I will come to that in a moment. I have only 10 minutes left. Dairy farming is high cost, and we are taking income off the top, which means that farmers will not be able to meet their current cost structures. This is why financial advisers are having difficulty telling farmers what to do. There are no real options.

There are social impacts. As with other forms of farming, generations of farmers are involved. Parents who founded the farm may be supported by the next generation who do much of the day-to-day work. Both families will not be able to afford to stay on the farm. What will they do? The young bloke will go out to work leaving dad to continue to work the farm on his own. That is not an answer, quite apart from the disruption to the family which entails a whole social change. There is the effect on the community.

Dairy farmers are the hub of a number of communities in the south-west. They support small business and service industries, and their kids are there, which is why the schools are there. Whole communities revolve around dairy farmers. In Victoria, Bonlac Foods Ltd's recent restructure means that people are being put out of work. Towns are losing the factory that has supported many of the people who work from those towns. That is not the position in Western Australia, because that manufacturer will be rationalising its operations and closing factories down in Victoria. However, it is an example of the sort of thing which would happen if our dairy farmers had to leave their farms and move on or did not have the income to purchase the goods and services that they used to purchase.

A levy will be imposed which will effectively be passed on to consumers. Even though it is being collected from the manufacturers, the effect of the levy is that it will come in by way of cost to the consumer. Consumers will not be facing any price increases but neither will they be getting any price decreases. I have yet to hear a commentator say that consumers will benefit from the proposition. Consumers will not be better off; farmers will not be better off; towns will not be better off. Who will win out of this? I leave that as an open question.

I have made quite clear our opposition to the provisions of the Bill. I have some concerns about specific provisions which I will deal with if we reach committee debate. I have concern about the current employees of the Dairy Industry Authority and the Herd Inspection Service of Western Australia. When the company is privatised there will need to be proper protection to ensure that conditions are maintained, particularly in respect of superannuation. I have some concerns about the ministerial appointment process of the original board. My understanding from a briefing is that it is expected that it will be 12 to 18 months before the farmers have any say in who will represent them on the board.

I have concerns about distribution adjustment assistance scheme farmers and the fact that the industry has been collecting a levy to assist DAAS distributors. Some still have matters that they believe give rise to an outstanding claim, even though that liability is currently denied. The committee report specifically states that some assistance should be provided, given the transfer of assets to the new authority. I have concern over the extent of quota compensation and the fact that it is not referred to in the Bill. We are told that \$37m is available, but I can see no statutory provisions for that. If we reach the committee stage, I shall express those concerns. I have yet to see amendments dealing with those issues. I hope that the minister will bring forward amendments as a result of the committee report on the DAAS; if not, I shall have a go.

I do not pretend that there is an easy answer, but I shall relate to the House a comment made by a person who gave evidence before the committee. I shall not pretend to quote it verbatim because I do not have the evidence and I am not sure that it would be appropriate anyway. The feeling he brought to the committee was that competition will kill some of the farmers, cause them financial problems or cause them to lose their business, but this deregulation in its current form will drive farmers off the land and cause them to lose their business. The person said that farmers would rather deal with competition if it arrives than have to deal with this package.

HON KEN TRAVERS (North Metropolitan) [3.29 pm]: Having sat on the Standing Committee on Constitutional Affairs, I am pleased that dairy farmers are no longer located around Lake Joondalup as they once were. This Bill poses very difficult issues for members who have dairy farmers in their electorates, as it does for the rest of us. One analogy that has been drawn is that of having a shotgun at our heads. I will come back to those points later.

I want to place on record during this debate how much I enjoyed sitting on the committee and participating in the committee processes. It has probably been the best learning process I have experienced since I have served on committees in this place. I was particularly pleased to have the opportunity to serve with Hon Kim Chance. His knowledge of and his contributions to this issue are quite staggering; I have never seen anyone get so much into the detail and have such a broad understanding of the issue.

The PRESIDENT: Order! There is too much audible conversation. There are five conversations going on.

Hon KEN TRAVERS: It was great to observe at close hand the way Hon Kim Chance analysed issues in such detail. It was a great learning process for me.

The contribution of witnesses to the committee was superb and very moving. Other members who were on the committee have made similar comments. Those witnesses were overwhelmingly passionate in their approach. I guess it brought me back down to earth a bit. I got the sense that a whole range of genuine people were coming before the committee. They did not understand the processes of this place. All they knew was that they had worked very hard, and their life's work was about to be taken away from them. I think that is a reasonably fair assessment. If people go through the report, it contains samples of the evidence given to the committee which would move anybody. That also says something about the Parliament. When we make decisions which we believe are the right decisions, we need to give the population better explanations than we have given in the past.

The way the committee worked was excellent. I am amazed that we managed to condense the report to 76 pages. Based on the evidence taken and the amount of work that was done, we could have well and truly filled 150 to 200 pages without any problem and without repeating ourselves. At this early stage, I place on the record my acknowledgment of the work done by the committee staff. During the past two weeks, the committee staff have done an exceptional job, not only on this report but also on a number of others which involved tight deadlines for reporting to the Parliament. The committee staff often worked long after the members had finished their work. We should acknowledge the work that has been done by all of the committee staff. On my behalf, I acknowledge particularly the work done on this report by Felicity Beattie and David Driscoll.

That is the good news. What disappointed me incredibly were two responses the committee received. The first was from the minister responsible for this Bill. Members will see the committee's comments about that on page 15 of the report. The committee invited the Minister for Primary Industry to send representatives from his office to the committee to provide it with information to assist in its deliberations. The minister sent the committee a short-worded letter. The key comment from that is stated in paragraph 7.4 of the report. It did not help the deliberations of the committee that the minister refused to assist in any way. The committee also invited the minister representing the Minister for Primary Industry in this place to send along a representative. At the time of completing the report, the committee had not received a response to that invitation. That made a range of issues that are dealt with in this Bill very difficult for the committee to handle. The Minister for Primary Industry particularly deserves to be rebuked by this House for that stance. It was not helpful to the process. At least it was nice to see that he was consistent in that he refused to comment to the media last night. Normally ministers are happy to comment to the media but they will not comment to this House.

I also refer to the advice the committee received from the competition policy unit of Treasury. Again, that is outlined in paragraphs 8.1 to 8.7 of the report. Hon Kim Chance went through that in great detail earlier in the debate. I concur with everything he said.

The Minister for Primary Industry has constantly implied that the reason he did not want to come before the committee or to send representatives was because it was not really a government Bill; it was an industry Bill.

Hon Derrick Tomlinson: It is still a fact of life that there is the separation of the two Houses.

Hon KEN TRAVERS: He could still have sent representatives from his office to provide us with information. As I said, we also invited the minister representing the Minister for Primary Industry to provide us with information. There was a range of options, none of which was taken up by the Government.

Hon Derrick Tomlinson: There is one option and one option only, and you know what it is.

Hon KEN TRAVERS: No. People from his office could have provided advice. Most likely, that would have led to the minister representing the Minister for Primary Industry turning up at the committee's hearings. I acknowledge that. That would have allowed this place to carry out an examination of the matter. The basic underlying argument is along the lines

that it was an industry Bill, not a government Bill. If it was truly an industry Bill, it should have been brought before the House as a private Bill and not a government Bill. As the Government and the Cabinet chose to bring it into this House as a government Bill, the Government should not try to run away from the fact that it is a government Bill. The Government does itself and those people in the industry who have taken leadership roles on this issue a great disservice by trying to distance itself from the Bill. At the end of the day, if the Bill goes through and people want to blame someone, they will blame the Government, regardless of the fact that the Government has tried to avoid taking ownership of the Bill.

As I said, the issue was clearly outlined by the minister previously. He said that he would only deregulate the industry if he was requested to do so. The report outlines in detail the process regarding that and the ballot that was conducted by the dairy section of the Western Australian Farmers Federation. The committee made the comment, with which I concur, that there is a dispute about whether the letter of request from the president of that organisation had the authority of the Western Australian Farmers Federation. The committee chose not to enter into the debate. It is a matter for WAFF to sort out its own internal problems on that matter.

Regardless of whether the minister had received a letter from WAFF, he could have come into this place and said that he had received the results of a ballot of members in the industry which showed that 58 per cent of people in the industry supported deregulation. There is still some debate about the questions and process of the ballot. However, he could have said that he accepted that the question was fair and that the process was reasonable, and based on the 58 per cent yes vote, he had made the decision that it was appropriate to deregulate the industry. That is not what he did but that is what he could have done.

Since that time, the issue has become more complicated and there has been a second ballot. At the time of the report, the outcome of the second ballot was not known to the committee. Members will see the recommendation of the committee that the Bill not be debated until after the result of that ballot was known. The committee obviously saw that the outcome of that ballot would be important to the deliberations on this Bill. The committee recommended that we should wait until the results of that ballot were known before we voted on this Bill. Obviously, it was felt that the result of that ballot could have a significant impact on how members in this place felt about the Bill and whether there was still industry support for it. We all now know the results of that ballot. Hon Kim Chance has outlined that. It shows that there is not industry support for deregulation.

Hon Derrick Tomlinson: How do you reach that conclusion?

Hon KEN TRAVERS: Sixty-five per cent of people opposed deregulation, and that is a majority. Even if every one of the eligible voters had voted, it still would have been a no vote to deregulation.

I listened to the comments of Hon Kim Chance about how we should interpret all the messages we are getting. It is a hard one. I do not know how we get the final answer. Should a farmer's vote be based on the amount of his quota?

Hon Derrick Tomlinson: You cannot extrapolate from those two separate ballots the conclusion that you have just reached.

Hon KEN TRAVERS: The point I am trying to get to is that I do not believe anyone can extrapolate the view of the industry from those two ballots. No-one can extrapolate that the industry wants to be deregulated, yet we are being told that the justification for the Government to deregulate the industry is that the industry wants to be deregulated. What happens in this House is if there is a tied vote, it lapses. In my view, the very best that we can come up with is that it is a tied vote. We cannot argue that the industry is in favour of deregulation, and we cannot argue that the industry is against deregulation. Therefore, the status quo should remain. The Government's press releases on this issue state that it will deregulate the industry only if that is the request of the industry. That request is not there at the moment. We are not in a position to argue that the clear voice coming from the industry is that it wants to be deregulated. The stronger argument at the moment is that the industry is saying it does not want to be deregulated. I accept that we could argue that it is fifty-fifty. However, that is still not enough for us to push on with deregulation.

I understand all of the risks that are entailed in this matter, but the dairy farmers who have voted in these ballots over the past couple of months are also well aware of all the risks. The dairy farmers who came before the committee were well aware of the risks that they were taking in terms of the position that they were putting to the committee. If members want a good outline of the sorts of arguments that were put to the committee, I suggest they read the section of the report headed "Representative samples of evidence received", and particularly the evidence from Mr Michael Dagostino, who probably encapsulated the arguments better than anyone else who appeared before the committee. He outlined his family's perspective that they knew they were taking a risk, but they would be better off if they stayed in the current system and tried to hold on to what they had than if they went into the unknown that faces them.

During this process, I heard one of the most interesting terms that I have heard for a long time, and one that I think surpasses the term "vertical fiscal imbalance". That term is "margin realignment in the supply chain". I had to sit there for a while and try to work out what that means -

Hon Kim Chance: Is it related to vertical fiscal imbalance?

Hon KEN TRAVERS: Probably not.

Hon Bob Thomas: The rich get richer and the poor get poorer.

Hon KEN TRAVERS: It is very close to that. Margin realignment in the supply chain basically means that the profit margin is moved to different people along that supply chain. It is clear in this case that the profit margins on what is spent

by the consumers will be taken off the dairy farmers and will be distributed to someone else within that supply chain, either the manufacturers or the supermarkets.

Hon Bob Thomas: The returns to the growers will go down, the returns to the producers will go up, and the consumers will still pay the same amount, if not more.

Hon KEN TRAVERS: That is right. The idea of margin realignment in the supply chain is basically that the profits are taken out of the hands of the farmers and are given to someone else, generally the shareholders in multinational companies. That is the bottom line. That summarises for me very clearly what I believe is happening in this whole process of deregulation.

Hon Barry House: That is an interesting observation, but what is the alternative?

Hon KEN TRAVERS: The report provides an alternative, which was put by the Australian Milk Producers Association; and I will come to that later.

Many of the processes of deregulation that are taking place in our society, be they in the labour market or in the dairy industry, are all about margin realignment in the supply chain - taking the profits off someone else, be it the labourers for their work, or the dairy farmers for their work - and giving them to someone else in the supply chain. The profits generally end up at the level of the multinationals, particularly in Australia, where multinationals have such a high concentration in the retail sector.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon KEN TRAVERS: Before the debate was interrupted I had started to talk about that wonderful term "marginal realignment in the supply chain". What a beautiful way of putting into neutral language what is really going on in this process; I find it fascinating. I will go further and develop the argument. It is fair to say that I have not heard from anyone who has given evidence to the committee - I look forward to hearing from members of the other side if they have any evidence - that the process of deregulation in the dairy industry will result in a lower milk price for the consumer. The evidence everywhere else in the world is that the price of milk tends to increase. Even with the deregulation of the milk vendors in Western Australia, there is an argument that the price of milk went up, not down. If we start with the assumption that the price of milk at the stage of the retailer does not change, there will be some degree of profit, but then it is a case of who in that supply chain gets the profits. It is clear that it will not be the dairy farmer. It is not really a marginal realignment of the supply chain; it is actually ripping it off the dairy farmer. Who will get that margin realignment? The committee heard evidence which I was able to follow up when I was fortunate enough a couple of weeks ago to be in Margaret River. I saw an article in the *Augusta Margaret River Mail* -

Hon Barry House: You did not get my permission.

Hon KEN TRAVERS: That is right. I thought that I would not ask in case it was refused.

Hon Barry House: Were you drinking milk in Margaret River?

Hon KEN TRAVERS: I had some milk but I did not have any red wine, the member will be pleased to know - he probably will not be. Can we get on with this? An article mentioned the comments by Danny Harris, who is the president of the dairy section of the Western Australian Farmers Federation, who was talking about the need for a whole-of-industry approach to maintain a reasonable price for the dairy farmer. I do not know how that whole-of-industry approach to the marketing on behalf of the dairy farmer would be achieved without regulation. One would need to be very cautious about the Trade Practices Act to achieve a whole-of-industry approach. I have not seen any arrangements that could be in place to try to maximise the price. The question then becomes what price do the dairy farmers get for their milk and how much will it drop? That is pure speculation, but there is evidence that even the prices quoted to the committee are constantly subject to revision. As I understand it, the manufacturers still have not fixed a price.

It worries me that even with their best intentions, the manufacturers will be forced to drive down the price to the farmers at the farm gate. That is because the manufacturers will come under increasing pressure from the supermarket industries to provide milk to them at a cheaper price so that they can get the realigned margin rather than its going to the manufacturing sector. I have no doubt that the supermarket chains will play the manufacturers off against each other. An anecdotal comment was made to me recently that that may be the case. I have no doubt that in the long term the different manufacturers of milk in Western Australia will be played off against each other and the manufacturers outside Western Australia will be played off against the manufacturers within Western Australia. The price for the farmers at the farm gate will be set by the price of manufacturing in Victoria. If that is correct, the majority of dairy farmers in Western Australia will be pushed out of the industry. If this Bill is successful - I hope it is not - it will be fascinating to see what alignment the process takes. The initial process that will be offered will be sustainable for some people to remain in the industry. However in the long term, the supermarket chains will play an effective game of driving down the prices they get from the manufacturers. That will consequently drive down the price that the manufacturers can pass on to the farmers at the farm gate. There is a fair degree of evidence that if it is not already occurring, it is likely to occur in the not too distant future. It was mentioned in the report that one of the ways to maintain some pricing was the use of contracts. Unless the contracts are long term, they do not give any security to the industry.

My understanding of the contracts that have been offered is that they are not long term.

Hon Barry House: Most of them are for 12 months.

Hon KEN TRAVERS: Yes, and I have heard that some have three-monthly reviews of the price. How will that work? That is not a long-term proposition. I am not fully au fait with the details and I have not had a chance to research them, but I remember the time when the supermarket chains wanted to have a go at lamb marketing in Western Australia. They were effective at buying lamb at very cheap spot prices in South Australia and bringing it over to Western Australia to try to bring down the price of lamb here. I expect that will be the case in this instance. Hon Kim Chance can correct me if I am wrong, but sometimes in Victoria the spot price of milk can be as low as 5¢ or 6¢ a litre. I am certainly not arguing that that will be the end price, but the supermarket chains will be able to work with that price at certain times of the year to try to drive down the contracts that they are getting from the manufacturers. They will be able to do that very effectively. In fact, the directors of those companies will have an obligation to their shareholders to do that to maximise their profits. The margin realignment in the supply chain will result in the profits going out of the pockets of the farmers and into the pockets of the shareholders of Coles-Myer Ltd, Woolworths Ltd and so on. That problem is exacerbated by the lack of competition in the marketplace for the retail sector in Australia. We should always keep that in mind when we talk about deregulation. We probably have the highest concentration of market share involving two companies in the retail sector. The situation is worse in Western Australia than anywhere else in Australia. Australia has probably the highest concentration of market share of anywhere in the world.

We need to find alternatives to what is being proposed. The proposal that was put to the committee by the Australian Milk Producers Association is an interesting proposition. I understand that the association is continuing to work on the fine details and is expanding its proposal. The legal opinion was provided by eminent Queen's Counsel. If the system is able to work in New South Wales, I cannot see why it will not work in Western Australia to maintain some form of quota system to protect the market. When we go down the path of deregulation, we often forget why certain things came into being. The reason for deregulation was to provide stability so that the consumer would have access to a regular supply of milk at a reasonable price. Effectively, it averages out over a whole year what would probably be achieved in the peaks and troughs throughout the rest of the year. It provides certainty for the consumer and certainty for the farmer at the farm gate. I do not think it leads to any increase in the overall price. Certainly, the national competition review suggested that there were net benefits in the previous marketing arrangements in Western Australia. If we could hold on to those, using the proposal put forward by AMPA, that would be a worthwhile alternative. We should definitely look at that.

I argue that we should take the opportunity to examine those proposals in more detail before we pass this Bill. Based on the fact that there is not clear support from the industry for this legislation, based on the fact that we do not need to have the legislation through by 30 June and based on the fact that there are potentially viable alternatives to this legislation going through, the Government should withdraw the Bill. We should not need to have a second reading debate in this House. If the doom and gloom about which we are talking is right, deregulation of the industry will cause devastation in the south west of Western Australia. Again, I refer members to the report and to the comments in the submission provided by the south west irrigators. That is an interesting submission. Bearing in mind the debate that we will have shortly on the Rights in Water and Irrigation Amendment Bill and the implications of the changes to that area of legislation, groups like the south west irrigators, which are major employers in the Harvey region, will be put under the pump about their financial survival. If they do not have as many dairy farmers flood irrigating, they will not be selling as much water. Under the use it or lose it policies of the Water and Rivers Commission, they will lose that water. It will be snapped up by the Water Corporation, which will love that. I suspect that the south west irrigators will find themselves in a difficult financial position. It is only a marginally profitable business at the best of times. It is a cooperative. In good faith, it took over from the Government the operations of the irrigation district, and it has done a great job in that area.

Hon Barry House: It has done a very good job.

Hon KEN TRAVERS: Yes. It will be under real financial pressure if it is not able to sell the amount of water that it is currently selling. There will be a double whammy, because it will lose its entitlement to that water. As I understand, it will not even get the benefit of being able to sell its water entitlements to anyone else, because the Water and Rivers Commission is talking about a use it or lose it approach. This Bill, in combination with many other actions, will have devastating effects on the south west of Western Australia. It will cause more people to move into places like Perth. The level of urban population in Perth is already too high, and not enough of the population is spread into the regions of Western Australia.

Hon Murray Montgomery: When will you move down there?

Hon KEN TRAVERS: As soon as I retire from this place.

Hon Derrick Tomlinson: Next May?

Hon KEN TRAVERS: Do not worry, I will be around for a lot longer than that.

Hon E.R.J. Dermer: I think this is the most centralised State in the Commonwealth.

Hon KEN TRAVERS: That is right. We should try to make sure that we maintain the population that we currently have in the regions. We do not want to take actions in this place that will diminish it.

Hon Barry House: Nobody disagrees with what you just said about the scenario and the effects, but what do you propose in its place?

Hon KEN TRAVERS: I have already said that there should be a thorough examination of the AMPA proposal, which is that Western Australia can continue to have regulation of the milk industry under the quota system, provided that people

from anywhere in Australia have the right to buy that quota. That is a fairly simplistic analysis, but that is my understanding of it. As long as the Victorian milk producers are able to buy the quota in Western Australia, we would be able to regulate the milk industry in Western Australia. Hon Barry House is looking at me a little blankly. I wonder if that is because the Government has not considered that option.

Hon Derrick Tomlinson: Explain it to us.

Hon KEN TRAVERS: As I said, members can look at the submission. It is a public submission from the Australian Milk Producers Association.

Hon Derrick Tomlinson: I want you to demonstrate what you know. Explain it to us.

