



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Wednesday, 11 June 1997

# Legislative Council

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**THE PRESIDENT** (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

## **PETITION - LABOUR RELATIONS LEGISLATION AMENDMENT BILL**

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.02 pm]: I seek leave to table a petition signed by 600 citizens of Western Australia couched in the following terms -

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

The Petition of the undersigned respectfully sheweth:

Our wish that any changes to the state's industrial relations system should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace, and that we oppose the Labour Relations Legislation Amendment Bill 1997 which represents an attack on employees, their unions and personal freedom in Western Australia.

Your petitioners most humbly pray that the Legislative Council, in Parliament assembled will: Defer consideration of the Bill until after May 22 1997 to enable those Members of the Council elected in December 1996 to consider the Bill when they take their places after May 22, thus (a) enabling employees to participate in legitimate industrial action to gain better working conditions without the threat of massive fines and imprisonment -

**The PRESIDENT:** Order! The Leader of the Opposition is seeking leave to table a petition. I understood that he would explain what the petition contained. I did not expect him to read the whole prayer of the petition. Is it the Leader of the Opposition's intention to seek leave to have that petition accepted by the Council or not?

**Hon TOM STEPHENS:** My intention is to seek leave to table the petition, but I was making it clear that the prayer clearly does not conform to the standing orders of this House. It is a petition that was drafted in anticipation of its being presented before the Bill went through. As members know, on the day this petition was scheduled for tabling we were not here; we were out on the streets for reasons which I presume -

**The PRESIDENT:** Order! The Leader of the Opposition is entitled to seek leave and the House can make up its own mind about whether it accepts the petition.

**Hon TOM STEPHENS:** Therefore, I seek the leave of the House to table this petition, which does not precisely comply with standing orders because of the reasons I have stated.

**The PRESIDENT:** Order! Is leave granted? Leave is not granted. There is an opportunity during the adjournment debate for the Leader of the Opposition to continue to read that prayer.

**Hon TOM STEPHENS:** I now seek leave to table a different petition which also does not conform to standing orders.

**The PRESIDENT:** Order! Will the Leader of the Opposition give some idea of the content of the petition; there is no need to read the whole prayer?

**Hon TOM STEPHENS:** I seek leave to table a further petition which contains a brief prayer. It is signed by 191 people and, again, was scheduled for presentation on the same occasion as the last petition. It does not conform to standing orders because it asks the House to oppose a Bill which has now gone through the House.

**The PRESIDENT:** Order! The Leader of the Opposition seeks leave to table a further petition which does not conform to standing orders. Is leave granted? Leave is not granted. Again I inform the Leader of the Opposition that there is an opportunity during the adjournment debate to read the prayer of that petition to the House.

## **PETITION - LOCAL GOVERNMENT MEAT INSPECTION SERVICES**

**Hon B.K. Donaldson** presented the following petition bearing the signatures of 118 persons -

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

We the undersigned residents of Western Australia call upon the Government of the State of Western Australia to recognise the will of the people of the state who oppose:

- (a) The decision of the Government to not recognise the financial plight of Local Governments in respect to meat inspection services supplied to failed abattoir operations under the Health Act 1991 prior to its amendment on the 22nd July 1996.

- (b) The failure of the Government to recognise that such financial losses sustained by Local Governments prior to the 22nd July 1996 are directly attributable to the flawed legislation contained within the Health Act 1991.
- (c) The decision of Government to not compensate Local Governments which have been adversely affected by the flawed legislation particularly where all legal process for recovery of expenses has been exhausted.

Your petitioners, therefore respectfully request that the Legislative Council call on the Government to reverse the decision to not compensate financially disadvantaged Local Governments which in turn impacts financially upon ratepayers of those Local Governments, and recognise that this plight has been created by the flawed legislation within the Health Act 1991 prior to its amendment on the 22nd July 1996. We ask the Council to support this just cause, and your petitioners as in duty bound, will ever pray.

[See paper No 489.]

#### **PETITION - VOLUNTARY EUTHANASIA REFERENDUM**

Hon N.D. Griffiths presented the following petition bearing the signatures of 1 765 persons -

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

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

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

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

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

[See paper No 490.]

#### **STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION**

##### *Eighteenth Report*

Hon M.D. Nixon presented the eighteenth report of the Standing Committee on Constitutional Affairs and Statutes Revision titled the "Overview of Petitions: March 1996 - November 1996", and on his motion it was resolved -

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

[See paper No 491.]