Hon KEN TRAVERS: I urge members to look at paragraphs 10.17 and 10.18 of the report, which outline the submission. I do not have a copy of the submission in front of me at the moment, but I have given a rough analysis of what the legal opinion provided; that is, under section 92 of the Constitution, Western Australia can continue to have regulation of its milk industry, and it will not breach the constitution.

Hon Dexter Davies interjected.

Hon KEN TRAVERS: We have an eminent legal opinion. The Government should explore options to confirm whether that is right or wrong. It is clear that that option has not been explored by the Government. It has certainly not explored it with its backbench, based on the comments coming from the other side at the moment. That is what worries me. It is not Hon Ken Travers who thought up this interpretation of section 92 of the Constitution; it was a very eminent QC - a QC who worked on the cigarette tax case and a range of other cases in the past dealing with constitutional law.

It is clear from the figures that Western Australia will do very poorly out of the national restructuring package. An amount of \$180m will be raised out of Western Australia. Only \$109m will be paid back to Western Australian producers, yet the Western Australian consumers will pay out that money. An amount of \$71m will flow out of the State. I would love to have an explanation from the Minister for Primary Industry of why he signed off on that agreement.

If this Bill does pass the second reading stage, one issue that we will need to consider in detail is the position of the former DAAS "B" distributors. It was interesting that it was not a levy but a margin - that wonderful word again - that was placed on the price of milk to fund the restructuring of the milk vendors. This House has made it known in the past that it believes that further compensation should be paid to those DAAS "B", distributors and this Bill should not be allowed to pass until we have some guarantee that the outstanding claims of those distributors will be met before the surpluses of the Dairy Industry Authority are passed to any new organisation that may be created as a result of this Bill. That is an absolute imperative, and if we made those sorts of amendments if, and when, we got to that stage, it would continue the very good and strong position that this House has adopted on that issue.

The issue of quotas needs to be dealt with when we are talking about this legislation. The report mentions the fact that we expect there will be legal challenges; and the committee certainly spent some time on that matter. At one point is looked like the Dairy Industry Authority had sold quotas, but we were given advice that that certainly was not the case. However, there is no doubt that the DIA acted as a broker and that the State Government collected stamp duty on those quotas, and those people in the dairy industry who hold quotas should receive some compensation as a result of this package, otherwise we will be sanctioning what I would call state theft. I am sure that, using the words of the economists, we could come up with a lovely term for it, but that is basically what would happen if we allowed this legislation to go through without making provision for compensation. There is doubt about what the \$37m state package for compensation will be and how it will be applied, but it strikes me that if we do not deal with the issue of quotas, we will be allowing people to lose out greatly.

Hon Kim Chance talked about the young people in the industry, and one of the more telling moments during the committee hearings was when a young bloke came before the committee and said he wanted to get going in the industry and in the past few years had borrowed money to buy in the order of \$30 000 worth of quota. He basically was a good Aussie bloke out in the bush who had borrowed money and wanted to have a go and work hard to get himself established in an industry, yet overnight his livelihood will be taken off him, and he will still have a debt as a 20-year-old. That must be one of the most disheartening things that I could ever imagine happening to a person of that age, and the Parliament should not allow this Bill to go through until we have some clear indication from the Government about how it will deal with the compensation package. I am sure that had the Labor Government been in power, we would have made sure we got a far better deal for Western Australians before we signed up to the original proposal.

The similarities between what is happening in the dairy industry and what happened to low paid workers as a result of the deregulation of the labour market a few years ago by members on the other side of this House are not lost on me. People who were on low incomes but had some form of regulation to protect them and allow them to get their share of the margin in the supply chain had that taken away from them, and their wages were driven down to the minimum conditions. However, that did not result in a drop in the price of consumer goods. A BP supermarket charges far more for milk than does Coles, yet its employees are all on minimum workplace agreements. The similarities are not lost on me, and I am reminded of the quote that was around during the time of the Nazis in Germany, "When they came for the communists, I did nothing; when they came for the trade unionists, I did nothing; when they came for the Jews, I did nothing; and when they came for me, there was no-one left." That is what we are seeing with this deregulation process. They have already come for the workers. Now they are coming for the dairy industry. I do not know who will be next, but I will be telling all those people out there who have some form of regulation to provide protection for them to watch out; and I think those

sorts of people should be talking to AMPA about how it can assist them in this process, because they may be the next ones to go.

Deregulation is being driven all around the world at the moment; it is not unique to Western Australia, and we all need to put our heads around finding ways of protecting ourselves against that, because margin realignment is going on all over the place, with money being taken off the people at the bottom end of the supply chain and being passed to the people at the top end of the supply chain. I accept that difficult issues are involved in this Bill, but it is like saying, "We will cut off only one of your arms rather than both of your arms." Some people are saying, "We would prefer to fight, and to lose one of our arms, and potentially both of our arms, than to cop this package."

We are getting close to the time when as a society we need to address these issues. The reason that most of the regulation came in is that people were being exploited, and I believe that if we continue with this process of deregulation, we will return to a scenario where people are being exploited. We should oppose this Bill, for a range of reasons; and those issues should have been addressed before we were ever prepared to consider passing this legislation. My first hope is that the Government will do the right thing by withdrawing this legislation and sticking to its original commitment to introduce this legislation only if there is clear industry support for it. It has now been demonstrated clearly that that is not the case. If the Government will not do that, I urge members to oppose the Bill.

HON CHRISTINE SHARP (South West) [4.57 pm]: On behalf of the Greens (WA) I also oppose the passage of this legislation. I am very struck by the truism about politics and political change and about the swing of the pendulum with regard to political fashion, because many of the elements of this debate are about the philosophy of economic rationalism. I believe that in this Chamber today we are looking at a pendulum that is very finely balanced. For many years the pendulum has been in favour of a political fashion where everything is deregulated, against the protests of communities everywhere in Australia, rural communities in particular, and not only in Australia but also overseas. The recent meetings of the World Trade Organisation in Seattle exemplified on the global scale the belief that economic rationalism has gone too far. These major political and philosophical debates are being played out in this Chamber today with regard to this legislation, and the pendulum is very much in the balance as to which way this Bill will go.

I am reminded that when the membership of this Council changed after the last state election, the first and only Bill that this Chamber rejected was another deregulation Bill.

That related to the hairdressers' registration board. Members will remember the passionate debates that we had about hairdressing for some days. It is significant that that is the only Bill that has been rejected since I have been in this House.

I acknowledge the work that Hon Kim Chance has done on this issue. I am very impressed by my colleague's application to and interest in this matter. He has done a thorough and very sincere job on behalf of the dairy industry. As a member of a very small party with a very large workload - a party that is in principle opposed to deregulation except in exceptional circumstances - seeing this issue being handled so competently on this side of the House is very comforting.

This debate has been very painful. One of the things that has stirred me up about the debate, apart from the thought of what will happen in my electorate - that is not lost on me - is the acceptance of this measure. I cannot stand the phrase "it is inevitable". Why do we say that? Why, when apparently everyone in Australia says they do not want it, do we say it is inevitable? That poses a challenge to the humanist in me - I believe that nothing is inevitable about the society we create. It is our responsibility to build that society and to protect the things we value. It is certainly not inevitable; it is our duty to fight this sort of thing.

The senate committee report also said it was inevitable. It has not happened anywhere else in the world, but the report says not only that it is inevitable but that Australia should take the lead in this inevitable mess. Standing very much on the sidelines because I am a minor player, I see it as a form of madness. I cannot understand why people do not want to challenge what is going on well beyond this State. It is very simple: If it ain't broke, why fix it?

The system has served us all very well for a long time. It has served not only the dairy farmers but also consumers of milk. Almost everyone in this Chamber is a consumer of the product. We know that we can rely on fresh, healthy, cheap milk to drink. We know that we can also rely on dairy farming as a part of the character of the south west of this State.

One of the issues that has not been dealt with adequately in this debate - although it is a complex debate and many issues must be discussed - is the implications for the environmental management issues surrounding the industry. When we think of a dairy, we think of green pastures and cows ambling to the dairy in the evening and in the morning. The whole environmental and social system around that process, although it has been upgraded over time, has not changed dramatically for a long time. It is very much a component of the quality of life in rural areas. My understanding is that if deregulation is successful, not only will there be massive social impacts as a result, but also it will change the way in which dairying is done, because economies of scale will become the overriding factor in the design of the industry.

I understand that a dairy is proposed to be established in the Riverina area which will include 5 000 head of dairy cattle - that is 5 000 cows to milk. There is a certain limit to the scale and the number of cows that can be milked on one farm and for those cows to still feed off green pasture. I am told that the limit is somewhere in the region of 500 cows. If a dairy goes beyond 500 cows - and most dairies in Western Australia are significantly below that figure - it will not have enough good pasture for the cows to be able to feed themselves from the pasture and walk into the dairy to be milked twice a day. Therefore, the way that we raise the cows will also change. It means that, essentially, we will have to begin intensive rearing, feedlotting and a very different system of farming from the dairying that we know at the moment. This will have

further ramifications. It means that dairying will become a relatively dirty industry. Dairy effluent is already an issue for good land management practices. If the scale is increased tenfold in terms of the amount of cows in one place, the issue of effluent management will become much more significant. Also, what the cows are consuming will be passed on to us as the consumers - the milk drinkers. It will mean that the milk we drink will have more antibiotic residues in it, because when any animals are raised intensively, there is an increased risk of bacteria and disease outbreaks. Therefore, the regular use of antibiotics has become fairly characteristic of intensive rearing methods. All of these artificial inputs, particularly with milk, which has a very direct contamination process, are passed directly on to us, the consumers.

Hon Barry House interjected.

Hon CHRISTINE SHARP: It is just as important as the front end when one thinks about it, and it all goes round in a circle. I am told that, from the consumer's perspective, it will also lead to more expensive milk and less fresh milk.

Another environmental issue which has not been looked at is that, if a lot of the production of fresh milk is shifted to Victoria, I presume our fresh milk supply will come to Western Australia in refrigerated trucks. How much will it cost, first of all, to buy a fleet of refrigerated trucks to deliver the volumes of milk which are consumed by Western Australian consumers? That will add considerably to the consumer price of milk.

The Greens (WA) is opposed to the unnecessary transport of essential items. The transport sector is a major component of greenhouse emissions.

Hon Barry House: We should get the dairy farmers back into Joondalup like Hon Ken Travers suggested.

Hon CHRISTINE SHARP: Yes, or maybe the West Perth herd. Not many people play tennis; we could use the tennis court outside.

Obviously, large numbers of refrigerated truck units crossing the Nullarbor Plain each day would have an environmental impact. This legislation would be inviting increased greenhouse gas emissions at the same time as we should be doing everything we can to re-localise production because of the extremely serious climatical change issues faced by this nation. There is no escape from that. It is not a green line and, over the next few years, it will be increasingly difficult to ignore.

Other members have said that the impact of deregulation on dairy farmers is a major concern. I do not wish to repeat all the arguments; however, the farmers face significant reductions of up to 25 per cent in their real incomes. In many cases, they will simply have to leave their properties. Many may decide to leave their land and accept the compensation package. What will happen to their farms? What is the market for these properties? I suggest there is only one market - the blue gum industry. I am tempted to talk about one of my pet subjects; that is, the subsidiary impact of major land-use change from dairy farms to wall-to-wall blue gums, for which there is absolutely no market. However, I will not do that. The Greens (WA) opposes the Bill for those reasons. Why are we rushing to pass this legislation? It seems that we have until October to sort out the matter and do everything we can to achieve the best outcome for our dairy industry. I was shocked by Hon Kim Chance's revelations on Tuesday about the status of the advice from Treasury's competition policy unit for the timetable for deregulation. It seems that, either through incompetence or other reasons, both sides of this House have been misled by the claims that this legislation must be passed in the next week. We have until October to sort the matter out, to look at the compensation package - if we decide that is the inevitable route - and to seek our own advice on the legal opinion of Professor Coper and Mr Lloyd about section 92 of the Constitution.

I am intrigued by the proposal for all States to join a national instead of a state-by-state quota system that allows the transfers of quotas across States and provides some of the fundamental benefits of a regulated industry. I am led to believe that the legislation has advantages for Victoria, which is always referred to as the State with the most to gain from deregulation. This alternative proposal would also be of benefit to the dairy farmers in Victoria, and they would have some motivation for being involved in it. I do not think any of us knows whether the alternative is workable and will stack up in the detail. I certainly do not know. However, we have time to check it, and that is critical. In opposing this Bill, I query why we should rush this matter. It is a very serious issue and we know that Western Australia will not get a good deal. The Standing Committee on Constitutional Affairs has already alerted this House, in paragraph 11.6 of its report, to the fact that Western Australia will have a negative differential of approximately \$71m between the amount it contributes and the amount it will receive. Western Australia is getting a lousy deal.

On top of that, I was horrified to learn that this compensation money, which I thought was due to the generosity of the Federal Government, will come from taxpayers. No real effort has been made by the Federal Government to soften the blow. Taxpayers will provide all the compensation, and the Federal Government will receive a windfall of approximately \$300m from increased taxation.

Hon Kim Chance: It is not taxpayers who will pay, but specifically the dairy farmers will pay for their own compensation.

Hon Greg Smith: Governments get their money from taxpayers.

Hon Kim Chance: It does not arise, because the dairy farmers will pay the compensation.

Hon CHRISTINE SHARP: The Federal Government has it pretty well stitched up. It is not too late for this Parliament to have second thoughts about this and to lead all the other States in Australia in working out a national regulatory system. It is not inevitable, and it is our duty to take a stand on this matter. I am pleased to oppose the second reading of this legislation, and to know that I am not in the lonely space that a few weeks ago I thought I might be. I encourage all members to oppose the legislation, because I know we are all of the same mind about this Bill.

Hon Barry House: Do you think Western Australia, with four per cent of the national production, is in a position to lead the national dairy industry?

Hon CHRISTINE SHARP: No, it is not in a position to lead the national dairy industry in terms of production, but it certainly is in a position to lead with a solution. We, as a Parliament, are making this decision. If we decide to reject the Bill and allow time for more thought, the work that has gone into persuading us to take that action could have national ramifications.

Hon Barry House: We may get the same response from the Victorians as Kevin Sheedy gives our footballers.

Hon CHRISTINE SHARP: That may be so but if there is some chance, it is our responsibility to do everything we can in the interests of this State and particularly the rural communities.

HON MARK NEVILL (Mining and Pastoral) [5.19 pm]: When I was told a month ago by Hon Kim Chance that the Labor Party would support the deregulation Bill, I put the file in a drawer where it was not needed. I got a rude shock last night when the Australian Broadcasting Corporation asked me what my opinion was on deregulation. I had not thought about it for a month, and I must now take my thoughts back to a month ago. At that time I thought deregulation was probably the way to go. One of the problems in this debate is a lack of hard information to indicate what will occur if we deregulate and it is difficult to know what will happen if we do not deregulate. Under both options, dairy farmers will be in a tougher environment; there is not much doubt about that. I believed the critical issue was how much it cost Victorians to get their milk into Western Australia. The cost of trucking milk into Western Australia appears to be about 14¢ a litre. I rang a number of interstate rail freight companies and asked if they designed the most efficient refrigerated bulk milk freighter, what would be the cost per litre to get that milk into Western Australia. That is what will test the Western Australian market if the Victorians deregulate unilaterally under a regulated environment or under the other system. The figures I received were of the same order as for trucking milk from the eastern States, which surprised me. Frankly, I thought it would have been done considerably cheaper.

However, Western Australia is in a difficult situation. If we do not deregulate, the dairy farmers in WA could lose a considerable amount of money in these levy payments. If Victoria deregulates unilaterally cheaper market milk could come into this State which would put our producers under tremendous pressure. I will not refer to how many people would lose on delivery payments for manufacturing and market milk; members know all that information. They also know that this deregulation has been coming for about 10 years with the Kerin plan. However, when I published a press release on 9 March 2000, my proposal was for the Government to buy milk from farmers who held quotas for less than seven years. People in business who buy milk quotas do not do that unless they can get a return on their capital in seven or eight years. If they pay more than that, they are speculating, which is capitalised usually in the price of milk. I am not interested in paying a premium for milk. I am interested in seeing milk available as cheaply as possible on our supermarket shelves and in our communities.

Hon Kim Chance: It is already cheaper than water.

Hon MARK NEVILL: That may be the case. I would like to see it free in schools for a start. The member has his answer: I would like to see it free in schools.

Hon Kim Chance: We all would.

Hon MARK NEVILL: And I would like to see it marginally more expensive in the community.

Hon Greg Smith: Double that.

Hon MARK NEVILL: Yes, double or triple it even! It is an important issue. If someone bought a quota four years ago, the Government should continue to buy that quota from that person for another three years at the current price. That would allow a reasonable return on that person's investment. What should the Government be doing with this milk? It should be setting up a "free" milk scheme for primary and preprimary children in this State. In an item on the national news earlier this year, the Dietitians Association of Australia said that more than 50 per cent of Australian kids have a calcium deficiency; not Aboriginal kids. That suggests to me that a bit of full cream milk in our primary schools would probably have some fairly substantial benefits.

Hon M.J. Criddle: It used to happen years ago.

Hon MARK NEVILL: I am just getting to that. When I taught at Balgo Mission some 34 years ago, the kids got Carnation tinned milk. Hon Norman Moore reckons that people could not drink it.

Hon N.F. Moore: No-one could drink it. The school had 4 000 cartons of it that no-one could use.

Hon MARK NEVILL: Everyone drank it at the school I attended, and they had their cups out for more. These days with UHT milk people do not have to drink Carnation tinned milk. Yesterday evening I was at the Mulan community east of Balgo. I was served up some whipped tin cream, and it tasted just the same as tinned milk because it had the same metallic taste.

I would like to see those kids getting half a litre of full cream milk a day, and probably UHT milk is the best to send to those areas. The Government could quite productively spend that money buying quota, compensating the people who were worst affected who had bought quota in good faith in the past seven or eight years - it could decide the levels of payment - and

use that milk for a free-milk scheme, particularly for the disadvantaged schools in the State. A lot of kids in Aboriginal communities go to school without any breakfast. With the appalling health of those people, half a litre of milk would do many of them wonders.

Hon Barry House: You would be surprised how many metropolitan schools run breakfast schemes as well.

Hon MARK NEVILL: Other environmental health problems must be cleaned up, such as dogs and poor hygiene conditions in the homes in those communities.

Hon Kim Chance: Good nutrition is always a good start.

Hon MARK NEVILL: Yes. This is something that can be done which is not very difficult. That is my view on how we should deregulate. It might be impractical, but I did put out a press release. I am usually too busy to follow them up.

Hon Christine Sharp interjected.

Hon MARK NEVILL: I was proposing that we deregulate and that the Government continue to purchase milk at the current price from anyone who has bought quota in the past seven years. The compensation money could be used to purchase milk from the people who have bought quota and been caught by the change of rule.

Hon Christine Sharp: What about the long-term position?

Hon MARK NEVILL: I do not know whether the member was here earlier. I said that if people buy quota, they should be looking at recovering the cost of that investment over a seven or eight-year period.

Hon Barry House: On average, people recover the capital cost of a quota purchase over three years.

Hon MARK NEVILL: People might argue that it is 10 years. I am saying that it is over seven or eight years. If the member wants to bring it down to three years, I am happy with that.

Hon Derrick Tomlinson: You are proposing to give the kids free milk for eight years?

Hon MARK NEVILL: It should continue. This is only one way of doing it. As I say, over 50 per cent of kids in Australia have a calcium deficiency. People can bet their life that in the areas I have mentioned the deficiency is a lot higher. This would be a more constructive way of deregulating, if that is the way the system is to move. I can never understand how we developed this differential between market and manufacturing milk. It is completely artificial.

Hon Kim Chance: They go to entirely different markets.

Hon MARK NEVILL: If people do not have a quota, can they sell manufacturing milk into a market milk area?

Hon Kim Chance: No.

Hon MARK NEVILL: So they go to different markets because of the regulation. I guess people probably must have fresher milk for the fresh milk market than for the manufacturing milk market.

Hon Kim Chance: They must be able to supply every day for 12 months, which does not have to be done for manufacturing milk, which is a spot market.

Hon MARK NEVILL: That is fine. People would get a higher price in summer than in the winter. Often with regulation, everything must be kept finally balanced.

When it gets out of hand, as with the wool support floor price scheme, it can be as disastrous as the vagaries of the deregulated market. A problem with the legislation is that it is impossible to anticipate the outcome. The Government should indicate what milk one will have to buy over the next seven years in the quota, and what will be paid as the differential over the existing price, to ensure that people get a reasonable return on their quota investment. If one makes a mistake in judgment on the market in many other industries, one pays for it. The dairy industry is one of the few regulated markets. We have heard very precious arguments about the former onion marketing board and about why we should have a potato marketing board, most of which was centred around the marginal seat of Warren or Manjimup, I believe.

Hon N.F. Moore: What a cynical thing to say!

Hon MARK NEVILL: It is cynical; it is a seat with a mixed economy.