#### **MOTION - SELECT COMMITTEE**

##### *Immunisation and Vaccination Rates in Children - Establishment*

**HON B.M. SCOTT** (South Metropolitan) [4.12 pm]: I move -

That -

- (1) A select committee be appointed to inquire into and report, not later than 30 June 1998 on immunisation and vaccination rates in children including, but not limited to -

- (a) the current rates of vaccination and the reasons, demographic, socio-economic or otherwise, for any variations in those rates;
  - (b) the existence and adequacy of data quantifying immunisation rates for common, early childhood diseases;
  - (c) the effectiveness of vaccines and the incidence of risk;
  - (d) the costs of vaccines, vaccination, and cost-recovery;
  - (e) the methods used to provide vaccination, including public and private sector participation and cooperation, and the use of child health nurses providing vaccination in child care and educational facilities; and
  - (f) the adequacy and cost-effectiveness of existing programs intended to motivate and encourage parents and guardians to have children vaccinated.
- (2) The committee have power to send for persons, papers and records and to move from place to place.

The issue of immunisation in children in Australia has gained statewide and national prominence since the beginning of this year when it was reported that four young babies died from whooping cough. Immunisation and vaccination rates have been an issue of public concern for many years. I have taken an interest in this area because of my interest in the wellbeing of young children. As State President of the Kindergarten Association in the mid-1980s I worked closely with the Health Department to promote a series of initiatives to prompt and motivate parents to increase the immunisation rate in their children. At that time the promotion was in the form of a birthday card which was sent to every child on their fifth birthday to remind parents that certain vaccinations were due. I thought it was a good concept and it appeared to work. However, we arrive at 1997 and find Australia and Western Australia with an appalling low rate of immunisation; something like 53 per cent across Australia, which puts this country about eighth in the world. It is a very low rate of immunisation for a so-called healthy State such as Western Australia.

When I heard about the deaths of four young babies from whooping cough I decided to take a stand and I put out a media statement suggesting that an inquiry be held into why so many children are exposed to the likelihood of suffering from common early childhood diseases which cause not only side effects for children, but also, tragically for some parents, death.

The Federal Government under Minister Wooldridge offered an incentive boost to doctors and parents. I felt that was not the right way to go. A more commonsense approach is to appeal to the sense of duty of parents to have their children immunised.

During the time I researched early childhood matters it became very clear to me and to others who were working closely with Dr Fiona Stanley that there was a need to have some coordination between agencies to make sure that vaccinations were made more accessible in early childhood centres and child care centres. One of the reasons that this country has such a low immunisation rate is that no longer do we experience the huge outbreaks or epidemics in childhood diseases as we had in the past.

From my longstanding interest in children's early learning, common early childhood diseases such as measles and whooping cough can have a long term effect on speech, hearing and sight and produce other impairments by delaying learning at a later stage. If parents can be encouraged to immunise their children those early childhood diseases and the debilitating physical side of the illnesses will be eradicated.

When I put out my media statement naturally there was a reaction. I recommended that perhaps in the 1990s immunisation should be taken to where the children are. Child health centres have serviced the nation very well, but the hours they are open are not convenient to some modern day mums, many of whom are in the work force and have their child in child care centres and other care. They pick up their child at 5.30 or six o'clock when the clinic is closed and it means an extra call to the doctor to have their child immunised. One of the suggestions was to canvass the possibility of making the presentation of an immunisation card a prerequisite for entry into school child care centres and preprimary centres.

The local papers always look for something to run with when it comes to the local member of Parliament. I have not been called Babs very often but a headline in the *Fremantle Herald* reads "Babs for jabs". The article stated that local polly Barbara Scott had called for Australia's appalling immunisation rate to be turned around. The article, which outlined my views about making immunisations and vaccinations more accessible and making the presentation of an immunisation card a prerequisite for entry into early childhood services, drew severe criticism as well as

comments and commendations. Some people were offended by the suggestion that an immunisation card should be made compulsory or a prerequisite.

I met with a group of parents who were very credible. I listened to the alternative view of parents who have made a considered and intelligent decision not to have their children immunised. I considered that any inquiry should include a term of reference to give the committee the power to carefully consider the content of the vaccines used to immunise children. It appears that is what some parents are concerned about.

Another point that has been raised is that in America if a child is injured severely or suffers death through immunisation, legislation is in place that provides for compensation to parents. In most other countries, especially Australia, compensation would be sought only as a result of reaction from parents. The select committee would need to examine any legislation that facilitated easy access by parents to compensation which just might allay some of the concerns felt by parents.

Views on immunisation are divided mainly into two areas. However, an article from the *Melville-Fremantle Community* newspaper of 4 March 1997 suggests a homeopathic option from the Fremantle Regional Division of General Practice. I am the first to suggest that a select committee should examine a series of alternatives. Without my indicating a stand at this stage, if parents are concerned and a homeopathic alternative can be shown to be acceptable, perhaps it should be considered.