I do not see a lot of difference in this case. Either way, it appears that pressure will be applied to the price of milk. It could still fall apart even if we keep a regulated system. It is tricky to engineer a system which will stay in place, which will keep the price down and will not distort the market with overproduction or shortages. It seems that the number of people needed to keep that balance increases from year to year until it eventually collapses.

As a State Government, we often have national policies imposed upon us, whether it be the national competition policy or the so-called Kerin plan, so we are not always our own master. We cannot thumb our noses at, say, the Kyoto greenhouse gas emissions protocol as we are captured by bigger external forces. It sounds fine to say that we can do what we want, but that is not the reality.

I would like the Government to look at my proposal. It may not make any sense. In the last month I have not had the time to do the work I would have done had I known my vote was crucial on this issue. At this stage, I am not prepared to support

the deregulation as it is proposed. Many of these subsidies and levies are just capitalised in the price of milk. The Coles supermarket in Broome sells UHD milk for \$1 a litre. I would like to see it at 80¢ a litre so many more people drink it, even if it is cheaper than bottled water.

Hon Barry House: Following your question during estimates, the DIA did some costings for reintroducing the free-milk scheme in schools. I might be able to find out some more for you.

Hon MARK NEVILL: Interestingly, I put out a press release on 9 March, and three weeks later the Dairy Industry Authority called for a free-milk scheme. Maybe it can read my mind! I am happy to take credit for its initiative. We will wait to see what happens next Tuesday.

Debate adjourned, on motion by Hon Muriel Patterson.

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 2) 2000

Second Reading

Resumed from 20 June.

HON TOM HELM (Mining and Pastoral) [5.35 pm]: It is strange that most of the day has been taken up with debate on the deregulation of the dairy industry. On Saturday I will be involved in a demonstration against the regulation of the work force, particularly at Broken Hill Proprietary Co Ltd at Newman. On Saturday I will be a part of a peaceful demonstration at the gates of the mine to show BHP and the general public that BHP's way of handling the matter in which it is involved is undemocratic, unfair and totally unnecessary. Along with members of the work force and their families who I will join on Saturday, I believe that something should happen to bring this matter to a close. I am surprised that the Minister for Mines, who is in the Chamber tonight, has not played a more prominent role, if he has played any role at all, in this matter, because it is important to the industry, important to the towns which he represents and important to the economy of this State that the iron ore industry be as harmonious, productive and profitable as possible.

Hon N.F. Moore: You used to speak so glowingly about BHP. Have you changed your mind?

Hon TOM HELM: Of course, I am allowed to change my mind.

Hon N.F. Moore: You used to come in here and sing its praises day after day.

Hon TOM HELM: If the Leader of the House lived a bit of life, he would understand.

Hon N.F. Moore: I have lived a lot of life, almost as much as you.

Hon TOM HELM: The Leader of the House shows it. There are a lot of disappointments in life. One must accept them and get on with it. This is one disappointment that I have got over and I am getting on with life. How disappointing can it be when one sees a neighbour, who became a mine manager, driving a ute at peaceful picketers? How disappointing is it when one sees a well-respected, well-qualified mine manager behind the wheel of a ute, driving it at people who are manning a legal, peaceful picket line? How much disappointment does one feel? That man used to come around to my house when I lived in South Hedland, and we used to talk about events and life in a reasonable and sensible way. Then I saw him driving his ute at picketers. What sort of friend would he be? I am disappointed. I admit that I would be the first one to praise BHP for the work that it used to do, but now I am most disappointed, and I think I have the right to use this platform afforded me by the people I represent to express that disappointment.

I think other members of the community will also be present at that demonstration. From what I have seen in Newman particularly, it is not only the workers and their families but also small businesses and other people involved in the community of Newman who are concerned about what is going on. Therefore, they will be joining a peaceful demonstration. Mark those words about a demonstration. The only way that people can peacefully exercise their rights as workers or trade unionists - not all of them are trade unionists - is to demonstrate. Why? Because there has been an injunction against them preventing them being involved in industrial disputes and taking industrial action. I make no comment about the court decision in this matter, except to say that some commentators found it a tad strange that when the workers there are involved in legal, protected industrial action, a company - whatever company it may be - can get an injunction against them to stop them doing that. Members must read the judgment and form their own conclusions. Some commentators say that it is because BHP was found to be offering illegal inducements to some of its work force to sign workplace agreements that the court thought it was only fair that injunctions be taken out against the union movement to prevent it from taking legal industrial action. On the one hand, an injunction was appealed unsuccessfully by BHP. That injunction is still in place, and until the case is heard on 27 June, any action is deemed to be an illegal action. The work force was then involved in legal action, in every sense of the word, and an injunction was made against the union which it cannot appeal: Firstly, because it will take too long - by the time the appeal is heard the original case will have gone before the courts; and, secondly, the expense is far above anything the union can pay. As a result of events that have taken place so far the union has bills close to \$1m. The work force at BHP were given the alternative: Fight against what was occurring by going out on strike and losing wages, or chip in to help to pay the legal costs. They chose to pay for the legal costs. It demonstrates the commitment of the work force and others to show that they will not stand by and allow the work force to be split in two by having two types of workers.

Those comments were an introduction to the thrust of what I wanted to say before standing orders interrupt my speech. I want to bring this up because it leads to the end of the events that have occurred so far. I want to start at the beginning

and advise the House that late last year BHP offered its work force contracts under the Workplace Agreements Act. It did that by offering the work force various prizes, so to speak. In some cases it offered workers the ability to buy out sick pay provisions they had accumulated - in some cases to the tune of over \$20 000. BHP also offered the work force increases in pay of up to 7.5 per cent. Other inducements were offered to get people to sign the workplace agreement. Among a lot of other things, and in general terms, BHP asked the workers to allow it to manage totally and completely. In other words, workers would have little or no opportunity to voice concerns about their work patterns, pay, or anything concerning their role in BHP. Fewer than half of the work force accepted the offer. The unions and the work force objected strongly to this offer because while the offer was on the table any agreement or negotiations to improve the award conditions, which had not been improved for two years and had gone out of date in November, were off the table. The company refused to negotiate any other matters - it did not say this but it was implied - until everybody signed a contract. The company went to great lengths to say that this was not about people not having unions to represent them; it was not an anti-union measure; rather, it was about everyone getting together like a family and trusting it. It said the work force could negotiate with the foremen and supervisors to decide their wage rate, how they would work, working hours etc. Anyone who believes that a worker - a boilermaker, a fitter, a rigger, or whatever - can negotiate on a level playing field with an industrial relations expert who is employed by BHP, or with a lawyer who is engaged by BHP, is a bit naive.

The company refused to accept the argument that it was being anti-union. The argument that the people were being bribed or induced to go onto contracts was upheld in the court, and an injunction is now in place to prevent BHP from offering any worker a contract. A log of claims was then presented to the company to improve the award provisions. Because the award had run out in contractual terms, the union said, "The company says it can afford to give out X amount of money in either higher wage rates or inducements, so that is the level that we will start at for the award negotiations." However, the company said, "Forget it." The company would not talk at all about improving the award.

The unions then gave notice, as they are obliged to do by law, of impending industrial action. That industrial action took place, and I was there when the mass meetings took place and when the picket line was in place. It was a strange set of circumstances in that the police were protecting the people on the picket line and they were also protecting the people who wanted to go to work. The law is quite clear on this matter. The law says that people have a right to try reasonably to persuade their workmates, or anyone else for that matter, that they should not go to work, or that they should offer their support to the people who have withdrawn their labour during the term of a legal dispute.

BHP hired a number of buses to carry people to work. However, the drivers of those buses would not stop to allow someone to go aboard the bus and explain to those people what the dispute was all about and try to convince them that it would be a good idea if they joined them because we are all comrades. The bus drivers refused to open the door, and the police were frustrated because the people on the pickets were not allowed to carry out their legal function, and by the same token the people on the pickets were not allowed by law to prevent the buses from going through the gate. We had a Mexican standoff, where on the one hand the people on the pickets would not allow the buses to get through until they had the opportunity to carry out their legal rights, and the police had an obligation to clear the road so that the buses could get through.

I come now to what has been described to me by people who are a lot older than I and have been around quite a lot. The company had a ute that had tyres at the back of it. The company also had a 40-odd seater bus, and its nose was pressed against the tyres at the back of that ute, and the mine manager then tried to drive that ute through the picket line. However, the people on the picket line stood their ground. I was there at the time. The police tried to negotiate a peaceful settlement, but it was not getting anywhere, so the superintendent in charge of the police at the picket line called the leading picketer. I must say that the convenors and state secretaries who were there at the time were able to keep discipline on the line so that there were no hotheads and no police were injured because of retaliation. Nonetheless, he was able to convince the picketers to stay put. The superintendent advised the leaders that he had been told to use all necessary force to ensure that the bus got through the picket line. We watched those police officers - some very young - feel very uncomfortable about what they were being asked to do. They had to get out their batons and charge those picketers. Of course, some females also work for BHP, and they were charged as well. Still the picketers did not move. People were taken away in the paddy wagons to the police station, but still they did not move.

A decision was made in the end because of the potential dangers - perhaps a female would be seriously hurt or someone might attack a policeman. It could have been a female.

Hon Derrick Tomlinson: That is more like it.

Hon TOM HELM: The police and the leaders - the state secretaries and convenors - asked the picketers to get out of the way.

I talked to some of the Newman residents who had come to watch. The shire president, Maurice Lee - who is about 70 years of age - has been around the mining industry for some time. He said he had never seen anything like it. I have seen it because of my background. As I have said many times, the tactics and industrial action that I took in the United Kingdom would not be tolerated in Australia. It never used to be tolerated and there is no need for the bullyboy tactics I was trained to use. I can get into the gutter with the best of them. There is one difference between the two countries: In Britain, the police did it for fun; in Newman, they did not like what they were doing. They were in an invidious position. Even those who ended up in hospital felt sorry for the police.

Hon Derrick Tomlinson: Just a day of good fun!

Hon TOM HELM: I am glad the member is enjoying it. Obviously he has never been faced with this sort of thing.

Hon Derrick Tomlinson: No, I have not. I find it fascinating. I have never been on a picket line. It must be very exciting.

Hon TOM HELM: Sometimes it is, particularly at midnight.

There was an unwillingness on the part of the police, who were uncomfortable being tools of BHP. Hon Kevin Prince said he did not give an order to use unnecessary force. That is unbelievable.

Hon Derrick Tomlinson: If he did, it would be unlawful.

Hon TOM HELM: Of course it would.

Hon Derrick Tomlinson: He cannot give that instruction.

Hon TOM HELM: Does that mean he did not do it?

Hon N.F. Moore: If he said he did not give the order, he did not.

Hon TOM HELM: The member is naive.

The people on the picket line tried to conduct their business legally. Apparently the Road Traffic Act allows those going through the picket line to be on the road. However, the meat in the sandwich was the thin blue line, which is getting thinner.

We were going to have that again on Saturday except that, as provocative as BHP may be, I do not think the union movement or the people who will be involved in the demonstration on Saturday will need any more police than were on duty on that other Saturday in Newman, which was about eight from my understanding.

The bottom line is that anybody who says that the dispute is about contracts is incorrect. The work force has agreed to accept the contract as presented. The offer from BHP is that everyone will go on the contract. The work force has agreed to that with only one proviso; that is, that they be allowed to be represented by their union. If BHP were dinkum, that would not be an impediment to the settlement of this dispute, but it is an impediment. BHP still will not accept that the union needs to be represented on-site. BHP is telling the work force now that the offer which it put on the table is not the offer it wants to give people. We know the dispute is some 1 200 kilometres away, but it can have a ricochet on laws of this State. It demands that the Minister for Mines play a role and not think that BHP - the big Australian - can manipulate the laws and the police. He should offer some comfort to the unions and the work force on-site, which have displayed a great deal of discipline and foresight in pursuing this perfectly legal dispute. Those people who have not signed the contracts are working under an award that is now out of date. By law, they are entitled to argue that their award should be brought up to date. If that is not the case, maybe we should change the law; however, so far we have not. We still allow people to take legal action to promote what they believe is a just and honest cause. It will leave us all in shame if we do not pay attention to what is being said.

I seek leave to continue my speech at the next sitting.

[Leave granted.]

Debate adjourned, on motion by Hon Muriel Patterson.

House adjourned at 5.58 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

LAND CLEARING

1325. Hon CHRISTINE SHARP to the Attorney General representing the Minister for the Environment:

- (1) Can the Minister for the Environment please specify how much land has been approved to be cleared of native vegetation in all regions of the State for all land uses -
 - (a) over the past five years; and
 - (b) in 1999?
- (2) Can the Minister specify, by means of a breakdown of the total area by category, how much land was approved for clearing under each of the various approval processes?
- (3) Can the Minister provide the above information in (1) and (2) for the South-West area, that is specifically west of 600mm rainfall isohyet up to the Moore River?
- (4) Can the Minister provide any remote sensing data on the area of land which has been cleared without approval under any process of Government authorisation since 1992?
- (5) Does the Department of Environmental Protection regularly compare the remote sensing data base with the approvals process records?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1)-(3) These questions require the collation of information from a number of areas, land uses and statutory processes. Only parts of the total number of mechanisms by which land clearing may take place come to the attention of the Environmental Protection Authority and the Department of Environmental Protection (DEP) under the Memorandum of Understanding. Determining the extent to which these questions can be answered by DEP is a significant exercise, which will require resourcing. This is particularly so for collating all native vegetation clearing approved under the Environmental Protection Act Part IV approvals process since 1995, and as such I am not prepared to allocate resources for this purpose. However, if the Member has a particular concern, I will endeavour to address the concern raised.
- (4)-(5) No
- (6) The DEP currently has no means of accessing any central record of all pre-November 1991 clearing approvals given through the Commissioner for Soil and Land Conservation. These approvals (through no objection) were not subject to an expiry date. The DEP's own spatial database for approvals under the Environmental Protection Act does not date back to 1992. With regard to the lack of a workable system for the remotely-sensed detection of recently cleared areas as a basis for assessment of actual clearing against approval process records, the DEP understands that the technical capacity for such detection on a statewide basis is subject to several significant constraints. These relate to the scale and certainty of clearing detectability and complex discriminations needed across so many different land uses and soil and vegetation types. The Land Monitor Project at CSIRO is the expert group in such technology.

WOODCHIPPING INDUSTRY AGREEMENT ACT 1969, LAND COVERED

1327. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for Resources Development:

- (1) Can the Minister for Resources Development list, and provide a map of, all of the lands which were associated with the *Wood Chipping Industry Agreement Act 1969*?
- (2) Which of those lands would require the payment by the company of rates to their local shire and which of those holdings paid rates at unimproved land value in accordance with Subclause 25(b) of the *Wood Chipping Industry Agreement Act 1969*?
- (3) What is the situation of those holdings with regards to rental and rates since the expiry of the *Wood Chipping Industry Agreement Act*?
- (4) What is the current basis for calculating the rental on the wharf leases and stockpile area at Bunbury?
- (5) What is the current basis for calculating rental/rates for any easements involved with the Wood Chipping operation and what is the basis of calculating the rates or rental payable for the Diamond Wood Chipping Mill and any other sites which would have been covered by the *State Agreement Act*?
- (6) The Schedule for rail rates in the *Wood Chipping Industry State Agreement Act* was based on a discounted M-Class

rail freight, which reduced as the volume carried increased. Since the expiry of the Agreement Act, does the Western Australian Chip and Pulp Company (WACAP) still attract a discounted rate for rail transport?

- (7) If so, when was this new rate negotiated and by whom?
- (8) What is the current status of any land that was resumed for the purposes of this now expired Agreement?
- (9) Has a new agreement been negotiated with WACAP to cover the period following the expiry of the *State Agreement Act*?
- (10) If so, who negotiated this agreement?
- (11) Were local government representatives involved?
- (12) Have any State or Local Government bodies been involved in any new agreements with WACAP for rates and charges?
- (13) If so, how do these arrangements comply with National Competition Policy?

Hon N.F. MOORE replied:

- (1) Diamond chipping mill site (lease).
Port of Bunbury stockpile site (lease).
Production area (licence).

Maps for the chipping mill and the stockpile area are attached. [See paper No 1087.]

- (2) Diamond chipping mill site (lease).
Port of Bunbury stockpile site (lease).

Both of these sites were subject to the provisions of Clause 25(b) of the Wood Chipping Agreement Act 1969.

- (3) The respective Shires are able to apply rates in accordance with the provisions of the Local Government Act.
- (4) This question should be referred to the Minister for Transport.
- (5) The relevant agencies are free to negotiate commercial lease rentals and the respective Shires are able to apply rates in accordance with the provisions of the Local Government Act.
- (6)-(7) These questions should be referred to the Minister for Transport.
- (8) There was no land resumption for the purposes of the Agreement.
- (9) No.
- (10)-(13) Not applicable.

CRIMMINS, MS L, INVESTIGATION OF COMPLAINT

1330. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3182 of 1995, can the Minister for Police now advise -

- (1) After a briefing of Deputy Commissioner Mr L Ayton by Acting Commander Hawkes on December 9 1994, was Acting Inspector R M Thoy given explicit instructions from Deputy Commissioner Mr L Ayton to cease the investigation of a complaint by Ms L Crimmins claiming that she had been indecently assaulted by a member of the Witness Protection Unit after she had only been on the program for four days?
- (2) If yes, why?
- (3) Why was Acting Inspector Thoy also instructed to refer Ms L Crimmins to Commander Jack McKay of the Internal Investigations Branch if she called again?
- (4) If yes, why?
- (5) If Deputy Commissioner Mr L Ayton ordered Acting Inspector R M Thoy to immediately stop the investigation of the complaint by Ms L Crimmins, who was given the task of investigating the complaint?
- (6) If no one was given instructions to investigate the complaint, why was not the complaint investigated?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Investigation of the complaint came within the purview of the Commander (Discipline) and the matter was referred to the then Internal Investigations Branch.
- (3)-(4) As the matter had been referred to the Office of the Commander (Discipline), it was no longer appropriate for A/Inspector Thoy (who was attached to the Inspectorate) to be dealing with the complaint.

- (5) The task of investigating the complaint was allocated to the then Internal Investigations Branch.
- (6) Not applicable.

POLICE, BRENNAN INVESTIGATION

1331. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3183 of 1995, can the Minister for Police now advise -

Why did the investigation relating to the Brennan complaint not fall within the mandate of the duties of the Inspectorate?

Hon PETER FOSS replied:

The investigation relating to the Brennan complaint did not fall within the mandate of the duties of the Inspectorate as the office of the Executive Commander of the Inspectorate was only responsible for auditing the Police Service, maintaining dress and discipline standards, education in relation to station audit procedures and matters of police protocol. Within the Police Service the Internal Investigations Unit and Internal Affairs Units are and were responsible for investigating complaints against police officers.

POLICE, BRENNAN INVESTIGATION

1332. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3184 of 1995, can the Minister for Police now advise -

- (1) Did Detective K Walters report his investigations into the Brennan complaint and information about the activities of Detective Senior Sergeant I Brandis to Inspectors S Robbins and A Syme of the Internal Affairs Branch?
- (2) If so, when was the information reported?
- (3) Did Inspector S Robbins warn Brennan and Wildmore to be careful of their lives over their complaint because a certain named police officer was capable of anything?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Throughout the inquiry.
- (3) No.

POLICE, BRENNAN INVESTIGATION

1333. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3185 of 1995, can the Minister for Police now advise -

- (1) Did Inspector Robbins attend a meeting with Brennan, Wildmore, Detective Walters, Detective Ray Burton and a private investigator at the Chequers Hotel in Bullsbrook on July 8 1993 in respect of the Rolls Royce sold by Duggan and Hunter?
- (2) How did Inspector Robbins know about the whereabouts of this vehicle so early in the investigation given that at this meeting Inspector Robbins advised both Mr R Brennan and Detective K Walters that the Rolls Royce had been sold and was in Sydney?
- (3) Did Inspector Robbins also tell the Brennan's that they will not be getting their Rolls Royce back?
- (4) If yes, why?

Hon PETER FOSS replied:

- (1) Yes, but the meeting was not specific to the Rolls Royce.
- (2) Not known.
- (3)-(4) Not applicable.

POLICE, BRENNAN INVESTIGATION

1334. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3186 of 1995, can the Minister for Police now advise -

- (1) Was Inspector Robbins aware that Mr Lindsay Roddan had visited Brennan's factory where the stolen Mazda was stored and that on this visit, Roddan and N Hunter had removed the Mazda from the factory?
- (2) Did Inspector Robbins try to convince Wildmore during an interview at the Internal Affairs Branch office that it wasn't Lindsay Roddan who was with Hunter when they picked up the Mazda from Brennan's factory?

(3) If yes, why?

Hon PETER FOSS replied:

(1) In 1993, no.

(2) Not known.

(3) Not applicable.

POLICE, BRENNAN INVESTIGATION

1335. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3187 of 1995, can the Minister for Police now advise -

(1) On what date did Inspectors McLeod and Robbins interview Detective Senior Sergeant I Brandis?