The Federal Government then indicated in an article in *The West Australian* of 26 February headed "Hard action on child jabs" - an interesting play on words - that under a tough new campaign it might cut the \$950 maternity payment and child-care help for parents who do not immunise their children. That is a little harsh but it is one of the issues the select committee should examine. Are incentives and motivation for parents the answer or is punishment necessary? They are very important issues.

Another response to my article was from Dr Jag Gill, the Director of Disease Control Services in the Health Department of WA. Some of his comments are worth considering. All the *herald health* letters reacted to my article one way or the other. Dr Jag's letter is headed "Powerful Tool" and refers to some relevant statistics -

One in 15 unimmunised children with diphtheria die, as do half of those ill with tetanus. One in 200 children under six months who catch highly contagious whooping cough, die from pneumonia or brain damage. One in 20 children who develop meningitis from *Haemophilus influenzae* type b (Hib) die and one in four suffer permanent brain or nerve damage.

About one in three million children who receive oral polio vaccine may develop paralysis, especially if a child is immuno-suppressed. One in one million children who receive the pertussis (whooping cough) vaccine may develop encephalitis, from which full recovery is usually made. Exhaustive research fails to show any conclusive link between pertussis vaccine reaction and permanent damage. Some children likely to develop certain debilitating neurological conditions often show signs around the same age the primary vaccination is recommended, starting at two months.

His letter continues in support of vaccination programs.

The most supportive view of my push came from the editorial in *The West Australian* of Tuesday 4 February which picked up the issue following the debate that emerged from the suggestions by the Federal Minister for Health, Dr Wooldridge. It read -

Professor Fiona Stanley has found a powerful and appropriate analogy to push home the importance of parents choosing to immunise their children.

The Institute for Child Health Research director tells parents that the decision of whether to immunise is akin to preparing to jump from the top of a cliff and agonising over the merits of wearing a parachute or free-falling.

There is a remote chance that the parachute will fail to open but there is no chance of a safe landing without a parachute. Sending a child who has not been immunised to day care or school is the free-falling option.

Immunisation rates in Australia have slumped in recent years, mainly because of a combination of parental complacency and over confidence.

There are also some parents - and at least one doctor - who oppose immunisation because of what they claim are serious side-effects. But they are in the minority and their concerns are not supported by research.

No matter how few people in the community hold a very strong view against something, they deserve to be listened to and decisions made should be based on thorough research. Since I was elected I have made it clear in this House

that all public policy should be based on sound research. I do not think it does a Parliament any harm to continue that policy.

The proposed select committee would examine in detail the range of issues I have included in the terms of reference such as the content of the vaccines, the reason some people are reluctant to use them and issues that canvass more effective promotion to encourage parents who do not have their children immunised through complacency. I am sorry Hon Kim Chance is not in the House.

Hon Tom Stephens: He is listening.

Hon B.M. SCOTT: He would be pleased to know that in his district of Merredin a promotion trialled last year involved local businesses providing the incentive of a \$300 prize to the first child under five to complete his or her full immunisation. All the eligible children put their names in a barrel. The promotion was illustrated in the local newspaper with a picture of a friendly looking group above the heading "Increasing immunisation awareness". Merredin won the district pilot program for that.

I urge members to support the formation of this select committee; it is of urgent need in our community. We must increase the rate of immunisation one way or another. The proposed select committee would report to this House by June 1998 so it will not run over a long period. There is a sense of urgency to get answers to this problem and some direction back into the community. Presently some confusion surrounds incentives and the withholding of maternity payments in relation to immunisation. We should be able to appeal to the better nature of most parents so that they can approach this subject with intelligence, research at their fingertips and knowledge of how their children will react to certain vaccines. The trial put in place in Merredin by a very good team of district nurses and members of the community has proved that some proactive work can be successful.

I urge the House to support the establishment of this proposed select committee and I urge the Opposition to seriously consider putting forward the names of some people to take part in it. I commend the motion to the House.

Debate adjourned, on motion by Hon Tom Stephens ( Leader of the Opposition).

#### **MOTION - REFERENDUM ON SPECIAL LAWS FOR RACE**

##### *Thirtieth Anniversary*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.32 pm]: I move -

That the Legislative Council -

- (1) Recognises that Tuesday, 27 May 1997 is the 30th anniversary of the referendum that amended placitum 51 (xxvi) of the Constitution which gave the Commonwealth the power to make special laws for any race, in particular Aboriginal and Torres Strait Islanders.
- (2) Reaffirms its support for the outcome of the referendum which received the unprecedented support of 90.77% of the Australian people.
- (3) Recognises that the referendum was passed with the intent that the power conferred on the Commonwealth should only be used for the benefit of the Aboriginal and Torres Strait Islander peoples.
- (4) Affirms the statements made by the political leaders of the time, in support of the referendum, in particular the comments made by -
  - (a) the Prime Minister, Mr Harold Holt, who said -

We cannot allow it to be said that our Constitution discriminates against some people who live within our shores - the Aborigines. Nor is it, we believe, acceptable to the Australian people that the national Parliament should not have the power to make special laws for the people of the Aboriginal race where it is in their best interests.;

- (b) the Deputy Leader of the Country Party, Mr Doug Anthony, who said -

. . . words which can be read as discriminating against the Aboriginal race will be removed. This would give the Commonwealth, for the first time, power to make special laws for the benefit of Aboriginal people throughout Australia . . . ; and

- (c) the Leader of the Opposition and the Leader of the Australian Labor Party, Mr Gough Whitlam, who said -

The welfare of Australian Aboriginals requires this referendum to be carried.  
The good name of Australia demands it be carried overwhelmingly . . .;

[T]he Commonwealth...must now be empowered to accept that responsibility  
on behalf of Aboriginals, as it already does for all other Australians . . .

- (5) Recognises the importance, both domestically and internationally, of this referendum in defining Australia's commitment to act in a non-racially discriminatory manner and to the pursuit of reconciliation and social cohesion.
- (6) Calls upon all Australian Governments and parliaments to respect and honour both the letter and the spirit of the referendum; and
- (7) Supports the request that the plaque symbolically commemorating the 1967 referendum, unveiled today, Tuesday, May 27, 1997, in Melbourne by the Governor General, Sir William Deane, and Dr Faith Bandler, at the Australian Reconciliation Convention be appropriately housed within Parliament House.

Members will be aware that I gave notice of this motion on 27 May, the day of the thirtieth anniversary of the referendum to give to the Commonwealth special powers to make laws on race. Debate on this motion can be succinct as it provides an opportunity for this House to mark the occasion of the anniversary.

The motion is self-explanatory. The referendum made a momentous change to the power arrangement between the Commonwealth and the States as until that point the Commonwealth had been unable to make laws relating to Aboriginal people, and the referendum's intent was to ensure that laws could be made by the Commonwealth only to the benefit of Aboriginal and Torres Strait Islander people of Australia. I look forward to the motion being carried by the House reasonably quickly.

Debate adjourned, on motion by Hon Muriel Patterson.

#### **MOTION - SELECT COMMITTEE TO REVIEW THE STANDING COMMITTEE SYSTEM**

##### *Appointment*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [4.37 pm]: I move -

That -

- (1) A select committee of seven members, any four of whom excluding the Chairman constitute a quorum, is appointed.
- (2) The committee is to review the constitution, effectiveness, efficiency and economy of the standing committee system and report its findings and recommendations to the House not later than Wednesday, 27 August 1997.
- (3) In carrying out the review provided for in paragraph (2), the committee shall have regard to the functions of the existing standing committees and whether, and to what extent, those functions might be extended or modified, or vested in another standing committee now established or recommended by the committee to be established.
- (4) The President is the Chairman of the committee. The Chairman shall not vote on any question arising in the course of the committee's proceedings, but any member elected as a temporary Chairman may vote while occupying the Chair. Procedural rulings of the President as Chairman are final and not open to dissent.
- (5) Three members of the committee shall be appointed from among those members supporting the Government. The Chairman is not to be counted as a member for the purposes of this paragraph.

The purpose of this motion is to bring some order into the apparent view of a number of members that changes should be made to the committee system of this House. I have been a little concerned that a number of members have indicated in various ways that they want to make what I consider to be ad hoc or piecemeal changes to our committee system.

I accept that any system in place for some time should necessarily be reviewed and, if appropriate, changed from time to time. However, I am a little concerned that we might make changes to the current committee system based on the needs of the moment rather than taking a good, hard look at the system and its components. I propose the agency of a select committee to review the current system.

As members who have been here for some time know, the gestation of the committee system in this House was lengthy. Indeed, the first standing committee of this House was set up in 1982 on the motion of Hon Bob Pike. The Standing Committee on Government Agencies was established after a select committee had considered the need for such a committee. Members may recall that quangos, using the jargon, were a big issue at the time, and it was agreed by the Government of the day to look at government agencies in Western Australia through the Legislative Council's first standing committee. I had the pleasure of being an inaugural member of that committee, and my membership extended for most of my parliamentary career from 1982 until 1994. I had the pleasure of being appointed chairman of that committee for a short period.