(2) On what approximate date did Inspectors McLeod and Robbins conclude that Detective Senior Sergeant I Brandis was not involved in any corrupt practices?

(3) Why was that conclusion made, given that only two witnesses were interviewed?

(4) If an inquiry was undertaken, what was the extent of that inquiry?

(5) Which witnesses other than Detective Senior Sergeant I Brandis and N Hunter were interviewed by Inspectors McLeod and Robbins of the Internal Affairs Branch as part of their investigation?

(6) Was N Duggan ever interviewed by Internal Affairs before he left Western Australia in about October 1994?

(7) If not, why not?

(8) If yes, does a statement exist?

Hon PETER FOSS replied:

(1) July 13, 1993.

(2) Specific date cannot be determined but it was shortly after.

(3) The decision was also based on previous Official Corruption Commission inquiries covering the same issue.

(4) To investigate all issues raised by Mr Brennan.

(5) To ensure the security of individuals, their names should not be disclosed.

(6) No.

(7) He was not able to be contacted.

(8) Not applicable.

POLICE, BRENNAN INVESTIGATION

1336. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3188 of 1995, can the Minister for Police now advise -

(1) Does the evidence in the interview by Inspectors McLeod and Robbins with Detective Senior Sergeant I Brandis contradict the statutory declarations of Mr R Brennan?

(2) If yes, in what ways?

Hon PETER FOSS replied:

(1)-(2) The Parliamentary Commissioner for Administrative Investigations advises his office is currently dealing with these matters and as such, no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1337. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3189 of 1995, can the Minister for Police now advise -

In respect of the Mazda sedan owned by Ms L Crimmins -

(1) Was an investigation of this theft undertaken?

(2) If so, by whom?

(3) What was the outcome of this investigation?

- (4) Was a Mr Lindsay Gordon Roddan implicated in the theft of the Mazda?
- (5) Did the Mazda come into the possession of Lord Street Motors in 1992 when it was operated by Messrs N Hunter and Duggan?
- (6) If yes, how?
- (7) Has it been established that the vehicle was given or loaned to Neil Hunter's brother Ross Hunter?
- (8) Was the vehicle driven by Ross Hunter at any time in early 1992?
- (9) Did the vehicle at that time display Tasmanian registration plates and licence sticker?
- (10) Did N Hunter negotiate to sell the Mazda to a Mr Lewis the licensee of the Maylands Hotel?
- (11) Was the Mazda delivered to the Maylands Hotel by a Mr Coe the owner of Bayswater Panel Beaters?
- (12) Did Mr Lewis contact Detective Sergeant Fussell about the vehicle because he was suspected the vehicle was stolen?
- (13) Did Detective Sergeant Fussell do a check and discover the vehicle was stolen?
- (14) Did Detective Sergeant Fussell report this fact, together with the location of the stolen vehicle to the police Motor Squad?
- (15) If so, on what date did he make the report?
- (16) Did Mr Lewis contact Mr Coe and inform him that the vehicle was stolen?
- (17) Did Mr Coe inform Mr N Hunter that the vehicle was stolen when Hunter arrived to collect the vehicle?
- (18) Did police allow Mr N Hunter to collect the vehicle from Mr Coe?
- (19) If yes, why?
- (20) What action was taken by the Motor Squad as a result of this information?
- (21) Why wasn't Mr N Hunter charged with stealing or receiving the vehicle?
- (22) Was the Mazda on sold to Mr Brennan after Mr N Hunter picked up the vehicle from Mr Coe?
- (23) Was the vehicle then kept at Mr Brennan's factory pending resale?
- (24) Did Mr N Hunter tell Mr Brennan and Mr Wildmore he had found a buyer for the Mazda?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service at this time.

POLICE, BRENNAN INVESTIGATION

1338. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3190 of 1995, can the Minister for Police now advise -

- (1) Did Detective Senior Sergeant I Brandis visit Brennan's Belmont factory?
- (2) If so, what was the purpose of each visit?
- (3) Did Detective Senior Sergeant I Brandis speak to Brennan about the Mazda during one of his visits to Brennan's factory?
- (4) If so, what was the outcome of the discussions with Brennan?

Hon PETER FOSS replied:

As previously outlined in 887 of 1998.

- (1) Yes.
- (2) On one visitation he discussed Brennan's concerns about cattle thefts. The reasons for other visits are not known.
- (3)-(4) There is no conclusive evidence that Brandis discussed the Mazda with Brennan at the factory.

POLICE, BRENNAN INVESTIGATION

1339. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3191 of 1995, can the Minister for Police now advise -

- (1) Are the police aware that Lindsay Roddan and N Hunter attended Brennan's factory and took away the Mazda?

- (2) Was the Mazda reported stolen from Mr R Brennan recovered by police?
- (3) If so, to whom did the police return the vehicle?
- (4) Was the report of the stolen Mazda investigated by Detective Reynolds?
- (5) Did Detective Reynolds contact N Hunter and order him to return the stolen Mazda which belonged to Ms L Crimmins?
- (6) If so, to where was N Hunter asked to return the vehicle?
- (7) Why was N Hunter not charged at this time with stealing or receiving the Mazda?
- (8) Did Detective Reynolds contact N Hunter and ask or order him to return the vehicle to another person?
- (9) If so, who was that person?
- (10) Did the police allow N Hunter to return the vehicle to the car park of the Racquet Club between 5.00pm and 5.30pm on July 24 1992?
- (11) If yes, why?
- (12) Why was N Hunter not requested to return the vehicle to the CIB?
- (13) Why wasn't Nick Duggan not charged with stealing the vehicle?
- (14) Why wasn't N Hunter later not charged with stealing the vehicle after he admitted in later questioning to altering the plates when the vehicle came to the yard of Lord Street Motors and he admitted lending the vehicle to his brother Ross Hunter and he admitted that he knew Duggan had sold the vehicle to Brennan?
- (15) Was Detective Reynolds aware that the vehicle had been seen by both Detective Sergeant Fussell and Mr Lewis the licence of the Maylands Hotel and both knew it was stolen?
- (16) If not, why not?
- (17) If yes, what action was taken?
- (18) Was Detective Reynolds aware that Coe the owner of Bayswater Panelbeaters knew the vehicle was stolen and had advised Hunter of that fact?
- (19) If not, why not?
- (20) If yes, what action was taken?
- (21) Why did Detective Reynolds not submit a police report in relation to the stolen Mazda being recovered or take a written statement from Hunter?
- (22) Was Detective Reynolds told or asked to stop his investigations by any senior officer?
- (23) If yes, why?
- (24) Why did Detective Reynolds not carry out his duties in relation to this matter?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1340. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3192 of 1995, can the Minister for Police now advise -

- (1) Did Detective Senior Sergeant I Brandis assist Mr R Brennan in an investigation being conducted by the CIB Stock Squad into stolen or missing cattle from Windidda Station near Wiluna?
- (2) What assistance was provided by Detective Senior Sergeant I Brandis to Mr R Brennan?
- (3) What inquiries were made by Detective Senior Sergeant I Brandis to the CIB Stock Squad during early 1992 in respect of this matter?
- (4) Did Detective Senior Sergeant I Brandis make any representations to the WA Police Stock Squad or their superiors in early 1992 about an investigation regarding stolen cattle from Windidda Station near Wiluna?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1341. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3193 of 1995, can the Minister for Police now advise -

- (1) Who cashed the cheque for \$500 at BankWest Midland (formerly the R&I Bank) which was given by Mr R Brennan to Nick Duggan?
- (2) Has this cheque been examined for fingerprints?
- (3) If yes, when was it examined?
- (4) If no, why hasn't the cheque been examined for fingerprints?
- (5) Was Mr R Brennan interviewed about the purported payment of \$500 for information about the CIB Stock Squad investigation in respect of stolen cattle from Windidda Station?
- (6) Was Duggan interviewed by police about the circumstances surrounding the \$500 cheque?
- (7) If not, why not?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1342. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3183 of 1995, can the Minister for Police now advise -

In respect of the Mercedes Benz owned by Mrs Anita Hale of Katherine in the Northern Territory C -

- (1) Was the Mercedes ever reported stolen in Western Australia or any other State?
- (2) Was N Hunter apprehended in Sydney by Customs officials, Federal police officers, State police officers or any other authority?
- (3) If so, by whom was he detained?
- (4) Were traces of heroin found in the car?
- (5) If so, which authority did the search of the car?
- (6) After apprehending N Hunter in Sydney in the stolen Mercedes, did Sydney police officers or anyone else contact Detective Senior Sergeant I Brandis?
- (7) Was this contact made at the suggestion of N Hunter after being detained?
- (8) Did Detective Senior Sergeant I Brandis confirm he knew N Hunter?
- (9) Was N Hunter then released to fly back to Perth?
- (10) What assurances did Detective Senior Sergeant I Brandis give New South Wales police to allow them to release N Hunter?
- (11) Why was the police report on this stolen Mercedes removed from police computer records?

Hon PETER FOSS replied:

- (1)-(11) Detective Constable Walters led the inquiry. The outcome is not known. Mr Walters is no longer with the Police Service.

POLICE, BRENNAN INVESTIGATION

1343. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3195 of 1995, can the Minister for Police now advise -

In respect of the Mercedes Benz owned by Mrs Anita Hale of Katherine in the Northern Territory C -

- (1) When was Mrs Anita Hale's Mercedes Benz seized in Sydney?
- (2) Did NSW police swoop on the car when Hunter stopped to buy petrol at a service station?
- (3) On what date was the sighting made?
- (4) What date did N Hunter collect the car in Sydney and from where was the Mercedes collected?

Hon PETER FOSS replied:

- (1)-(4) Detective Constable Walters led the inquiry. The outcome is not known. Mr Walters is no longer with the Police Service.

POLICE, BRENNAN INVESTIGATION

1344. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3196 of 1995, can the Minister for Police now advise -

- (1) Did Brennan claim in his affidavit that he spoke to Detective Senior Sergeant I Brandis about taking back his cars?
- (2) Was Mr Jimmy O'Loughlin interviewed about the removal of the white Ford Fairlane from Lord Street Motors that evening or the following morning in about July 1992 to ascertain if Detective Senior Sergeant I Brandis played any part in the removal of the cars by Hunter and O'Loughlin?
- (3) Was the office girl who worked at Lord Street Motors, Ms Nicole James, interviewed about Brennan's claim that she saw both Neil Hunter and Detective Senior Sergeant I Brandis loading onto a truck, the Mercedes Benz owned by Mrs Anita Hale of Katherine?
- (4) To where was the Mercedes taken and how was it transported to Sydney?
- (5) When was the vehicle returned to the owner or her representative?
- (6) Why wasn't N Hunter charged with stealing the car?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1345. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3197 of 1995, can the Minister for Police now advise -

Will the Minister for Police provide me a copy of the Internal Affairs Branch interview of Detective Senior Sergeant I Brandis in respect of the Brennan complaint?

Hon PETER FOSS replied:

No.

POLICE, BRENNAN INVESTIGATION

1346. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3198 of 1995, can the Minister for Police now advise -

In respect of the 1993 affidavit of Mr R T Brennan -

- (1) Has Graham Casserley a CIB employee or police officer been interviewed about the phone contact between Brennan and Detective Senior Sergeant I Brandis?
- (2) Has Graham Casserley been interviewed at all in relation to the Brennan allegations?
- (3) Has the staff of Arrow Auctions been interviewed about the claim by Brennan that he and Detective Senior Sergeant I Brandis would have been seen at those premises in Redcliffe in March 1993?
- (4) Did Detective Senior Sergeant I Brandis visit that factory in Belmont whilst the Mazda stolen from Ms L Crimmins was stored there by N Hunter?
- (5) What was the purpose of the visit?

Hon PETER FOSS replied:

- (1) Yes, the correct name is Graham Castlehow.
- (2) No.
- (3) Not known.
- (4) No conclusive evidence of this.
- (5) Brandis only recalls attending the premises once to discuss Brennan's concerns about the theft of cattle.

POLICE, BRENNAN INVESTIGATION

1347. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3199 of 1995, can the Minister for Police now advise -

In respect of the Mercedes Benz owned by Mrs Anita Hale of Katherine in the Northern Territory -

- (1) Did a police officer in South Australia related to Mrs Anita Hale, contact Detective Senior Sergeant I Brandis in relation to the return of her Mercedes Benz?
- (2) If yes, what was his name and has this police officer been interviewed by Internal Affairs?
- (3) Why did Detective Senior Sergeant I Brandis frequent Lord Street Motors?
- (4) Was the contents of the Journal of Detective Senior Sergeant I Brandis relating to Hunter and Duggan examined by Internal Affairs?
- (5) Was Inspector Robbins fully aware of the matters in the journal of Detective Senior Sergeant I Brandis relating to Hunter and Brennan?

Hon PETER FOSS replied:

- (1) Not known.
- (2) See above.
- (3) Detective Senior Sergeant Brandis frequented Lord Street Motors to speak with Duggan and Hunter.
- (4)-(5) Yes.

POLICE, BRENNAN INVESTIGATION

1348. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3200 of 1995, can the Minister for Police now advise -

- (1) Why didn't Detective Senior Sergeant I Brandis report the Rolls Royce belonging to Mr R Brennan as being stolen?
- (2) Why did Internal Affairs officers when in Sydney a year ago, interview Frost but did not bother to sight Brennan's Rolls Royce which was listed as a stolen car?

Hon PETER FOSS replied:

- (1) Brandis assessed the matter relating to the Rolls Royce was a civil debt.
- (2) Inquiries indicate that two Internal Affairs Unit officers travelled to Sydney on unrelated investigations. At the request of the Motor Squad case officers, one of the Internal Affairs Unit officers interviewed Mr Frost. There was no request to inspect the Rolls Royce and the Internal Affairs Unit officers did not carry out such an inspection.

POLICE, BRENNAN INVESTIGATION

1349. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3201 of 1995, can the Minister for Police now advise -

- (1) Has an investigation been made into the first vehicle Brennan purchased through Duggan, a Pajero 4X4, which was put on the police computer?
- (2) If yes, what was the result of the investigation?
- (3) If not, why not?
- (4) Is this vehicle still recorded on the police computer?
- (5) If not, why is it not now recorded?
- (6) Why as stated by Duggan, did Detective Senior Sergeant I Brandis and Hunter go to Northam to watch this car coming through on a car carrier?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Neil Geoffrey Hunter was charged with Property Laundering under Section 563(a) of the Criminal Code.
- (3) Not applicable.
- (4) Yes.

- (5) Not applicable.
- (6) Not known.

POLICE, BRENNAN INVESTIGATION

1350. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3202 of 1995, can the Minister for Police now advise -

- (1) Has Detective Senior Sergeant I Brandis sent a letter to the Judge or Magistrate when Hunter has been charged with an offence, resulting in Hunter being reprieved?
- (2) If yes, why?
- (3) To which judicial officers has Detective Senior Sergeant I Brandis sent letters on behalf of Hunter?
- (4) Why has Brandis extended this special privilege to Hunter?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1351. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to question on notice 3203 part (3) of 1995 -

- (1) Was a record made of the interview of Messrs Hunter and Duggan?
- (2) Where are the records of the interview kept?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Internal Affairs Unit.

POLICE, BRENNAN INVESTIGATION

1352. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3204 of 1995, can the Minister for Police now advise -

- (1) Did officers of the CIB or the Internal Investigations Bureau investigate the disappearance of all of Brennan's vehicles?
- (2) If not, why not?
- (3) Was Acting Inspector R M Thoy interviewed by Internal Affairs Branch to ascertain his knowledge of the Brennan complaint following his investigation of the matter?
- (4) If not, why not?

Hon PETER FOSS replied:

- (1) Officers from the then CIB Motor Squad investigated the theft of vehicles reported by Mr Brennan.
- (2) Not applicable.
- (3) No.
- (4) Acting Inspector Thoy would have only been able to convey hearsay information to the investigating officers. For this reason the investigators conducted interviews with Mr Brennan.

POLICE, BRENNAN INVESTIGATION

1353. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3205 of 1995, can the Minister for Police now advise -

With reference to the Mazda sedan stolen from Ms L Crimmins -

- (1) Did a detective tell Neil Hunter to park a stolen Mazda MX6 outside the Racquet Club nightclub in Short Street, East Perth in July 1992.
- (2) If so, which police officer gave this instruction?
- (3) Did the car belong to Lynette Crimmins?

- (4) Was Hunter charged over that matter?
- (5) If not, why not?
- (6) Did Detective Senior Sergeant I Brandis investigate the disappearance or the theft of the cars when he had full knowledge of the disappearance or theft?
- (7) If not, why not?
- (8) Did Detective Senior Sergeant I Brandis report the disappearance or the theft of the cars when he had full knowledge of the disappearance or theft?
- (9) If not, why not?
- (10) Who stole Lynette Crimmins' Mazda?
- (11) Was the theft of this car investigated?
- (12) If so, what was the outcome of the investigation?
- (13) If the theft was not investigated, why not?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1354. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3206 of 1995, can the Minister for Police now advise -

- (1) Did Detective Senior Sergeant I Brandis organise a meeting in a stable in Belmont between Brennan, Wildmore, Hunter, Duggan and himself?
- (2) If yes, why?
- (3) Did Detective Senior Sergeant I Brandis organise or suggest at that meeting that Duggan get a second mortgage on his Mandurah property rather than report the theft of Brennan's cars?
- (4) If yes, why?
- (5) Did Detective Senior Sergeant I Brandis continually assure the Brennans that the Rolls Royce would be returned by Hunter?
- (6) If yes, why?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1355. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3207 of 1995, can the Minister for Police now advise -

- (1) Did Inspector S J Robbins claim in a letter dated January 23 1992 that Richard Brennan "is suspected of committing offences by the CIB and is associated with people in the horse racing industry who have set out to discredit Detective Senior Sergeant I Brandis"?
- (2) If yes, what is the evidence for that statement?
- (3) Have these suspected offences been investigated?
- (4) If so, what was the outcome?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1) No letter of that date has been located.
- (2)-(5) Not applicable.

POLICE, BRENNAN INVESTIGATION

1356. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3208 of 1995, can the Minister for Police now advise -

- (1) Did Detective Senior Sergeant I Brandis claim he gave the Duggan cheque for \$9 000 back to Brennan the next day?
- (2) If yes, why?
- (3) Is it claimed the cheque was returned to Brennan?
- (4) If yes, where and when is this claim made?
- (5) Did Inspector S Robbins tell the Brennans on more than one occasion up to one year later that Detective Senior Sergeant I Brandis was still looking for the cheque?
- (6) Have the regular visits the Brennans claim they made to the Internal Affairs Branch in Belmont been substantiated by records of visitors at that Branch?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1357. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3209 of 1995, can the Minister for Police now advise -

- (1) Was Inspector Graeme Gillet aware of the allegation that Detective Sergeant Brandis received a bribe from Brennan through Duggan?
- (2) What investigations were undertaken in respect of the \$500 cheque which belonged to Richard Brennan and claimed to have been a bribe for Detective Senior Sergeant I Brandis which was cashed at North Perth?
- (3) When was this cheque examined for finger prints?
- (4) If not, why not?
- (5) Was there ever any proposal to appoint Detective Senior Sergeant I Brandis as Officer in Charge of Christmas Island Police Station?
- (6) Were the two witnesses to the alleged 20 percent cut for Detective Senior Sergeant I Brandis from the Christmas Island Housing Contracts ever interviewed about the allegation by Brennan?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1358. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3210 of 1995, can the Minister for Police now advise -

- (1) Did Detective Senior Sergeant I Brandis by his own admission say he was prepared to play along with Hunter and Duggan over the Christmas Island building deal?
- (2) If yes, why?
- (3) Were Hunter and Duggan in a corner as claimed by Detective Senior Sergeant I Brandis?
- (4) If yes, why?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1359. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3211 of 1995, can the Minister for Police now advise -

- (1) Did Brennan phone Detective Senior Sergeant I Brandis in July 1992 about collecting the cars from Lord Street Motors?
- (2) Did Detective Senior Sergeant I Brandis attend a meeting of Duggan, Brandis, Hunter, Brennan and Wildmore where Duggan agreed to mortgage his property to repay the \$40 000 he owed to Brennan?

- (3) About August 1992, did Detective Senior Sergeant I Brandis receive a \$9 000 cheque, the cheque being Duggan's cheque to Brennan which had bounced, from Brennan to collect from Duggan?
- (4) Did Detective Senior Sergeant I Brandis collect the \$9 000 from Duggan or discuss payment with him?
- (5) If not, why didn't Detective Senior Sergeant I Brandis return the cheque to Brennan?
- (6) Did Inspector Robbins promise Brennan that he would get the cheque back from Brandis?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is still dealing with these matters and as such, he advises that no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1360. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3212 of 1995, can the Minister for Police now advise -

In respect of the warrant to recover Mr R Brennan's stolen Rolls Royce -

- (1) What action has been taken to recover this stolen vehicle after the failure of the initial warrant?
- (2) Why wasn't Detective K Walters or another police officer sent to Sydney to assist the New South Wales Police Service in the Supreme Court action to secure the return of the vehicle?
- (3) What action is planned to have this vehicle returned?