Also, a committee chaired by Hon Vic Ferry considered a proposed committee system of this House in addition to the then established committee. His report made a number of recommendations about a system of standing committees. I will not go through the report; however, I recommend that it be read by members as it indicates what can be achieved when a committee looks at these issues. I regret that the then Government was not fussed about establishing a committee system in this House. I am not sure why, but I believe it was more about money than any philosophical view. One will never know the reasons. Anyone who wanted to know the reasons should ask Hon Joe Berinson, who was the Leader of the House at that time, who could probably say why there was no great enthusiasm and why no great amount of money was provided for the committee system. However, the views of most members eventually prevailed, and following motions by Hon Bob Pike, the current committee system, in addition to the Standing Committee on Government Agencies, was established by this House.

I think I can say fairly, without attracting a great deal of criticism, that the standing committee system has worked quite well. Most of the members of standing committees of this House would agree that the relationship between members has been cordial, and most of the issues have been addressed with a great deal of cooperation and bipartisan support. Some of the work that has been done by those committees has been first class. If I may take a bit of credit, the Thirty-sixth Report of the Standing Committee on Government Agencies is a very good report. I am a little sorry that the Government has not acted more quickly on all of the recommendations in that report. One of the recommendations was that the Standing Committee on Government Agencies be changed to the Standing Committee on Public Administration. Members will be aware that as Leader of the House I was prepared to go along with that change, which was put in place towards the end of last year.

The committee system has been in operation for a long time. It commenced in 1992, and it is now 1997. It has been evolving during that time, and because it is evolving it is necessary from time to time to reassess whether we want to keep the committee system as it is or whether we want to make changes to it in the future.

A problem now confronts me as the Leader of the House in these new circumstances. I keep being told that this House is a new place. It is actually no different from what it was between 1982 and 1993 when the Labor Party was in the same position that I am in now. It is not a different scenario; it is just that the Government does not have the numbers. That is not unusual in this House.

Hon Ken Travers: It is for your side.

Hon N.F. MOORE: Yes, but there are Governments and there are non-Governments, and on many occasions in the past the Government has not had the numbers in this House - probably for almost half of its history. It is not unusual for a government leader to argue for something and not have the numbers.

I suggest today, knowing full well that I need to rely on agreement from the other side of the House, that we take this opportunity to completely reassess the committee system in this House and not make ad hoc or piecemeal changes to it in the context of the new scenario in this House. It may be said that I am simply seeking to avoid some hard political decisions because the recommendations that have been made will disadvantage me politically. I want to put that notion to rest. I base my argument on my firmly held belief in the committee system of this House. I have long been an advocate of a proper, well funded and well supported committee system in the Legislative Council. I suggest that those members who do not accept that at face value read the *Hansard* debates of the time and they will see that I have made many speeches in this House on this subject. I have a genuine desire to ensure that the committee system works well.

Hon J.A. Scott: Provided you have the numbers!

Hon N.F. MOORE: It is a pity that Hon Jim Scott should interject like that when he knows so little about this matter and when I am seeking to be as genuine as I can on this matter. If Hon Jim Scott wants to use his new found



numbers - he now has three and we have 17; but that does not mean that he has control of this place; 17 people on this side of the House is better than three on the other most of the time - to impose something on the House, he can.

The number of members on a committee should not be increased to eight. No committee has ever had eight members. The House agreed recently that the Public Administration Committee should have five members, because past experience has indicated that to have an even number of members on that committee has not worked too well. However, because of the view that a committee should have eight numbers, and because of other ideas that are floating around the place and that people may seek to move in this House, I suggest that we give ourselves a couple of months to assess what committee system we should have for the next four years. I suggest also that if we made some ad hoc decisions now and did not review the whole system, there would be some disagreement from this side about that, and that might not assist our committee system to work properly in the future.

Therefore, I have moved for a select committee of seven members, to comprise three members from each side of the House, and to be chaired by you, Mr President, in a non-voting capacity. It is very important that we get this right. We need a chairman who will not vote but can guide the committee's deliberations. Mr President, you have been a member of Parliament for a long time, you understand the committee system, and you were an active member of the government agencies committee. In your now very impartial position of President of this Chamber, you would be the ideal person to chair this committee and ensure that it carried out its deliberations in a mature and sensible way. I am not seeking to have a government majority on the committee, but simply to reflect the membership of this House, where the Government does have half of the members.

Paragraph (2) proposes that the committee review the constitution, effectiveness, efficiency and economy of the standing committee system and report its findings and recommendations to the House by Wednesday, 27 August. We need to look at whether the standing committee system is the most effective way of setting up a committee system in this House.

Paragraph (3) proposes that in carrying out the review, the committee shall have regard to the functions of the existing standing committees and whether, and to what extent, these functions might be extended or modified, or vested in another standing committee now established or recommended by the committee to be established. We need to look at whether the existing committees are doing the jobs that we want to be done in the future, whether the roles of some of the committees can be transferred to other committees and whether some new committees should be set up to do tasks which are not being performed by the existing committees, and also at the role of each committee in the context of the overall system.

I propose that the committee report by Wednesday, 27 August, which is only a couple of months down the track. That is quite deliberate, because members will know that this House will soon have a reasonably lengthy recess, which will provide a good opportunity for that select committee to deliberate on these matters and to report to the House very soon after the House resumes for the spring session so that we can begin to operate under the new rules, if we decide to have any, after that time.

Paragraph (4) proposes that the President shall be the chairman and not vote, but because the President is the final arbiter on matters affecting committees, I have included the statement that "Procedural rulings of the President as Chairman are final and not open to dissent". In other words, if the committee were to dissent from the chairman's ruling, it would have to go back to the House and ask him to rule again, and this is an attempt to avoid that situation where Caesar would appeal to Caesar. However, a temporary chairman could vote as a member of the committee. As I have said, three of the members will be appointed from those supporting the Government. The chairman will not be one of the three from the government side. This is a very genuine attempt by a person who has a long interest in the committee system of this House to take advantage of a fairly short period of time, now that the House has been reconstituted, to do a quick and I hope thorough review of our committee system, to review what each committee does now and what it should be doing in the future, and to look at the whole concept of standing committees.

I notice that on the Notice Paper Hon Jim Scott has a motion for a standing committee on ecologically sustainable development. I have views about that which I will not go into now. That motion should be considered by the select committee, as should motion No 6, which is to change the numbers on the existing committees. Those ideas have been put to the House already and should be considered by the proposed select committee before we make any final decisions on them. I suggest to members that if the House does set up the select committee all members take the opportunity to look at what they believe should happen with the committee system in this House and to make sure that their views are well and truly known to the select committee.

I will not go into the question about who should have the numbers. That would be the wrong sort of argument to have now. There are arguments for and against whether the Government should have the numbers. There are arguments about whether the numbers on committees should reflect the numbers in the House. Some have the view that the Opposition should have the numbers on committees in upper Houses.

Hon Kim Chance: There is precedent.

Hon N.F. MOORE: Yes, the Senate has an unusual arrangement.

Hon Kim Chance: It has happened in this House.

Hon N.F. MOORE: This House has had a variety of situations. I remember being a member of the Standing Committee on Government Agencies when Hon Mark Nevill and Hon Tom Stephens were in the chair of that committee, because at the time our coalition partner was prepared to support a Labor nomination. That was its right and that is what happened.

Hon Kim Chance: I mention it so that the committee might look at it.

Hon N.F. MOORE: There have been a number of changes over time. I do not think there are any hard and fast rules. As we all know, in politics numbers are pretty important. Some of my colleagues opposite know more about that than I, because I was told by the Press the other day that they are so much better at this than we are that we will find ourselves in real trouble when it comes to the hard crunching of numbers. That has yet to be seen. I have always worked on the basis that if one has more than half, one is doing pretty well. That needs to be considered in the context of where we want to go in the future.

As Leader of the House I have already agreed to a number of changes to sessional orders to try to give the House a different focus on the use of its time. Wednesdays are essentially committee days. We have a period of time on Thursdays for committee reports. Those times are set down and are part of the processes of the House. I genuinely believe that we should look seriously at our system. We need to look at whether it should be changed and the way in which the House operates, to ensure that we can maximise the effectiveness of committees and the way in which they operate. The process for legislation with the categorisation of Bills contemplates that some Bills will automatically go off to committees without having to come to the House. That will avoid the House spending a lot of time on some Bills which can be dealt with better in a smaller committee environment.

Because of the time factor and the nature of the motion, I hope the House will make a decision about this motion some time between now and when we finish the autumn session, which will be in just over two weeks. If the House agrees to have such a committee, it can be set up quickly and report back at the end of the recess. I want to reiterate one point, which is important to me as an individual: The committee system in this House is very important for the future of the House. I have always recognised that, both in and out of government. I have not changed my view. I am firmly of the view that we need a committee system that works really well; not just a system which enables one side of politics to be able to screw the other, if I may put it in that crude way, but a system which allows the House to do its job better.

Hon Tom Helm interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I have watched him doing the former.

The PRESIDENT: Order! The Leader of the House must address his comments to the Chair.

Hon N.F. MOORE: I have watched that with absolute horror in this Chamber. I was never more intimidated in my life than I was as a member of Parliament sitting here one night. Hon Tom Helm knows all about that. It is a pity that has intruded into this debate.

This is a genuine attempt to make the committee system work better. I hope the House will agree to the select committee. It is not intended to take a long time. When we come back for the spring sitting, I hope we will be in a position to re-establish the committee system on the basis of well thought out and well reasoned plans and propositions, so that we can then go ahead with a committee system which in one way or another caters for every member's interests.