Hon PETER FOSS replied:

- (1) Records fail to indicate any further action was taken.
- (2) The warrant was determined as flawed by the Supreme Court and as such, Detective Walters would not be able to affect this determination.
- (3) Records fail to indicate any action to be taken.

POLICE, BRENNAN INVESTIGATION

1361. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3213 of 1995, can the Minister for Police now advise -

In respect of the warrant to recover Mr R Brennan's stolen Rolls Royce -

- (1) Did the Brennan's offer to pay the airfares for Detective K Walters to travel to Sydney to assist in the Supreme Court action?
- (2) Did the Brennan's offer to pay for a lawyer to travel to Sydney to assist in the Supreme Court action to recover their vehicle, but were convinced not to by Detective Sergeant T Porter and Detective K Walters?
- (3) Did Detectives Walters and Porter ask the Brennan's to sign a document for \$3 700 to pay the costs for the extradition of Duggan and Hunter?
- (4) If yes, why?
- (5) Did the police ask for a cheque for \$960 for the return of the Rolls Royce?
- (6) If yes, why?
- (7) Who decided the warrant to return the Rolls Royce was "tainted" and could no longer be effective?
- (8) Was advice to that effect obtained from the DPP?
- (9) Did the Western Australian Police Department supply the information requested by the NSW Police Service in their letters dated January 25 1995 and March 8 1995?
- (10) If not, why not?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Yes (Porter indicated to Brennan there was limited value in sending a lawyer to Sydney).
- (3) Porter has no knowledge of this. Walters has left WA Police Service.
- (4) Not applicable.
- (5) Yes.

- (6) To meet the transport costs of returning the Rolls Royce to Perth.
- (7) NSW Director of Public Prosecutions and WA Director of Public Prosecutions.
- (8)-(9) Yes.
- (10) Not applicable.

POLICE, BRENNAN INVESTIGATION

1362. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3214 of 1995, can the Minister for Police now advise -

- (1) Did Commander J McKay recently interview Neil Hunter and N Duggan in New South Wales?
- (2) If yes, on what date did that interview occur?
- (3) What action was taken to have the two men arrested?
- (4) Has their whereabouts been made known to the Director of Public Prosecutions or other authorities?
- (5) If so, when and to whom?
- (6) If not, why not?
- (7) Did Inspector S Robbins discover the whereabouts of the Rolls Royce before there was any inquiry into the matter?
- (8) If yes, how did he discover its whereabouts?

Hon PETER FOSS replied:

- (1) No. Not recently but Mr Hunter was interviewed on 20 February 1995 while Mr Duggan was interviewed on 21 February 1995 by Commander MacKaay.
- (2) Not applicable.
- (3) As there were no warrants in existence for either persons, they were not arrested.
- (4) Since question 3214 of 1995, a summons has been served on Mr Hunter through his solicitor.
- (5)-(6) See answer (4).
- (7) Superintendent Robbins saw Mr Hunter driving the Rolls Royce vehicle on one occasion in late 1992 or early 1993, when the vehicle was of no interest to police.
- (8) See answer (7).

POLICE, BRENNAN INVESTIGATION

1363. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3215 of 1995, can the Minister for Police now advise -

With respect to the stealing of Mr R Brennan's Rolls Royce -

- (1) What knowledge did Detective Senior Sergeant I Brandis have about the location of, and who had possession of the Rolls Royce when it left Western Australia?
- (2) Did Detective Senior Sergeant I Brandis assure the Brennans in July or August 1993 that the Rolls Royce would be returned and delivered to Arrow Auctions in Redcliffe and who other than the Brennans did he say this to?

Hon PETER FOSS replied:

- (1) It is unclear whether Brandis was aware of the location of the vehicle, independent to what was supplied by Brennan, however, he was aware it was in possession of Hunter.
- (2) In about July, 1993, Hunter advised Brandis that the Rolls Royce was being delivered to Arrow Auctions. Brandis passed this information on to Brennan. It is not known if Brandis told other persons of this.

POLICE, BRENNAN INVESTIGATION

1364. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3216 of 1995, can the Minister for Police now advise -

With respect to the stealing of Mr R Brennan's Rolls Royce -

- (1) Was Detective Senior Sergeant I Brandis involved in trying to return the Rolls Royce to Brennan if he believed it to be a civil matter rather than a criminal matter?

- (2) If yes, why?
- (3) Did Detective Senior Sergeant I Brandis phone Frost in December 1993 in regards to the Rolls Royce, as he told Brennan and Wildmore he would?
- (4) What was Frost's reply?
- (5) Is or was Detective Senior Sergeant I Brandis a friend of Frost or known personally to him?
- (6) Did Frost licence the Rolls Royce in New South Wales?
- (7) If yes, how?
- (8) Did Frost take about twelve months to register the Rolls Royce in his name in about April 1994?
- (9) If yes, why?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is currently dealing with these matters and as such, no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1365. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3217 of 1995, can the Minister for Police now advise -

- (1) With respect to the stealing of Mr R Brennan's Rolls Royce why did Detective K Walters, after the warrant was executed, tell the Brennan's that the NSW court had put restrictions on Frost in regard to the Rolls Royce; that it had to be locked away, that he could not use it and that he could not sell or trade with it?
- (2) If yes, why?
- (3) Is it correct that no such order existed?

Hon PETER FOSS replied:

- (1) Not known.
- (2) Detective Senior Constable Walters is no longer with the Police Service.
- (3) Not known.

(Please also refer to response to question 879 of 1998)

POLICE, BRENNAN INVESTIGATION

1366. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3218 of 1995, can the Minister for Police now advise -

- (1) In December 1993 when the Brennans went to CIB Headquarters, did Detective Senior Sergeant I Brandis take them away from the building and not into an interview room as normal?
- (2) If yes, why?
- (3) Did Detective Senior Sergeant I Brandis ask the Brennans if they were wired?
- (4) If yes, why?
- (5) Did Detective Senior Sergeant I Brandis say that Brennan's Rolls Royce was causing him problems and that he had told Hunter he had to return it to Brennan?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1) Not known.
- (2) See above (1).
- (3) A check of records failed to confirm or refute if Brandis asked this question.
- (4) See response to Question (3).
- (5) No conclusive evidence of this.
- (6) See answer (5).

POLICE, BRENNAN INVESTIGATION

1367. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3219 of 1995, can the Minister for Police now advise -

- (1) Is there any association between Detective Senior Sergeant I Brandis, Hunter and Duggan?
- (2) If yes, what is that association?
- (3) Are there "sensitive matters" arising out of this association?
- (4) If yes, what are they?
- (5) Can Brennan be trusted with these "sensitive matters"?
- (6) If not, why not?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is currently dealing with these matters and as such, no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1368. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3220 of 1995, can the Minister for Police now advise -

- (1) Did Detective Senior Sergeant I Brandis approach Brennan asking whether he would accept a settlement of \$10 000 from Duggan in full payment for the missing cars and the \$9 000 that Duggan previously owed Brennan?
- (2) If not, are police aware that Brennan was offered \$10 000 by a police officer on behalf of Duggan as settlement on lost cars worth \$45 000 including a \$9 000 debt that Duggan owed Brennan?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is currently dealing with these matters and as such, no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1369. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to question on notice 3192 of June 27 1995 -

- (1) What are the names of the Stock Squad members that Detective Senior Sergeant I Brandis spoke to?
- (2) When did Detective Senior Sergeant I Brandis speak to them?
- (3) Were any notes kept by stock squad members in relation to this matter?
- (4) Are these notes available?

Hon PETER FOSS replied:

The Parliamentary Commissioner for Administrative Investigations advises his office is currently dealing with these matters and as such, no comment can be made by the Western Australia Police Service.

POLICE, BRENNAN INVESTIGATION

1370. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3248 of 1995, can the Minister for Police now advise -

- (1) Was an instruction given on August 28 1994 to police officers investigating the Brennan car thefts to close down the inquiry?
- (2) If yes -
 - (a) why;
 - (b) who made the decision to close down the inquiry; and
 - (c) who gave that instruction to the investigating officers?

Hon PETER FOSS replied:

- (1) According to police records – No.
- (2)-(3) Not applicable.

POLICE, BRENNAN INVESTIGATION

1371. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 3194 of June 27 1995, can the Minister for Police now advise -

- (1) Was the Mercedes Benz and other vehicles sent to the Eastern States by Hunter and Duggan carrying drugs?
- (2) Has it been established who was the car carrier involved in the movement of those vehicles?
- (3) If not, who transported each of the vehicles?

Hon PETER FOSS replied:

- (1) There is no conclusive evidence of that.
- (2) Not for all vehicles, only the Rolls Royce.
- (3) The carrier for the Rolls Royce was Australian Car Transporters, while for the other vehicles, the carriers have not been established.

POLICE, BRENNAN INVESTIGATION

1372. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1005 of 1997, can the Minister for Police now advise -

In respect of the Brennan car/drugs case -

- (1) Where is the 4 x 4 wheel Pajero impounded?
- (2) When was it seized by Police?
- (3) From where and whom was it seized?
- (4) Who has been charged in respect to the stolen 4 x 4 wheel Pajero?
- (5) If no one has been charged, why not?
- (6) Has Mr Ritchie Brennan been interviewed about the stolen 4 x 4 wheel Pajero?
- (7) If not, why not?
- (8) Has the vehicle been tested for traces of heroine, amphetamines or other drugs?
- (9) What was the result of these tests?

Hon PETER FOSS replied:

- (1) The vehicle is not impounded.
- (2) December 1996.
- (3) 480 Scarborough Beach Road, Osborne Park, from Errol Robbins, Director of Seattle Investments P/L
- (4) Neil Geoffrey Hunter was charged with Property Laundering.
- (5) Not applicable.
- (6) No.
- (7) Mr Brennan refused to be interviewed.
- (8) No
- (9) Not applicable.

(Please refer also to response to question 1005 of 1997)

POLICE, BRENNAN INVESTIGATION

1373. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1006 of 1997, can the Minister for Police now advise -

- (1) Is the Commissioner of Police aware that the Neil Hunter has previous convictions for car deals with Police in Queensland?
- (2) Is the Commissioner of Police aware that Neil Hunter was shifted to Perth by Queensland Police?

Hon PETER FOSS replied:

Previously responded to on 20/7/97.

(1)-(2) No.

POLICE, BRENNAN INVESTIGATION

1374. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Further to question on notice 1006 of 1997, did the Western Australian Police Service cause any inquiries to be made with Queensland Police or the Criminal Justice Commission?
- (2) If not, why not?

Hon PETER FOSS replied:

- (1) This question does not contain sufficient specific information to enable an accurate response to be made.
- (2) Not applicable.

POLICE, BRENNAN INVESTIGATION

1375. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1007 of 1997, can the Minister for Police now advise -

In respect to the Brennan car/drugs case and the 4 x 4 wheel Pajero stolen from Brisbane, why wasn't Mr N Duggan charged with fraud for selling the 4 x 4 wheel Pajero to Mr R Brennan?

Hon PETER FOSS replied:

Mr Duggan was not charged with Fraud as there is no evidence to suggest that Mr Duggan was aware that the 4X4 Pajero was stolen.

POLICE, BRENNAN INVESTIGATION

1376. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1008 of 1997, can the Minister for Police now advise -

I refer to the Brennan car stealing and drugs investigation -

- (1) Is the Minister for Police now able to inform me whether he has been provided with full answers by the Commissioner of Police to questions on notice 3182 to 3220, 3231, 3248 and 3249?
- (2) Is the Minister now able to inform me whether the Commissioner of Police has sought from his department answers to the questions in part (1)?

Hon PETER FOSS replied:

- (1) Q3182 answered by Q1330.
Q3220 refers to Q1368.
Q3231 refers to Q1369 and is subject to current investigation by the Parliamentary Commissioner for Administrative Investigations who advises no comment can be made by the Western Australia Police Service.
Q3248 answered by Q1370.
Q3249 refers to Q1371.
- (2) Yes.

POLICE, BRENNAN INVESTIGATION

1377. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

I refer to questions on notice 3182 to 3220 and questions 3231, 3248 and 3249 asked on June 27 1995 relating to the Brennan car scam drugs case -

- (1) Will the Minister for Police confer with the Ombudsman and now provide answers to those questions which are not affected by the Ombudsman's inquiry?
- (2) If not, why not?
- (3) Has the Commissioner of Police requested answers to these questions to assure himself that the questions do not reveal improper police behaviour or corruption?
- (4) If not, why not?

Hon PETER FOSS replied:

See Question 1376.

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

POLICE, BRENNAN INVESTIGATION

1378. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1010 of 1997, can the Minister for Police now advise -

In respect to the Brennan car/drugs case -

- (1) Why was not Mr Nick Duggan charged with selling to Mr Ritchie Brennan the Pajero 4 x 4 stolen in Brisbane?
- (2) Is it correct that Mr Brennan has given to police evidence that he paid for this car?

Hon PETER FOSS replied:

- (1) Mr Duggan was not charged with fraud as there is no evidence to suggest that Mr Duggan was aware that the 4x4 Pajero was stolen.
- (2) Yes.

POLICE, BRENNAN INVESTIGATION

1379. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1011 of 1997, can the Minister for Police now advise -

In respect to the Brennan car/drugs case -

- (1) Which Western Australian Police Officers have been involved in the investigations?
- (2) Approximately for what period were they involved in the investigations?

Hon PETER FOSS replied:

In accordance with questions 1342 and 1343, this answer relates to the Mercedes Benz owned by Ms Anita Hale in Katherine in the Northern Territory.

- (1) Detective Senior Constable Kevin Walters was the officer in charge of the inquiry. Mr Walters is no longer with the Police Service.
- (2) Detective Senior Constable Walters was involved in the investigation for 18 months.

POLICE, BRENNAN INVESTIGATION

1380. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to question on notice 1071 of 1997, will the Minister for Police now provide a copy of the solicitors advice or the reason for the Fraud Squad solicitor recommending to drop the charges against Neil Hunter?

Hon PETER FOSS replied:

The Director of Public Prosecutions, after a review of the available material, did not consider that there were any reasonable prospects of conviction.

POLICE, BRENNAN INVESTIGATION

1381. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1006 of 1997, can the Minister for Police now advise -

Which police officer(s) made the decision to drop charges against Neil Hunter over the sale of the Mazda for \$14 500?

Hon PETER FOSS replied:

The decision not to proceed with the charges was made by the Officer in Charge of Fraud Squad, Detective Senior Sergeant Clarke, based on recommendations made by the Western Australia Police Service Fraud Squad solicitor, Ms Samantha Tough and the DPP.

POLICE, BRENNAN INVESTIGATION

1382. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1072 of 1997, can the Minister for Police now advise -

- (1) Has the Commissioner of Police inquired as to whether or not Neil Hunter had previous convictions for car deals with Police in Queensland?

- (2) Has the Commissioner of Police inquired as to whether or not Neil Hunter was shifted to Perth by Queensland Police?

Hon PETER FOSS replied:

- (1)-(2) No.

POLICE, BRENNAN INVESTIGATION

1383. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to unanswered question on notice 1073 of 1997, in respect of the Brennan matter, can the Minister for Police now advise -

- (1) What is the status of the CIB Fraud and Motor Squad inquiries?
 (2) When were they completed?
 (3) What was the outcome of the inquiries?

Hon PETER FOSS replied:

- (1) The Fraud Squad has ceased inquiries. The Motor Squad no longer exists.
 (2) All inquiries ceased in October 1995.
 (3) The following details apply for each vehicle.

Pajero. Neil Geoffrey Hunter was charged with property laundering in September 1997.

Mazda. Lindsay Gordon Roddan was charged with stealing and receiving. These charges were dismissed as a key witness was not able to be located. Neil Geoffrey Hunter was charged with fraud. Nicholas Francis Duggan was charged with receiving and fraud.

Rolls Royce. Neil Geoffrey Hunter is to face the District Court on Fraud charges on 12 June 2000.

Fairlane. Neil Geoffrey Hunter was charged with one count of stealing and receiving, and one count of fraud. Nicholas Francis Duggan was charged with one count of stealing and receiving and one count of fraud. The fraud charge was withdrawn on legal advice received from the Department of Public Prosecutions.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1451. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for the Environment:

For each department or agency under the Minister for the Environment's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
 (2) How many permanent staff are employed?
 (3) How many non-permanent staff are employed?
 (4) How many substantive positions are vacant?
 (5) How many substantive positions are filled in an acting capacity?
 (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon PETER FOSS replied:

Department of Environmental Protection:

As at 1 March 2000

(1)	Level 1	17
	Level 2	29
	Level 2/4	58
	Level 3	20
	Level 4	11
	Level 5	42
	Level 6	37
	Level 7	26
	Level 7/8	1
	Level 8	8
	Level 9	3
	Class 1	5
	Class 2	1
	Group 1	1
	TOTAL	259

(2) 213
 (3) 46
 (4) 35
 (5) 9
 (6) 4

Department of Conservation and Land Management:

(1) 1691 staff are employed in total, with the following number at each level:

Category	Level	No. Employees
Australian Workers Union	1	98
	2	239
	3	64
	4	9
	5	2
Public Service Award	1	171
	2	143
	3	194
	4	154
	5	131
	6	86
	7	50
	8	32
	9	4
	1/2	86
	2/4	44
Rangers	Class 1	8
	Class 6	1
	Grade 1	17
	Grade 2	54
	Senior Ranger	11
Theatrical	Trainee	2
	Penguin Island Casual	1
	Gate Keeper	9
	Guide	5
	Host	9
	Visitor Centre level 1	1
	Visitor Centre level 2	2
Other	Visitor Centre level 3	28
	TOTAL	1691

(2) 1121
 (3) 570
 (4) 201
 (5) 67
 (6) 52

Perth Zoo:

(1)	Administrative	Nos:	Operational:	Nos:
	SES Class 1	1	Grade 4	14
	L9	-	Grade 3	16
	L8	3	Grade 2	14
	L7	0	Grade 1	31
	L6	7	Welder	1
	L5	6	Trades	1
	L4	6		
	L3	14		
	L2	3		
	L1	3		
	Total	43	Total	77

Overall Total: 120

(2) 87
 (3) 33 (includes 6 externally funded positions)
 (4) 13
 (5) 10
 (6) 7

Botanic Gardens and Parks Authority:

(1)	Total	121
	Board Members	8
	Salaries	
	Class 1	1
	Level 8	4
	Level 6	5
	Level 5	9
	Level 4	8

Level 3	7
Level 2/4	1
Level 2	20
Level 1	15
Students	
WS1	3
WS2	1
WS3	3
Wages	
Level 4	4
Level 3	23
Level 2	8
Level 1A	1

- (2) 76
 (3) 45
 (4) Nil
 (5) 8
 (6) 3

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1456. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

For each department or agency under the Minister for Labour Relations' direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
 (2) How many permanent staff are employed?
 (3) How many non-permanent staff are employed?
 (4) How many substantive positions are vacant?
 (5) How many substantive positions are filled in an acting capacity?
 (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Department of the Registrar, Western Australian Industrial Relations Commission:

(1)	Special Class 1	1
	Level 8	1
	Level 7	1
	Level 6	6
	Level 5	4
	Level 4	6
	Level 3	8
	Level 2	19
	Level 1	12
	TOTAL	58

- (2) 45
 (3) 13
 (4) 19
 (5) 14
 (6) 12

WorkCover WA:

(1)	Staff as at 1 March 2000	
	Classification	Number of staff
	Special 2	1
	Class 1	1
	Level 9	7
	Level 7	10
	Level 6	3
	Level 5	10
	Level 4	8
	Level 3	27
	Level 2/4	1
	Level 2	21
	Level 1	39
	TOTAL	128

- (1) 106
 (3) 22
 (4) 8
 (5) 20
 (6) 17

Department of Productivity and Labour Relations:

(1) Employed 118 staff. The number and levels are as follows:

Level 1 - 4 employees
 Level 2 - 22 employees
 Level 3 - 22 employees
 Level 4 - 14 employees
 Level 5 - 19 employees
 Level 6 - 16 employees
 Level 7 - 6 employees
 Level 8 - 11 employees
 Level 9 - 1 employees
 Class 1 - 2 employees
 Special 3 - 1 employee

In addition, there were 7 employees on leave without pay.

(2) Employed 99 permanent staff.

(3) Employed 19 non-permanent staff.

(4) Had 24 substantive positions vacant.

(5) Had 22 substantive positions filled in an acting capacity.

(6) Had 18 substantive positions filled in an acting capacity for longer than three months.

WorkSafe Western Australia:

(1) There are 150 staff employed in total. Numbers at each level are as follows:

Level	1	18
	2	22
	3	14
	4	37
	5	40
	6	7
	7	2
	8	5
Class	1	1
	1.5	1
	2.0	1
	2.5	1
Group	2	1

(2) 150

(3) 3

(4) 13

(5) 15

(6) 12

Commissioner for Workplace Agreements:

(1)	Total Staff	25
	Level 1	5
	Level 2	2
	Level 3	5
	Level 4	2
	Level 5	3
	Level 6	2
	Level 7	3
	Level 8	2
	Special 2	1

(2) 21

(3) 4

(4) 4

(5) 3

(6) 3.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1458. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

For each department or agency under the Minister for Police's direction as at March 1 2000 -

(1) How many staff are employed in total and at each level?