Debate adjourned, on motion by Hon Tom Stephens ( Leader of the Opposition).

## **MOTION - WESTERN AUSTRALIA POLICE FORCE**

### *Establishment of Royal Commission*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.58 pm]: I move -

That this House calls on the State Government to establish a royal commission, staffed by personnel, other than serving or former Western Australian police, to inquire into the operations of the Western Australia Police Force, with particular reference to -

- (1) corruption and other serious misconduct within the force;
- (2) the activities of the force in dealing with any problems of corruption and other serious misconduct and internal investigations generally;
- (3) impartiality of the force and other agencies in investigating and pursuing prosecutions; and
- (4) any other matter appertaining to the aforesaid matters concerning possible criminal activity, neglect or violation of duty, the inquiry into which is deemed to be in the public interest.

I draw to the attention of the House a letter that I have just written to the President, in which I refer to the motion which stands in my name, which is No 4 on today's Notice Paper, and advise that it is my intention to move today under Standing Order No 461, that standing orders be suspended so far as would enable me to move and bring forward to resolution today this motion with which we are now dealing. As we know, we have two minutes left of the time for motions. Unless the Leader of the House were to give us leave, we would be left without the opportunity to bring forward for resolution this important motion to establish a royal commission into the Western Australia Police Service. I understand that the Greens, the Democrats and ourselves are on record as recently as an article in last Saturday's newspaper as indicating that the three of us -

Hon Derrick Tomlinson: A caucus decision!

Hon TOM STEPHENS: I read about in a newspaper.

Hon Derrick Tomlinson: Someone is leaking your Caucus?

Hon TOM STEPHENS: As a party, we have made a decision to move this motion to call upon the Government to bring forward for debate and resolution the call for a royal commission. I am asking the Leader of the House to allow this debate to continue at five o'clock so that this motion can be brought to a resolution.

The PRESIDENT: Order! One hour having elapsed since the commencement of proceedings this afternoon, leave of the House will be required for this motion to continue to be debated.

Leave not granted.

The PRESIDENT: Order! Before we proceed to question time, as a matter of procedure I advise that the Leader of the Opposition has indicated he wrote to me in certain terms a few minutes ago and intended, had he not been able to move the motion relating to the establishment of a royal commission into the Western Australia Police Service, to seek to use Standing Order No 461 to have the motion debated today. For the information of members, I indicate that having now moved the motion, Standing Order No 461 is not available to the Leader of the Opposition today.

**[Questions without notice taken.]**

**STATEMENT - MINISTER FOR TRANSPORT**

*Non-metropolitan Licensing Agents South of the 26th Parallel*

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [5.32 pm] - by leave: This ministerial statement concerns changes to the Department of Transport's arrangements for non-metropolitan licensing agents south of the 26th parallel.

The licensing division of the Department of Transport was formed when the department assumed responsibility for driver and motor vehicle functions from the Police Department in August 1995. Since that time the licensing division has been the focus of a range of reform initiatives. Over the past six months the licensing division has begun a systematic review of all the division's activities.

The first stage of the process has been the development of a vision for the future of the licensing division and a strategy to conduct this review. The review strategy has been designed to reflect the Government's key outcome priorities and reflects the licensing division's responsibility for and participation in national initiatives arising from the National Road Transport Commission and other national transport reforms. It also embraces customer focus and continuous improvement philosophies. Licensing's vision is to provide a range of more flexible service delivery methods that are focused on convenient access for customers.

One group of review strategy projects deals directly with the way the licensing division delivers its services. These projects include reviews of the division's service delivery activities, including agency arrangements and the licensing branch structure. The review of agency arrangements is part of this review strategy.

The agency review is being conducted in two phases. The first phase is the review of agencies in the more densely populated area south of the 26th parallel in the regions of Albany, Bunbury, Geraldton, Narrogin, Northam, Merredin and Mandurah. The second phase is the review of agencies in the sparsely populated area north of the 26th parallel in the regions of Broome, Karratha, Kununurra and Port Hedland.

This ministerial statement advises members of the outcomes of the first phase of the review and of the new service arrangements effective from 1 January 1998. No formal review of licensing agents has taken place since 1978. The purpose of the review has been to determine the most appropriate location of agents and to review the commissions paid to agents.

Outside the Perth metropolitan area the Police Service, the Ministry of Justice and the Department of Minerals and Energy, together with local government authorities - that is, shires - and Australia Post, act as non-commissioned and commissioned agents for the licensing division. The southern region is serviced with 162 agents; 64 are local government authorities, 74 are police stations, 20 are Australia Post agencies and four are Ministry of Justice courthouses.