(2) How many permanent staff are employed?

(3) How many non-permanent staff are employed?

(4) How many substantive positions are vacant?

(5) How many substantive positions are filled in an acting capacity?

(6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon PETER FOSS replied:

Police

(1) The total number of staff employed as at 1 March 2000 was 6,143 and the number at each level is shown below:

Sworn	Fulltime	Part-time	Total
Commissioner	1	0	1
Deputy Commissioner	2	0	2
Assistant Commissioner	6	0	6
Commander	3	0	3
Superintendent	30	0	30
Inspector	104	0	104
Senior Sergeant	186	0	186
Sergeant	783	0	783
Constable	3,439	78	3,517
Recruits	59	0	59
Special Constables	2	0	2
Aboriginal Liaison Officers	102	0	102
Total	4,717	78	4,795

Unsworn	Fulltime	Part-time	Total
Level 9	6	0	6
Level 8	6	0	6
Level 7	13	0	13
Level 6/7	1	0	1
Level 6	35	0	35
Level 5	53	2	55
Level 4	100	3	103
Level 3 & Band Officers	95	2	97
Level 2/4	3	1	4
Level 2	250	19	269
Level 1	543	80	623
Helicopter Pilot & Chaplain	2	0	2
Wages staff	24	110	134
Total	1,131	217	1,348

Crossing Guards

(1) There were 504 Crossing Guards employed on a part-time basis as at 1 March 2000.

(2) 5,922

(3) 221

The following information is provided as at 12 April 2000:

(4) There were 193 permanent unsworn and sworn (above the rank of Constable) positions which were substantively vacant.

(5) There were 97 permanent unsworn and sworn (above the rank of Constable) positions, which were substantively vacant and filled in an acting capacity.

(6) There were 55 permanent unsworn and sworn (above the rank of Constable) positions, which were substantively vacant and filled in an acting capacity for a period of three months or longer.

WA Drug Abuse Strategy Office

With respect to the WA Drug Abuse Strategy Office:

(1) 17 Levels as follows 1 @ Class 1
 2 @ Level 8
 2 @ Level 7
 3 @ Level 6
 4 @ Level 5
 1 @ Level 4
 2 @ Level 3
 2 @ Level 2

(2) 16

(3) 1

(4) 1

(5) 2

(6) 2

WESTERN POWER, KUNUNURRA

1521. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

I refer to the Minister for Energy's foreword in the Office of Energy's booklet "freedom to choose" stating that business customers are being given real choices due to competition in the electricity industry and to the answer to my question on August 11 1999 and ask -

- (1) Has Western Power yet provided the advice to Pacific Hydro on costs for the use of Western Power's wires network in the vicinity of Kununurra?
- (2) If not, why not?
- (3) What progress has been made in actually providing large electricity customers with a real choice for power supply?
- (4) Can the Minister for Energy table a list of large electricity customers that are accessing power from alternate sources to Western Power in the Kimberley and who the electricity suppliers are?
- (5) If not, why not?

Hon N.F. MOORE replied:

- (1) Yes, as previously advised, an interim price has been given. Western Power received an access application from Pacific Hydro on 15 June 1999 for supply to a Kununurra customer, and responded on 8 July with pricing information, including indicative access charges for supply to the customer. Pacific Hydro elected not to proceed with the application in this instance and no further enquiries have been received. The Minister for Energy has now approved the access charges for regional networks and has asked Western Power to proceed with their publication. This is expected in early June.
- (2) Refer to answer to question 1. Customers now have the choice of purchasing power from other than Western Power Corporation, where a competitor is established, and using the network to wheel their power.
- (3) In addition to the East Kimberley, LNG fuelled generation is being established in the West Kimberley and new privately owned gas fired plants are now operating in Onslow and Leonora.
- (4)-(5) No customers have chosen not to take supply from Western Power at this stage.

WESTERN POWER, ORD HYDRO IN NORTH EAST KIMBERLEY

1538. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) Has Western Power assessed its financial position following the move from diesel power generation in the north-east Kimberley to the provision of power by Ord Hydro?
- (2) Will the Minister for Energy table the profits or losses experienced by Western Power's north-east Kimberley operation for each year since the provision of power by Ord Hydro?
- (3) If the operation is currently operating at a loss, has Western Power requested from the Government a community service obligation subsidy and what is the amount of that subsidy?
- (4) If the operation is currently operating at a profit, what is the size of that profit?
- (5) Does Western Power intend to reduce tariffs locally in the north-east Kimberley or is the profit used to cross subsidise losses from other regional power operations in WA?

Hon N.F. MOORE replied:

- (1) Since the move from diesel to hydro-based power generation in the East Kimberley region, Western Power's operating costs have reduced significantly. Actual profit and loss figures for Western Power's regional systems are only calculated for the business as a whole. Due to the need to arbitrarily allocate shared and fixed costs incurred by the whole business, profit and loss results for individual systems are not reported.
- (2) No.
- (3) Western Power reports the annual losses for the Regional Power Business as a whole in its Annual Report. Government has not agreed to pay Western Power a Community Service Obligation for Regional losses.
- (4) Not applicable.
- (5) Currently tariffs for all residential and small business customers served by Western Power, including those in the north-east Kimberley, are set by Regulation and are in accordance with the Government's Uniform Tariff policy. At present, there is no intention to change these arrangements.

WESTERN POWER, REGIONAL SYSTEM, ACCESS CHARGES AND PENALTIES

1540. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) What is the access charge for the use of Western Power's network to deliver power to contestable customers?
- (2) What penalties apply to power providers who contract to supply power to Western Power's regional power system?
- (3) Will the Minister for Energy table -
 - (a) the penalty provision for Ord Hydro; and
 - (b) the penalty provision proposed for the West Kimberley Power providers?

- (4) If not, why not?
- (5) Will the Minister table the access charges for Independent Power Producers for use of Western Power's network?
- (6) If not, why not?

Hon N.F. MOORE replied:

- (1) Regional access pricing for the use of Western Power's regional networks, to which the Minister for Energy understands this question applies, have recently been finalised and it is expected that Western Power will publish these prices in early June 2000. In the interim, interested parties that sought to access Western Power's regional networks have to date been invited to negotiate an access charge that will, if necessary, be amended when access charges are published.
- (2) Failure by the independent power producer to supply the required power to Western Power's regional system generally results in liquidated damages being paid to Western Power.
- (3) (a)-(b) No.
- (4) Details are contained within the commercial contract covering cost structures and loss of revenue and therefore are commercially sensitive.
- (5) No. Access charges have recently been finalised and it is intended that regional access charges will be published by Western Power in early June 2000.
- (6) Western Power is yet to publish these access charges.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1557. Hon KEN TRAVERS to the Leader of the House representing the Premier:

- (1) In 1998/99 what contracts did Government departments and agencies under the Premier's control award to -
 - (a) O'Keefe & Gee;
 - (b) Picton Press;
 - (c) Frank Daniels;
 - (d) Vanguard Press;
 - (e) Advance Press;
 - (f) Muhlins Print; and
 - (g) Lamb Print?
- (2) For each contract, what was -
 - (a) the original tender cost;
 - (b) the actual final cost;
 - (c) the award date; and
 - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon N.F. MOORE replied:

I am advised that :

Ministry of the Premier and Cabinet

- (1) (a)-(d) Not applicable.
- (e) Printing of booklets – Constitutional Centre – Women's Suffragette Exhibition
- (f)-(g) Not applicable.
- (2) (a) \$7,2000
- (b) \$7,2000
- (c) 9 March 1999
- (d) 22 March 1999
- (3) Three.

Gold Corporation

- (1)-(3) Gold Corporation retains a creative advertising agency for the production of most of its promotional materials. While a number of publications have been printed for Gold Corporation by some of the printers outlined above, those printers were engaged by the Advertising Agency rather than directly by Gold Corporation.

Other Agencies

- (1)-(3) No other agencies under the Premier's control awarded contracts, as per the tendering guidelines, to the named companies.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1581. Hon KEN TRAVERS to the Attorney General representing the Treasurer:

- (1) In 1998/99 what contracts did Government departments and agencies under the Treasurer's control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

Please refer to the answer given to question on notice 1557 of 22 March, 2000.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1584. Hon KEN TRAVERS to the Attorney General representing the Minister for the Environment:

(1) In 1998/99 what contracts did Government departments and agencies under the Minister for the Environment's control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

[The answer was tabled. See paper No 1089.]

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1585. Hon KEN TRAVERS to the Attorney General representing the Minister for Federal Affairs:

(1) In 1998/99 what contracts did Government departments and agencies under the Minister for Federal Affairs' control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

Please refer to the answer given to question on notice 1557 of 22 march 2000.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1591. Hon KEN TRAVERS to the Attorney General representing the Minister for Police:

(1) In 1998/99 what contracts did Government departments and agencies under the Minister for Police's control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlings Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

- (1) (a) Nil.
- (b) Printing and design contracts.
- (c) Printing contract.
- (d) Road Show maintenance, advertising and various printing contracts.
- (e)-(g) Nil.
- (2) (a) Not applicable.
- (b) **Picton Press**

	(i) Original tender cost	(ii) Actual final cost	(iii) Award date	(iv) Completion date
Printing - desk pads, planners, posters Design costs	\$11 288 \$840	\$11 288 \$840	29/3/99 30/4/99	30/4/99 31/5/99

(c) **Frank Daniels**

	(i)	(ii)	(iii)	(iv)
Printing	\$4 500	\$4 500	28/2/99	31/5/99

(d) **Vanguard Press**

	(i)	(ii)	(iii)	(iv)
Consumables/Paper/Printing matter	\$92.00	\$92.00	10/7/98	10/7/98
Printing	\$810.00	\$810.00	14/7/98	14/7/98
Consumables/Paper/Printing matter	\$46.81	\$46.81	14/7/98	14/7/98
Stationery	\$177.50	\$177.50	22/7/98	22/7/98
Printing	\$1 742.00	\$1 742.00	27/7/98	27/7/98
Printing	\$514.00	\$514.00	27/7/98	27/7/98
Stationery	\$16.20	\$16.20	27/7/98	27/7/98
Road Show Maintenance	\$3 776.00	\$3 776.00	31/7/98	31/7/98
Consumables/Paper/Printing matter	\$986.00	\$986.00	17/8/98	17/8/98
Consumables/Paper/Printing matter	\$81.00	\$81.00	18/8/98	18/8/98
Printing	\$535.00	\$535.00	18/8/98	18/8/98
Consumables/Paper/Printing matter	\$1 060.00	\$1 060.00	19/8/98	19/8/98
Consumables/Paper/Printing matter	\$335.00	\$335.00	3/9/98	3/9/98
Printing	\$840.00	\$840.00	8/9/98	8/9/98
Training Manuals	\$2 380.00	\$2 380.00	9/9/98	9/9/98
Printing	\$810.00	\$810.00	10/9/98	10/9/98
Printing	\$176.00	\$176.00	16/9/98	16/9/98
Consumables/Paper/Printing matter	\$428.00	\$428.00	30/9/98	30/9/98
Consumables/Paper/Printing matter	\$384.00	\$384.00	14/10/98	14/10/98
Printing	\$345.00	\$345.00	14/10/98	14/10/98
Printing of manuals	\$4 860.00	\$4 860.00	29/10/98	29/10/98
Printing	\$265.00	\$265.00	30/10/98	30/10/98
Consumables/Paper/Printing matter	\$480.00	\$480.00	5/11/98	5/11/98
Advertising	\$350.00	\$350.00	5/11/98	5/11/98
Printing	\$624.00	\$624.00	10/11/98	10/11/98
Printing of internal telephone directories	\$1 984.00	\$1 984.00	15/12/98	14/01/99
Printing of graduation books	\$300.00	\$298.00	8/2/99	23/2/99
Presentation folders & colour brochures	\$930.00	\$930.00	16/2/99	24/3/99
Printing of service guides	\$870.00	\$870.00	25/2/99	26/3/99
Printing of managers precis	\$740.00	\$740.00	19/2/99	18/3/99
Printing of investigators course manuals	\$7 180.00	\$7 180.00	17/2/99	22/4/99
Graduation books	\$258.00	\$258.00	20/3/99	27/4/99
Printing of running sheet pads	\$1 356.00	\$678.00	20/3/99	20/3/99
Printing of training manuals	\$2 034.00	\$2 034.00	8/1/99	25/2/99
Printing of running sheet pads	\$471.00	\$471.00	30/4/99	30/4/99
Printing of Statutes and Procedures	\$1 618.00	\$1 618.00	30/3/99	23/4/99
Printing of preparation of court briefs	\$1 088.40	\$1 088.40	25/5/99	18/6/99

(e)-(g) Not applicable.

- (3) Due to the resources and time needed to collate this information, I am unwilling to commit the resources required.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1592. Hon KEN TRAVERS to the Attorney General representing the Minister for Public Sector Management:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Public Sector Management's control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlins Print; and
- (g) Lamb Print?

- (2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

- (3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

Please refer to the answer given to question on notice 1557 of 22 March, 2000.

GANTHEAUME POINT, PEARL BAY RESORT DEVELOPMENT

1647. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Did representatives of Pearl Bay Resort Development hold discussions with the Premier's Chief of Staff about a tourist development at Gantheaume Point Broome prior to the calling of "Expressions of Interest" for this development?
- (2) If yes, what was the nature of these discussions?
- (3) On how many occasions following the calling for "Expressions of Interest" did PBRD representatives contact the Premier's office?

Hon N.F. MOORE replied:

- (1)-(3) On 18 February, 1999 the Premier, Minister for Lands, Minister for Tourism and representatives from Land Corp, DOLA, WATC, a probity auditor and the Principal Projects and Overseas Co-ordinator from the Premier's office, attended presentations by two developer proponents, including Pearl Bay Resorts, with an interest in the Gantheaume Point tourism development. Following this meeting, on 16 March 1999, a representative of the Pearl Bay Resort Development rang the Premier's Chief of Staff, to inquire as to the status of the proposal that was put to the Government.

WESTERN POWER, LOT 1210, MAXTED STREET, DERBY

1651. Hon KIM CHANCE to the Leader of the House representing the Minister for Energy:

I refer to Western Power's actions in holding up the sub-division of Lot 1210, Maxted Street, Derby, in spite of the fact that a cheque for the extension of power to the sub-division had been accepted and negotiated by Western Power, and I ask -

- (1) Is it usual practice for Western Power to require an applicant to sign an indemnity form which states in part.... "I accept the above as true and agree that I will not demand any refund from Western Power at any time in the future" ?
- (2) Is it usual practice to seek an indemnity in those terms after accepting and negotiating a cheque from the applicant in payment of the contract?
- (3) Is it usual practice to seek an indemnity in those terms when the facts are disputed?
- (4) If this practice is not usual, can the Minister for Energy explain why these conditions were applied to this applicant?
- (5) Is it correct that Western Power initially sought a guarantee for the sum of \$32 000 for this connection, a figure that was later revised to \$8 681?
- (6) If so, why was the first quote so different from the second?

- (7) Is the Minister aware that Western Power's handling of this application has caused considerable difficulty for the applicant to the point that the subdivision and sale of the land and its future development was placed at considerable risk?
- (8) Can the Minister provide an assurance that Western Power will act professionally and promptly in future applications of this nature?

Hon N.F. MOORE replied:

- (1) Western Power did not ask the applicant for subdivisional approval (Mr Drysdale) to sign an indemnity.
- (2)-(4) Not applicable.
- (5) Western Power did not seek a bank guarantee for the connection. Western Power did require the payment of \$8681 to rearrange its supply system to service the blocks created within the proposed sub division. This sum has been paid and Western Power has advised the WA Planning Commission that Western Power's conditions have now been met.
- (6) Western Power did ask the developer (Mr Drysdale) for a bank guarantee to facilitate the early clearance of sub division approval in the absence of a clear understanding from the developer of the future power requirements within the sub division. This initial figure was subsequently reduced when the developer clarified the future land use and power requirement.
- (7) The Minister is aware of, and has already responded in writing, to the concerns raised by Mr Drysdale.
- (8) Yes.

POLICE, ADVISORY COMMITTEE ON ABORIGINAL POLICE RELATIONS INVESTIGATION

1709. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

- (1) Has the Minister for Police investigated the report that a member of the Police Minister's Advisory Committee on Aboriginal Police Relations asked an inspector based at the Aboriginal Liaison Unit to intervene in reference to an investigation?
- (2) Will you Minister, table the report into the investigation?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1) Throughout the duration of the Police Minister's Council on Aboriginal/Police Community Relations, members of the Council often discussed issues relating to the Aboriginal community with the Officer-in-charge of the Aboriginal Affairs Directorate. These issues included discussions on prison escapees, drug abuse, sexual assaults, vehicle theft, child abuse, culture, street patrols, warden schemes and numerous other matters. Without reference to a specific matter, the question on notice cannot be answered. If the member would like to provide further, specific information, an inquiry can be undertaken.
- (2)-(3) See above.

OMEX SITE REMEDIATION CONTRACT

1712. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

- (1) Have any of the preferred tenderers for the Omex site remediation contract indicated to the DEP that bacteria in the waste may destroy sections of the Red Hill class IV facility?
- (2) Have any investigations been conducted to confirm this may occur?
- (3) If so, what action has the DEP taken?

Hon PETER FOSS replied:

- (1) No. This is not an issue with respect to the Omex waste or the Class IV cell at Red Hill.
- (2) No.
- (3) None.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1735. Hon E.R.J. DERMER to the Attorney General representing the Minister for the Environment:

For each of the Government agencies for which the Minister for the Environment has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon PETER FOSS replied:

Department of Environmental Protection:

- (1) \$284 320
- (2) Nil.
- (3) \$265 000
- (4) Nil
- (5) \$286 827
- (6) \$310 375
- (7) \$292 000
- (8) \$370 000

Department of Conservation and Land Management:

- (1) \$2 081 230
- (2) \$2 200
- (3) \$1 750 000
- (4) \$2 400
- (5) \$1 894 097
- (6) \$1 148 000
- (7) \$1 900 000
- (8) \$1 200 000

Perth Zoo:

- (1) \$73 463
- (2) Nil
- (3) \$62 470
- (4) Nil
- (5) \$38 124
- (6) \$53 653
- (7) \$44 272
- (8) \$69 000

Botanic Gardens and Parks Authority

- (1) \$92 035
- (2) Nil
- (3) \$94 850
- (4) \$78 852
- (5) \$33 118 (excludes staff costs)
- (6) \$131 868
- (7) \$37 500 (excludes staff costs)
- (8) \$67 505.

OPTIMUM RESOURCES TAILINGS DAM

1755. Hon TOM HELM to the Minister for Mines:

I refer to question on notice number 839 of October 27 1999, the Minister for Mines' answers provided and the adjournment debate titled "Optimum Resources Tailings Dam" November 19 1998.

- (1) Will the Minister now disclose the "precise details" about these matters given that Hon Norman Moore has previously stated, "The bottom line is that Kalgoorlie Consolidated Gold Mines will not pay the sort of money that they asked for in the first place" and further, "The Member does not know the background to this at all. I can give him the numbers and even tell him what they put to some of his colleagues about how much money they wanted for this to be resolved"?
- (2) If not, why not?
- (3) Can the Minister advise how many times Mr R Kean has written to the Minister since November 1998 up till, including the month of April 2000, asking the Minister to provide the following information -
 - (a) can you please advise me and explain what you mean when you have stated "will not pay the sort of money that they asked for in the first place";
 - (b) can you please advise me "the sort of money" that according to your understanding "they asked for in the first place";
 - (c) can you please provide me with what you refer to as "the numbers";
 - (d) can you please advise me according to you "what they put to some of his colleagues about how much they wanted for this to be resolved"; and
 - (e) can you please provide me with the names of who you refer to as "some of his colleagues"?

(4) If not, why not?

Hon N.F. MOORE replied:

(1)-(2) Please refer to my answer given to question on notice 838 on 5 April 2000.

(3)-(4) A brief check of the correspondence index in my office indicates that Mr Ray Kean wrote to me at least 19 times during the stipulated period, with these letters receiving appropriate responses. I recall that some of these letters requested the information outlined by the Hon Member, while others commented on and/or complained about other matters, often in a quite insulting manner. The question of precisely how many of these letters related only to this information, as opposed to other matters, cannot be determined from the limited information contained in the correspondence index. I can, however, see no justification in expending the additional staff resources that would be required to determine the exact number of times Mr Kean wrote during the stipulated period to request this information.

MT CHARLOTTE REWARD, DUST EMISSIONS

1760. Hon TOM HELM to the Attorney General representing the Minister for the Environment:

I refer to question on notice number 983 of November 25 1999 and the Minister for the Environment's answers -

(1) Can the Minister for the Environment explain and define "unreasonable emissions" in relation to dust during construction and mining phases of the Mt Charlotte proposal?

(2) If not, why not?

(3) Will the Minister ensure that the community consultation plan will thoroughly and properly ensure that KCGM responds "in a timely way to their concerns" but, also to make sure that the issues that are raised are in fact properly addressed, so as the issues do not continue to escalate and grow with KCGM not addressing the matters originally and previously raised by residents?

(4) If not, why not?

(5) In relation to the answer for parts (7) and (8) can the minister explain the justification and reasoning as to why "these views" were expressed in the appeals convenors report when the minister and the department it appears cannot answer my questions for parts (7) and (8) and justify statements made in the appeals convenors report?

(6) If not, why not?

Hon PETER FOSS replied:

(1) The *Environmental Protection Act 1986* defines an unreasonable emission of a pollutant as an emission which unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person. Such a definition applies in relation to dust during the construction and mining phases of the Mt Charlotte proposal.

(2) Not applicable.

(3) Yes, the Community Consultation Plan, which must be produced to the requirements of the Environmental Protection Authority, will include complaint response and resolution procedures and it will be subject to auditing by the Department of Environmental Protection.

(4) Not applicable.

(5)-(6) In the answer to question on notice number 983 it was pointed out that the statements referred to in the Appeals Convenor's report were quotations from officers of the City of Kalgoorlie-Boulder. The statements are not the views of the Appeals Convenor and the member should contact the City of Kalgoorlie-Boulder to seek clarification.

WESTERN POWER, RESTORATION OF POWER AFTER CYCLONE IN BROOME

1788. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

Notwithstanding the enormous effort made by local Western Power staff in Broome, but in response to the long delays that were experienced in getting power restored to the Broome community following the recent passage of *Cyclone Rosita* -

(1) Was the time taken for power restoration increased because of the failure of Western Power to bring in repair crews from Perth and other areas?

(2) What number of -

- (a) repair crews; and
- (b) repair personnel,

were working on power restoration in Broome on each of the days following *Cyclone Rosita*?

(3) What number of properties are yet to have power restored (as at May 2 2000) in Broome following *Cyclone Rosita* and what is the reason for this situation in each case?

Hon N.F. MOORE replied:

- (1) No. Approximately 30 people were brought in from other Western Power depots and North West contractors.
- (2) (a) Seven.
(b) Up to forty.
- (3) Supply was restored to the entire Broome system by close of business on 1 May 2000, providing power to all customers who were able to connect.

JERVOISE BAY, GROUND WATER RECOVERY PLAN

1858. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

In relation to the Jervoise Bay Groundwater Recovery Plan -

- (1) When did the Department of Commerce and Trade submit the plan to the Department of Environmental Protection?
- (2) Have the location of groundwater recovery bores been identified?
- (3) If so, where are they located?
- (4) When will recovery pumps be installed and groundwater recovery begin?
- (5) Will the Minister for the Environment table a copy of the Jervoise Bay Groundwater Recovery Plan?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1) 23 March 2000.
- (2) Yes.
- (3) Two bores in each of the groundwater plumes (see figure 6.2 in report).
- (4) The Department of Environmental Protection (DEP) has advised that it is intended to commence groundwater recovery in July 2000
- (5) Yes. [See paper No 1090.]
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, DISABILITY SERVICE PLANS

1926. Hon KEN TRAVERS to the Leader of the House representing the Premier:

Can the Premier table a copy of all Disability Service plans for agencies in his portfolios?

Hon N.F. MOORE replied:

Ministry of the Premier and Cabinet
Please see Attachment 1.

Treasury
Treasury's Disability Services Plan is attached. Please see Attachment 2

Government Projects Office
None for Government Projects Office

Anti-Corruption Commission
The Anti-Corruption Commission has prepared a draft Disability Services Plan. Once the Plan is finalised it will be implemented. This should occur later this year.

Governor's Establishment
Not applicable.

Office of the Public Sector Standards Commissioner
Please see Attachment 3.

Gold Corporation
Gold Corporation and its subsidiaries do not have a Disability Service Plan in place.

Office of the Auditor General
In response to Parliamentary Question 1926 I provide a copy of this Office's Disability Service Plan which was sent to the Disability Services Commission in October 1999. Please see Attachment 4. Subsequent to this the Disability Services Amendment Act 1999 (assented to 25 November, 1999) removes the requirement for agencies to lodge their Disability Service Plans with the Disability Services Commission. Plans are now to be reported in agency Annual Reports in outcome based achievements format against nominated goals (being development by the Public Sector Review Division at Ministry of Premier and Cabinet).

WA Treasury Corporation

The Western Australian Treasury Corporation is not listed under Section 35 or Schedule 2 of the Public Sector Management Act and is therefore not required to develop a Disability Service Plan. The Corporation does however report on Disability Services within its annual report.

[See paper No 1088.]

ALINTAGAS, ART WORKS

1941. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) Will the Minister for Energy table a list of the works of art that are owned by the Alinta Gas detailing their value?
- (2) If not, why not?

Hon N.F. MOORE replied:

I am advised that:

- (1)-(2) The AlintaGas Board in 1996 endorsed a policy to purchase appropriate works of art for use in the company's offices. The works of art would predominantly be by Western Australian artists and where possible reflect the AlintaGas business, scope of operations, areas of service or articles created using AlintaGas products or services. All articles are recorded on an inventory. It is not possible, without considerable effort and time to individually itemise the cost of each item.

MINING, MT CHARLOTTE HAULAGE ROAD

1968. Hon TOM HELM to the Attorney General representing the Minister for the Environment:

I refer to the operations of Kalgoorlie Consolidated Gold Mines Pty Ltd on the private haulage road leading to Mt Charlotte, Kalgoorlie in very close proximity to nearby housing and a school.

- (1) Did noise monitoring which was undertaken by the Department of Environmental Protection on December 1 1999 indicate that the L_{A1} assigned noise level was being exceeded by Kalgoorlie Consolidated Gold Mines Pty Ltd?
- (2) If yes, will the Minister for the Environment or the department prosecute Kalgoorlie Consolidated Gold Mines under the Environmental Protection (Noise) Regulations 1997?
- (3) Did noise monitoring which was undertaken by the Department of Environmental Protection on December 1 1999 indicate that the L_{A10} assigned noise level was being exceeded by Kalgoorlie Consolidated Gold Mines Pty Ltd?
- (4) If yes, will the Minister or the department prosecute Kalgoorlie Consolidated Gold Mines under the Environmental Protection (Noise) Regulations 1997?

Hon PETER FOSS replied:

- (1) Yes.
- (2) No, because a letter to KCGM enclosing the report of the noise monitoring received the company's immediate attention and truck numbers were cut substantially within a few days, producing an acceptable environmental outcome.
- (3) Yes.
- (4) The Department of Environmental Protection does not intend to initiate prosecution proceedings because an acceptable environmental outcome was quickly achieved by the substantial reduction in haul truck traffic.

JARRAH, USE AT RECREATION SITES

1977. Hon CHRISTINE SHARP to the Attorney General representing the Minister for the Environment:

In the year 1998/1999, how many cubic metres of 1st grade Jarrah sawn timber were purchased by all Conservation and Land Management (CALM) districts for use at recreation sites?

Hon PETER FOSS replied:

149.16 cubic metres of first grade jarrah sawn timber was purchased by all CALM districts for use at recreation sites in 1998/99. In addition, 83.6 cubic metres of sawn timber was recovered from first grade sawlogs obtained and processed by a portable sawmill operated by CALM's Manjimup District for supply to districts in the Southern Forest Region for use in recreation projects.

MR NEIL WINZER, COMPLAINT TO COMMISSIONER FOR PUBLIC SECTOR STANDARDS

1979. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Public Sector Management:

- (1) Can the Minister for Public Sector Management provide details of the actions taken by the Public Sector Standards Commissioner as a result of complaints made by Mr Neil Winzer against the Department of Transport?

- (2) Can the Minister confirm that Mr Winzer was not interviewed as part of this process?
- (3) Is the Minister concerned that in making the decision not to formally investigate Mr Winzer's complaints, the Commissioner could not have had all the facts as a result of not interviewing Mr Winzer?
- (4) What action will be taken to rectify this injustice?

Hon PETER FOSS replied:

I am advised by the Commissioner for Public Sector Standards as follows:

- (1) Mr Winzer's complaint has been examined in detail in 1998/99 and more recently his complaint has been reviewed. Initial examination involved consideration of extensive documentation provided by Mr Winzer, several telephone conversations with him and obtaining written and telephone responses from the Department of Transport about Mr Winzer's complaint. He was then interviewed at length. The Commissioner has concluded that there is no evidence of non-compliance with public sector principles, the Public Sector Standards, the Code of Ethics or the Department's Code of Conduct to warrant a formal investigation.
- (2) Answered by 1.
- (3) The Commissioner is satisfied that all relevant information was obtained and analysed in examining Mr Winzer's complaints.
- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

1989. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Have any Agencies under the Premier's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon N.F. MOORE replied:

- (1)-(5) I am advised that no agencies under my control have relocated their offices from Carnarvon to other major town centres since 1993.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

1992. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) Have any Agencies under the Minister for Energy's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon N.F. MOORE replied:

Office of Energy

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

Western Power

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

AlintaGas

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

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

1997. Hon TOM STEPHENS to the Leader of the House representing the Minister for Resources Development:

- (1) Have any Agencies under the Minister for Resources Development's control relocated their offices from Carnarvon to other major town centres since 1993?

- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon N.F. MOORE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2013. Hon TOM STEPHENS to the Attorney General representing the Treasurer:

- (1) Have any Agencies under the Treasurer's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon PETER FOSS replied:

Please refer to response provided to question on notice 1989 of 23/5/2000.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2016. Hon TOM STEPHENS to the Attorney General representing the Minister for the Environment:

- (1) Have any Agencies under the Minister for the Environment's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon PETER FOSS replied:

Perth Zoo:

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

Botanic Gardens and Parks Authority:

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

Department of Conservation and Land Management:

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

Department of Environmental Protection:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2017. Hon TOM STEPHENS to the Attorney General representing the Minister for Federal Affairs:

- (1) Have any Agencies under the Minister for Federal Affairs' control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon PETER FOSS replied:

Please refer to response provided to question on notice 1989 of 23/5/2000.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2018. Hon TOM STEPHENS to the Attorney General representing the Minister for Forest Products:

- (1) Have any Agencies under the Minister for Forest Products' control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon PETER FOSS replied:

This question has been answered in 2016 to the Minister for the Environment.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2021. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:

- (1) Have any Agencies under the Minister for Labour Relations' control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon PETER FOSS replied:

Department of Productivity and Labour Relations:

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

Commissioner for Workplace Agreements:

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

WorkCover WA:

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

Department of the Registrar, Western Australian Industrial Relations Commission:

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

WorkSafe Western Australia:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2024. Hon TOM STEPHENS to the Attorney General representing the Minister for Public Sector Management:

- (1) Have any Agencies under the Minister for Public Sector Management's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon PETER FOSS replied:

Please refer to response provided to question on notice 1989 of 23/5/2000.

BAYU-UNDAN PROJECT, OVERSEAS ENGINEERING STAFF

2031. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

- (1) Is the Minister for Resources Development aware that approximately 20 engineering draftspersons and/or structural engineers are coming from overseas to work on the Bayu-Undan project?

- (2) Has the Minister or the Department of Resources Development been contacted by the Federal Department of Immigration and Multicultural Affairs regarding the availability of engineering draftspersons and structural engineers in Western Australia?
- (3) Is the Minister aware that there is a surplus of these skills at present in Western Australia?
- (4) What action will the Minister take to ensure that Western Australian workers are not overlooked on major resource projects such as Bayu-Undan?

Hon N.F. MOORE replied:

- (1)-(3) No.
- (4) The Bayu-Undan project is in the Zone of Cooperation and is administered by a Joint Authority. The Bayu-Undan project has however, relocated its engineering and procurement personnel from Melbourne to Perth, and is liaising closely with the WA Industrial Supplies Office, so that WA suppliers are provided full, fair and reasonable opportunities to participate in the project. This is a significant and positive move in the global industry to recognise the suitability and quality in WA to support such a global industry, and is testament to the success of the WA Government's local content policy, and the expertise of our local petroleum supply and support sector.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2053. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

For each agency under the Minister for Resources Development's control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon N.F. MOORE replied:

Department of Resources Development

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

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2072. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for the Environment:

For each agency under the Minister for the Environment's control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon PETER FOSS replied:

Department of Environmental Protection:

- (1) Yes

- (2) Five.
- (3) Ricoh
- (4)
 - (a) 20 January 1999
 - (b) 4 June 1999
 - (c)-(e) 14 February 2000
- (5)
 - (a) \$6 689.60
 - (b) \$6 050
 - (c)-(e) \$4 477.83
- (6)
 - (a) 20 January 2003
 - (b) 3 June 2003
 - (c)-(e) 13 February 2004.

Botanic Gardens and Parks Authority:

- (1) Nil
- (2)-(6) Not applicable.

Perth Zoo:

- (1)
 - (a) Yes
 - (b)-(d) No

- (2) Four photocopiers and four facsimile machines.
- (3) Canon Finance Australia Ltd and Ricoh Office Automation Pty Ltd.
- (4) Canon Finance Australia Ltd on the 3rd December 1999.
Ricoh Office Automation Pty Ltd on the 11th March 1998.
- (5) The total cost to May 29th 2000 of the contract with Canon Finance Australia Ltd based on the rental per month has been \$1246.38.
The total cost to May 29th 2000 of the contract with Ricoh Office Automation Pty Ltd based on the rental per month has been \$15 371.66.
- (6) The contract with Canon Finance Ltd is due to expire on the 3rd December 2004.
The contract with Ricoh Office Automation Pty Ltd is due to expire on the 11th March 2003.

Department of Conservation and Land Management:

- (1) Nil
- (2)-(6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2077. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

For each agency under the Minister for Labour Relations' control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon PETER FOSS replied:

WorkSafe Western Australia:

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

Department of the Registrar, Western Australian Industrial Relations Commission:

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

WorkCover WA:

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

Department of Productivity and Labour Relations:

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

Commissioner for Workplace Agreements:

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

WASTE TRANSFER STATION, TEMPLE ROAD, DARDANUP

2136. Hon G.T. GIFFARD to the Attorney General representing the Minister for the Environment:

In relation to the works approval given for the building of a waste transfer station and the dumping of inert waste on Lot 1/39 Temple Road Dardanup -

- (1) Were conditions placed on these works approval?
- (2) If yes, what were they?
- (3) Have these conditions been adhered to?
- (4) If no to (3), which conditions have not been adhered to and what action has the Department of Environmental Protection taken as a result?
- (5) What ongoing monitoring mechanisms are in place to ensure that conditions of approval are constantly being met?

Hon PETER FOSS replied:

- (1) Yes, in Works Approval No 2935 issued by the Department of Environmental Protection on 2 February 2000.
- (2) A range of conditions were placed on the Works Approval covering such matters as:

- Compliance with design
- Compliance certification
- Fill specifications
- Dust management
- Storm water management
- Storm water retention and diversion of potential contaminated runoff

The Minister for the Environment has recently upheld an appeal against these conditions and as a consequence only "clean fill" may be used below 12 metres AHD.

- (3) With the exception of condition G3 all relevant conditions have been met.
- (4) Specifically condition G3 of the Works approval required that the works approval holder shall only use fill material classified as "clean fill" under the "Landfill Waste Classification and Waste Definitions 1996" or inert fill as defined in the definition section, and must be acceptable to the Shire of Dardanup, both as to the type of fill material and its particle size. There has been a higher than desirable amount of "other" demolition material mixed with the inert fill, such as wood, aluminium and reinforcing bar. The Department of Environmental Protection has instructed the company to remove this material from exposed stockpiles of inert fill and from future loads of fill to be used at the site.
- (5) Regular site visits by the Department of Environmental Protection and Shire of Dardanup are being undertaken to ensure compliance.

COCKBURN SOUND, ARSENIC SPILL

2149. Hon GIZ WATSON to the Attorney General representing the Minister for the Environment:

With regards to the release of arsenic into Cockburn Sound from a storage tank at CSBP's plant in Kwinana.

- (1) Has the report into this spill been completed?
- (2) If yes, will the Minister for the Environment provide a copy of the report?
- (3) If no to (2), why not?
- (4) If the report has not been completed what is the expected completion date?

Hon PETER FOSS replied:

- (1) No.
- (2) Not applicable.
- (3)-(4) A significant investigation into the release of arsenic into Cockburn Sound has already been undertaken and further investigations are proceeding. It is anticipated that the investigation into all aspects of the arsenic release should be finalised in the next few months, however the availability of the results of that investigation are dependent on possible future legal proceedings.

OTC SATELLITE DISH, RESTORATION

2152. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

- (1) Does the 2000/2001 Budget contain funds to restore and renovate the space tracking OTC satellite dish so it can be maintained for tourism purposes in the region?
- (2) If not, why not?
- (3) What steps will be taken to restore this facility to enable its tourism potential to be reached?

Hon N.F. MOORE replied:

- (1) No.
- (2) The Gascoyne Development Commission allocated \$25,000 in 1996/1997 to assist the Shire of Carnarvon to restore the OTC dish. The Shire is seeking private enterprise interest to utilise the buildings.
- (3) The OTC Dish & surrounds are vested with the Shire of Carnarvon which has plans to have private enterprise utilise the facility for tourism.

YARLOOP MINERAL SANDS MINE EXTENSION

2154. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

In relation to Cable Sands' proposed Yarloop mineral sands mine extension into Reserve 31900 -

- (1) Have officers of the Department of Environmental Protection met with representatives of Cable Sands to discuss the proposed mine extension?
- (2) If yes to (1) -
 - (a) who were those DEP officers and which Cable Sands' representatives did they meet;
 - (b) when did the meetings take place; and
 - (c) what issues were discussed?

Hon PETER FOSS replied:

- (1) Yes.
- (2) (a) Following the Minister for Environment's appeal determinations on an earlier proposal by Cable Sands to mine Reserve 31900, a number of meetings took place between Department of Environmental Protection (DEP) officers and Cable Sands' representatives. These meetings involved DEP officers from the Evaluation Division and the Southwest Regional Office and Cable Sands' Senior Management and environmental staff.
- (b) The meetings took place during the period following the Ministers' appeal determinations up until the Environmental Protection Authority's Bulletin was released in May 2000.
- (c) Issues discussed at meetings included the adequacy of fauna surveys, the potential for mining only the disturbed area of the tip and surrounds, dust, contaminants in the tip, groundwater supplies, the adequacy of rehabilitation, the amount of bush to be cleared and the validity of conservation offsets.

OAKAJEE INDUSTRIAL ESTATE, GREENHOUSE GAS EMISSIONS

2165. Hon GIZ WATSON to the Attorney General representing the Minister for the Environment:

With reference to the proposed Oakajee heavy industrial site -

- (1) What are the total expected tonnages of greenhouse gas emissions from Kingstream's proposed steel plant, power station and associated facilities at the Oakajee site?
- (2) Will the total expected tonnages of greenhouse gas emissions be sufficient to trigger the Federal Environment Minister's proposed Greenhouse assessment process?
- (3) Will the total expected tonnages of greenhouse gas emissions be sufficient to trigger the State Environment Minister's proposed Greenhouse assessment process?
- (4) Will the Minister for the Environment table a copy of the State Government's proposed Greenhouse trigger policy?

Hon PETER FOSS replied:

- (1) The Kingstream's proposed steel plant, power station and associated facilities, as assessed by the Environmental Protection Authority (EPA) in June 1997, would produce 4.36 million tonnes of greenhouse gases per year (as carbon dioxide).
- (2) No, since the current project has already been triggered and approved by the Federal Environment Minister. However, any future expansion to the current project which could result in an increase of 0.5 million tonnes or more of greenhouse gases per year would be most likely to trigger Commonwealth assessment process.

- (3) In Western Australia it is the role of the EPA to determine projects likely to have a significant effect on the environment. The current Kingstream project has already been assessed by the EPA and has received environmental approval by the Minister for Environment on 13 October 1997. Greenhouse gas emissions was considered to be an environmental factor. As a condition of this approval, Kingstream is required to adopt measures to minimise greenhouse gas emissions and report annually to the EPA on the results, as part of its Environmental Management Program. Kingstream is also required to consider entry into the Commonwealth Government's "Greenhouse Challenge" voluntary cooperative agreement program.
- (4) The EPA has an interim guidance statement for the assessment of environmental factors addressing 'Minimising Greenhouse Gas Emissions'. I seek leave to table the document. The EPA's approach is being continually refined with developments in greenhouse policy.

QUESTIONS WITHOUT NOTICE

CASINO CONTROL (BURSWOOD ISLAND) (LICENSING OF EMPLOYEES) AMENDMENT REGULATIONS 1999, CONSULTATION

1283. Hon N.D. GRIFFITHS to the Minister for Racing and Gaming:

- (1) What consultations took place with -
 - (a) licence holders; and
 - (b) the Burswood Casino
 with respect to regulations 6 and 8 of the Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations 1999?
- (2) In each case, when did that take place and what was the response to the proposed amendments during the consultation process?
- (3) How was the figure of \$75 in regulation 6 arrived at?
- (4) How many current licence holders received their licences prior to 1 January 1996, and how many current licence holders received their licences after that date?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)
 - (a) Nil.
 - (b) The Gaming Commission forwarded the draft proposal to amend the Casino Control (Burswood Island) (Licensing of Employees) Regulations to the Burswood International Resort Casino for comment.
- (2) Consultation in writing with Burswood International Resort Casino occurred on 10 February 1999 and 16 March 1999. On 24 February 1999 Burswood International Resort Casino responded, seeking justification for the proposal and the proposed renewal fee. On 1 April 2000 Burswood International Resort Casino stated that it had "no objection to the proposed renewal process and the application fee of \$75".

The Gaming Commission considered this matter at its meeting on 20 June 2000 and, given the concerns expressed by licence holders, resolved to postpone the first renewal of licences to 1 July 2005 so that licences issued on or before 1 July 2000 would not be due for renewal until 1 July 2005.
- (3) Based on cost recovery with respect to probity investigations, system development and processing cost.
- (4) A total of 727 current licences issued prior to 1 January 1996, and 689 current licences issued on or after 1 January 1996.

NATIVE TITLE, INVALID MINING TITLES

1284. Hon N.D. GRIFFITHS to the Minister for Mines:

I refer to the minister's comments yesterday in relation to the Miriuwung-Gajerrong decision when he said that "a future decision of a court invalidates an act which is undertaken under a current law, and legislation is passed to validate what has been done". He also said "in the event that some future decision by a court invalidates a title, we will seek to validate that in the same way it has been done before".

- (1) Is the minister aware that the Titles (Validation) and Native Title (Effect of Past Acts) Amendment Act 1999 only validated titles pursuant to the authority of the commonwealth Native Title Act, and was restricted, pursuant to that Act, to acts that took place prior to 23 December 1996?
- (2) Is the minister also aware that if the High Court reverses the Federal Court decision, any further validation of titles under the Titles (Validation) and Native Title (Effect of Past Acts) Amendment Act will not be an option without further amendment to the Native Title Act?

(3) Given this, can the minister advise by what mechanism invalid mining titles will be validated?

Hon N.F. MOORE replied:

(1)-(3) I think we need to get this into perspective. We have a law in this country in relation to native title. It all began with the Mabo decision of the High Court, followed by the Federal Government's legislation in respect of native title. It put in place a whole range of legislative requirements that Governments and citizens of Australia are required to abide by. As a consequence of concerns about various aspects of the native title legislation, we have had a number of amendments to it. We had amendments following the Wik decision; a number of different decisions have been made by the courts in respect of the interpretation of the law; and it was only last year that we had the decision in the Miriuwung-Gajerrong case by Justice Lee. That decision was one that the Government found very difficult to accept; it did not believe that it was anywhere near the spirit of what native title is meant to be about.

Hon Peter Foss: It was contrary to a High Court decision.

Hon N.F. MOORE: That is exactly right. The fact is when Justice Lee made his determination, that became the law of the land and we were obliged to operate under that law. As I said yesterday, had the Government said that it did not like Justice Lee's decision, it expected it to be overturned in 12 months' time, so it would ignore it and operate under what it thought might be the case in 12 months' time, the Labor Party would have been the first to scream its head off and complain that we are not supposed to do that. Subsequently, the Full Bench of the Federal Court has made a decision in respect of our appeal against Justice Lee's decision and, effectively, as a result of that appeal decision, the law is in place now in relation to native title. The State Government has said it is now obliged to operate under that law. The decision in respect of pastoral leasehold land was that if it is enclosed or improved, then native title is extinguished. That is what the law now says. The Opposition wants us to ignore that because it may be changed some time down the track.

Hon Peter Foss: If we did that it would accuse us of obstructing things for our own purposes.

Hon N.F. MOORE: That is exactly right. The simple facts of the matter are that we will do what the law requires us to do and we will issue titles under the law as it currently stands.

Hon Tom Helm: The Government can spend \$13m to change the law and lose 7:0.

Hon N.F. MOORE: It is interesting that Hon Tom Helm raised that issue because if he thought about it sensibly and logically, and saw how the law on native title is developing, he would see that the law we brought into Western Australia some time ago-

Hon Tom Helm interjected.

The PRESIDENT: Order! Hon Tom Helm is down for a question but I do not know whether to put him down as having already asked two. There are other members who would like to ask questions today.

Hon N.F. MOORE: When we introduced our own legislation it made provision for land usage and not land ownership. I suspect that in time native title will eventually come around to meaning something like that. As the law changes, as the Parliament changes the law and as the courts interpret the law, circumstances will change. It is our view that we are obliged to apply the law as it now exists; and it is our intention to do that. I indicated yesterday what I thought may happen in the event of a High Court challenge or decision to the contrary. I will not stand here today and speculate further.

The circumstances I explained yesterday are those I believe will apply and down the track we will seek to validate anything that may have been invalidated. However, I will not assume that anything will be invalidated down the track because we would then do absolutely nothing. If we spent all our lives working on the basis that someone may change the law in the future so we should not do anything now, we would have a complete stalemate; it would be crazy stuff. We are obliged to proceed with issuing titles. I would have thought the Labor Party would have been supportive of what we are doing. A backlog of mining tenement applications in the system is being held up because of various interpretations of the law, various decisions of the courts and various amendments to the legislation. Here we have an opportunity, based on a decision of the Federal Court, to grant title on areas of land where the court has determined that native title has been extinguished. We have an obligation to do that and the Opposition should support us. That will do much for the exploration industry.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: The Opposition asked the question; if members opposite do not like the answer, they should not have asked the question. We have an obligation to the mining industry and to the economy of Western Australia to grant titles and hope we can eliminate some of the backlog the uncertainty has created.

COMMISSIONER GOTJAMANOS, SOLICITOR GENERAL'S ADVICE

1285. Hon KIM CHANCE to the Attorney General:

- (1) On what matters is the Attorney General seeking advice from the Solicitor General with respect to Commissioner John Gotjamanos?
- (2) When did he first seek that advice and when is a response anticipated?
- (3) Why are the services of Commissioner Gotjamanos not being used to alleviate the backlog in our court system?

Hon PETER FOSS replied:

- (1)-(3) I am happy to answer this question. I suggest to the member opposite that he take a briefing from me first. He may wish to ask the question next Tuesday. However, he would be ill-advised to proceed with the question without having first had that briefing. I will explain to him later the reason.

Hon Ljiljanna Ravlich: No; give us the answer.

Hon PETER FOSS: That would be wise. I am sure Hon Kim Chance has a degree of commonsense and he will do that.

Hon N.F. Moore: Unlike Hon Ljiljanna Ravlich.

Hon Ljiljanna Ravlich: I have personality!

Hon PETER FOSS: We can tell by the monologue.

Hon Ljiljanna Ravlich: Are you going to give me elocution lessons?

The PRESIDENT: Order members, commonsense is all that is required; we should not worry about anything else.

WESFARMERS LTD, KWINANA GAS ESCAPE

1286. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

- (1)
 - (a) Has the Department of Environmental Protection asked Wesfarmers Ltd to provide a report on the liquid petroleum gas escape on the facility at Kwinana?
 - (b) If so, when did the DEP ask for the report?
- (2)
 - (a) Has Wesfarmers provided a report on the gas escape?
 - (b) If so, when?
 - (c) If not why not?
- (3) Has the DEP determined the cause and extent of the gas escape; and, if so, can the minister provide details and/or table the Wesfarmers report?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)
 - (a) Yes.
 - (b) 2 June 2000.
- (2) (a)-(c) Yes on 15 June 2000 by facsimile.
- (3) An investigation of the cause and extent of the escape is continuing.

GENETIC TESTING, CODE OF PRACTICE

1287. Hon NORM KELLY to the Attorney General representing the Minister for Health:

- (1) Has the Government made a commitment to the development of the code of practice for genetic testing in relation to the testing of embryos?
- (2) If so, within what time frame can the public expect the introduction of such a code?
- (3) Who will be primarily responsible for the development of the code?
- (4) Will the public be invited to make submissions relating to the provisions and development of the code?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The Government will deliberate further before progressing any implementation of the recommendation of the Select Committee on Human Reproductive Technology Act 1991 in relation to pre-implantation genetic diagnostic testing of embryos. The possibility of a code of practice for such genetic testing will be considered as part of this deliberation.
- (2) If there is to be a code of practice for the pre-implantation genetic diagnostic testing of embryos under an amended Human Reproductive Technology Act, this would have to be implemented before any such testing of embryos occurred. However, it is not possible at this time to give a time frame for this, as many technical and other matters relating to each test under consideration would have to be fully investigated by the council at that time.
- (3) Pursuant to section 14(1)(c) of the Act, it will be a function of the Reproductive Technology Council to compile a code of practice.

- (4) Also pursuant to section 14(1)(c) of the Act, the Reproductive Technology Council is to consult with bodies representing persons having relevant expertise, or sections of the public having appropriate interests in the compilation of the code of practice.

HISTORY MUSEUM, FREMANTLE

1288. Hon J.A. COWDELL to the Attorney General representing the Minister for the Arts:

- (1) Will consideration be given to retention of a history museum in Fremantle at the site of the WA Maritime Museum when the new Maritime Museum opens?
- (2) Does the proposed closure of metropolitan history museums and the centralisation of Western Australian history exhibitions at the Francis Street site represent a downgrading of Western Australian history in the museum's program?

Hon PETER FOSS replied:

- (1) The public uses of the old WA Maritime Museum at Fremantle will be refined in parallel with the new museum development. Western Australian history stories will certainly be told as part of the Maritime Museum.
- (2) No.

WHEAT CROP, INCREASED LOADS

1289. Hon B.K. DONALDSON to the Minister for Transport:

- (1) What proportion of the State's wheat crop is transported on the road system compared with the State's rail system?
- (2) Is Main Roads incorporating into its design parameters for increasing loads carried by trucks on roads and bridges in the regional areas of Western Australia?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Approximately 30 per cent of the State's wheat crop is transported by road.
- (2) Main Roads WA is now a member of the Grain Logistics Committee - I was responsible for ensuring that - and involved in overseeing the efficient transportation of grain across Western Australia. Logistical considerations associated with grain movements are taken into account in determining the bridge upgradings.
- The bridges are becoming a very vital issue across Western Australia because of the size of the trucks and the necessity to get crops to the bins. Bins in my local district have increased storage from about 45 000 tonnes to 145 000 tonnes. That gives some idea of the growth in the grain task.

Hon Kim Chance: Is that tonnage figure for the whole State or that part that is rail contestable?

Hon M.J. CRIDDLE: It is for the whole State. Last year, as part of the higher mass limits process, all national state and local government bridges in Western Australia were reviewed to determine their capacity for carrying heavy vehicles.

MANDURAH POLICE DISTRICT, RESTRUCTURE

1290. Hon BOB THOMAS to the Attorney General representing the Minister for Police:

My question was originally in another member's name but the Attorney General's staff have been advised it is now my question. I refer to the Government's proposed restructure of the police district in the Mandurah area and ask -

- (1) What restructure is planned for the region by the Police Service?
- (2) Which local government authorities have been consulted about this proposed restructure?
- (3) How are each of the local government authorities informed of this restructure?
- (4) Which members of Parliament were consulted?
- (5) When will such a restructure be implemented?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No decision has been made at this time.
- (2) All local government authorities in the geographic area encompassed by the review have been provided the opportunity of submitting comment by 30 June 2000.
- (3) A review of the regional country structure of the Western Australia Police Service has been undertaken. A discussion paper has been distributed.
- (4) A discussion paper has been forwarded to members of Parliament in the geographic area encompassed by the review and an opportunity has been provided for them to submit comment by 30 June.

- (5) Refer to (1).

KINGSWAY CHRISTIAN COLLEGE, STAFF POLICE CLEARANCES

1291. Hon CHRISTINE SHARP to the Parliamentary Secretary representing the Minister for Education:

- (1) Can the minister confirm that an ex-board member has written to the Kingsway Christian College at Landsdale seeking a police clearance on all staff members in June 1999, and that as at May 2000 some of those police clearances have not been obtained?
- (2) Is it an offence that can lead to dismissal for a headmaster to know about a paedophile matter in relation to his school and do nothing about it?
- (3) Can the minister confirm that the headmaster of Kingsway Christian College has stated that he cannot remember a mother bringing her paedophile concern to him?
- (4) Can the minister confirm that the chief executive officer of the college received information of a potential paedophile at the school and did nothing about it?
- (5) Is it normal practice to allow a teacher who has been tracked on a pornographic web site at a school to continue to have one-to-one access to students?
- (6) Should there be any victims of improper conduct by a teaching member of staff, would the victims be entitled to seek legal advice for breach of duty of care over and above any criminal injury compensation claim they make?

The PRESIDENT: Part (6) of that question seeks legal advice but the rest is permissible.

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

- (1) The Minister for Education is unaware of the correspondence referred to in the question. However, the minister is aware that following an investigation in August 1999, the Kingsway Christian College Board decided to extend its policy of police checks on new staff to include all existing administration, teaching and ancillary staff. The minister has been advised that the college has proceeded to implement this decision.
- (2) The Criminal Code would need to be consulted to determine if an offence had occurred. Dismissal of the headmaster would be subject to the policies and procedures of the school board.
- (3)-(4) An investigation of a number of allegations, including issues associated with matters raised in these questions, has just been completed by the Department of Education Services. The investigation was conducted in accordance with the requirements for school registration under the Education Act as the allegations had implications for the school's continuing registration. The Department of Education Services is the responsible agency for registration for non-government schools under the Education Act. The department reports directly to the Minister for Education on these matters. I am advised that the report is in the process of being finalised and will be forwarded to the minister shortly.
- (5) It is expected that all schools should have developed appropriate policies and procedures to deal with such matters.
- (6) This question has been ruled out of order.

REID HIGHWAY, EXTENSION THROUGH CARINE

1292. Hon HELEN HODGSON to the Minister for Transport:

- (1) Has the minister received any requests to meet representatives of the Lake Carine Protection Group regarding the Reid Highway extension project, and if so when were they received?
- (2) Has the minister met with members of the Lake Carine Protection Group, and if so when was the meeting; if not, why not?
- (3) Have any studies been completed by the department as to the alternatives to the four-lane extension to Reid Highway through Carine?
- (4) If so -
 - (a) When were these studies conducted?
 - (b) What alternatives did they consider?
 - (c) What were the conclusions of each study?
 - (d) Will the minister table copies of each study?
- (5) What, if any, conditions has the City of Stirling attached to its commitment to contribute to the project?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. This question was asked on Tuesday and the answer at that time was that it would take some time to get those details. I have not received a follow-up to that question. If the member places the question on notice I will follow it up for her.

HOME AND COMMUNITY CARE SAFEGUARDS POLICY, COST OF IMPLEMENTATION

1293. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Health:

I refer to the implementation of the home and community care safeguards policy during 1999 and ask -

- (1) What has been the total cost of the implementation of this policy?
- (2) How much has been spent on promoting this policy?
- (3) How much has been spent on the printing and producing of pamphlets?
- (4) Has any money been paid to members of the HACC fees working party?
- (5) If yes, for what purpose?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Approximately \$227 717.
- (2) \$14 643.30 for the development of communications tools and strategies, identifying the main principles of the policy relevant to the target population.
- (3) \$32 499.
- (4) No.
- (5) Not applicable.

COXSWAIN'S TICKET, WYNDHAM

1294. Hon TOM HELM to the Minister for Transport:

- (1) Is the minister aware that in order to gain a coxswain's ticket in Wyndham an applicant must pay for an examiner from Broome to come to Wyndham to take the oral exam, and that other regional Western Australians face similar discrimination due to their residence in country Western Australia?
- (2) What does the Government intend to do about this serious hardship for regional Western Australians?
- (3) Has the Government investigated the use of modern technology, such as video-conferencing, to overcome this situation; if not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(3) I was unaware of the coxswain's ticket issue being a problem. However, I am aware that there is some difficulty with the engineering side of it and that we have to fly engineers to Esperance and places like that to check vessels. We are considering retaining particular people with expertise in the area to deal with that issue. However, the member's suggestion about technology appears to be a sensible one and I will look into it.

STATE BUDGET, COMMUNICATIONS PIPELINE ALLOCATION

1295. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

I refer to advice provided by the Department of Commerce and Trade as supplementary information to the Legislative Council's Standing Committee on Estimates and Financial Operations. It is expected that \$2m of the "Communications Pipeline" allocation for 1999-2000 will be carried over to 2000-01 and is expected to be spent by 31 December 2000. How much of this \$2m will be committed to the statewide telecommunications enhancement program contract with Telstra?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The answer is none.

MONTEBELLO-BARROW ISLANDS AND DAMPIER ARCHIPELAGO MARINE RESERVE PROPOSALS,
ADVISORY COMMITTEES**1296. Hon GIZ WATSON to the Attorney General representing the Minister for the Environment:**

I refer to the minister's recent appointment of experienced and expertise-based advisory committees for the Montebello-Barrow Islands and Dampier Archipelago marine reserve proposals and ask -

- (1) Is the minister aware that at least two of the appointees also sit on the scientific advisory committee for the implementation process and will effectively be advising themselves?
- (2) Is the minister aware that one member is a regional officer of the Department of Conservation and Land Management?
- (3) Is the minister aware that none of the appointees on either committee has a background in marine conservation?
- (4) How does the minister justify these appointments under the requirements recommended by the Marine Parks and Reserves Authority?

Hon PETER FOSS replied:

I shall commence my answer by pointing out that most of this question is not a question but an argument. Therefore, most of my answer will refute that argument. I apologise for that but it arises out of the nature of the question.

- (1) The minister is aware that two of the appointees are members of the Marine Parks and Reserves Scientific Advisory Committee. The advisory committees for the two proposed marine reserves will provide advice to the minister and to the Marine Parks and Reserves Authority. There is no conflict in having members of the Marine Parks and Reserves Scientific Advisory Committee sit on advisory committees for individual marine reserve proposals.
- (2) Yes. The officer has been appointed on the basis of his significant role in a local community conservation group. He has not been appointed as a representative of the department.
- (3) The minister does not agree with any assertion that none of the appointees has a background in marine conservation.
- (4) The appointments are consistent with the recommendations of the Marine Parks and Reserve Authority on the make-up of advisory committees. The chairman of the authority was directly involved in the process of recommending the memberships of the two advisory committees.

GOVERNMENT CONTRACTS, TABLING

1297. Hon LJILJANNA RAVLICH to the minister representing the Minister for Works; Services:

I refer to the internal Department of Contract and Management Services report "A New Approach to Transparent Government Contracting" which recommended that all contracts be tabled in full in Parliament and made available for public inspection, and ask -

- (1) Can the minister advise if legislative changes are required to implement the recommendations of this report?
- (2) If so, when will the legislation be introduced to Parliament?
- (3) If legislation is not required, when will the recommendations be implemented?
- (4) Can the minister advise why it is taking so long to implement changes that would increase the transparency of government contracting?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3)-(4) The report is an internal CAMS discussion paper. It recommends one of a number of possible mechanisms for increasing transparency of government contracting. The report has not been formally adopted by CAMS or the Minister for Works; Services. It is not possible to say at this stage which of the proposed mechanisms will be adopted or modified for use by CAMS, or other government agencies. Considerable effort is still required to identify the best mechanisms and to put in place appropriate contract documentation and administrative processes.

TRAIN CAR SETS

1298. Hon KEN TRAVERS to the Minister for Transport:

- (1) Given the Government's admission that it needs 20 additional train car sets just to cater for existing demand, when will these train sets be provided?
- (2) Has the Department of Transport recently requested \$800m, or any other sum, to spend on additional trains for the metropolitan rail network?
- (3) If so, what was the response to that request?

- (4) Given that the budget makes no provision for new train purchases, how does the Government propose to pay for this?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Twelve additional cars are required to commence the service to Clarkson and Greenwood in 2003 and to accommodate growth on the existing network. The first of the cars is expected to arrive in April 2003, and by September of that year 12 new cars will be delivered and commissioned to start service.
- (2)-(3) No. In addition to the above 12 cars, another 104 cars are required for the south-west metropolitan railway. The total estimated cost of these 116 railcars is \$350m. The Department of Transport will call tenders for these railcars in October this year to be in a position to award a contract in April 2001. After the delivery of the initial batch of 12 cars, the remaining cars will be supplied within a two and a half year period.
- (4) No money is required to purchase new trains in this coming financial year; therefore, no budget allowance has been made.

RISK-RATEABLE CONTRACTS

Hon G.T. GIFFARD to the minister representing Minister for Works:

- (1) Can the minister advise the number of current risk-rateable contracts under CAMS' administrative control?
- (2) How many of these contracts have -
- (a) a risk rating;
 - (b) a risk management plan; or
 - (c) ongoing risk monitoring?
- (3) Can the minister advise the House on the number of current high and significant-risk agency and government contracts under CAMS' administrative control?
- (4) How many of these contracts have risk management plans and ongoing risk monitoring?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Insufficient time was allocated to collate the required information. I ask that the question be put on notice.