The review analysed the number and type of receipts processed by each agent, the demographics of the agent's catchment area, the average commissions paid per head of population, the average cost per licensing receipt, the commercial facilities available in the agent's area and the geographic location of the Department of Transport's on-line licensing centres as they relate to the licensing agents. Forty of the local government agents and 37 police stations are within 60 kilometres of a subregional centre. More than 80 per cent of local government agents process low volumes of receipts.

In 1995-96 local government agents processed an average of 12.1 receipts a day. The licensing registration system is complex with more than 300 possible transactions for vehicle registration and driver, vessel and firearm licensing. Local government agents and police stations process their receipts without access to the Department of Transport's computer system, and this is referred to as off-line processing. Transport reprocesses these receipts on-line at a significant additional cost. Significant errors and omissions can and do occur when agents are not computerised and this results in unreliable driver and vehicle information being provided to police for enforcement purposes and inconvenience to customers.

Some common problems experienced with off-line agents resulting in inconvenience to customers are delays in producing plastic driver's licences; delays in customers receiving registration papers; delays in processing customers' changes of address; incorrect calculation of licensing fees; incorrect renewal of driver's licences subject to fines suspension; incorrect renewal of vehicle registrations subject to fines suspension; duplicate issue of number plates; and incorrect issue of infringement notices.

Local government authorities are paid three different scales of commissions based on the number of vehicle records with a particular shire plate prefix, the number of vehicles with a particular shire postcode and a commission paid per receipt, and are paid six months in advance. The total commissions paid to local government agents for the year 1995-96 totalled \$1 465 386.73. Local government agents on average are paid \$7.29 a receipt as a commission. Commissions are not paid to the Police Service or the Ministry of Justice.

Australia Post processes receipts on its own computer system which provides daily electronic updates to the Department of Transport's computer system at commission rates that are less than \$2 a receipt. Price Waterhouse was engaged to conduct an analysis of agency commissions. Its report found that the current agency arrangements with local government agents result in commissions paid in excess of comparable receipts by other organisations and agencies processing the equivalent volume of receipts. In addition to the agent commissions, the annual cost to Transport of off-line processing is \$1 052 288.90 - an average of \$5.24 a receipt.

The cost to collect government revenue by the licensing division outside the metropolitan area is extremely high. The analysis has concluded that on-line establishment, training, support costs, and the complexity of licensing's computer database do not make agent locations viable where there are low receipt volumes, low populations and limited commercial facilities and where the location is less than 60 km from a subregional or regional centre. The current agency contracts will be extended from 1 July 1997 to 31 December 1997 with the current rate of commissions paid in advance. New contracts will operate from 1 January 1998 based on new commission rates.

During the above period to 31 December 1997, the Department of Transport will implement the following improved customer services: It will introduce telephone credit card payments for routine licensing transactions utilising the local call priority network; promote the payment of the majority of licensing transactions by mail utilising the transport mail centre; and call for expressions of interest from local government and other interested commercial parties to establish a limited number of computer on-line agents in each of the regions. The expression of interest will specify the criteria for the selection of the on-line agents. These agents will process on-line the full range of

licensing transactions. Finally, Transport will establish the feasibility of extending the Australia Post network in the southern region to areas of low populations that process low volumes of licensing receipts.

Implementation of the new service arrangements will improve services to the Department of Transport's customers by reducing the turnaround times for the receipt of plastic licences and licensing documents and provide the immediate recording of change of details; provide an effective collection of government revenue by eliminating the cost of reprocessing off-line receipts, implementing more appropriate commission rates and allocating collections to the government account on a daily basis; enhance the integrity of the driver and vehicle licence computer database by the establishment of on-line computer licensing agents in the regions; and improve police access to the computer database information for enforcement purposes. With regard to the implementation of this Bill, Department of Transport personnel will visit every current provider of licences within that region, talking to them directly about the changes. It will be done over six months to ensure a smooth transition and to pick up initiatives they want incorporated in addition to those I have already announced.

Debate adjourned, on motion by Hon Bob Thomas.

### **MOTION - PINK SNAPPER BAN**

*Disallowance of Order No 1 of 1997*

Resumed from 27 May.

**HON KIM CHANCE** (Agricultural) [5.41 pm]: Since this disallowance motion was moved negotiations have been carried out between the Minister for Fisheries, the Fisheries Department and interested parties in the Shark Bay area. I am not at liberty to discuss in detail matters relating to those negotiations because they are yet to be formally agreed to by the Minister. I understand the Minister hopes to make a statement tomorrow which may put this issue beyond any form of dispute. Without revealing any information, to the extent of my knowledge of the matters discussed, I am entirely happy with the nature of the consultation that has taken place. As a consequence, I seek leave to discharge the motion.

Motion, by leave, discharged.

### **MOTIONS - DISALLOWANCE (3)**

On motions by Hon N.D. Griffiths, the following disallowance motions were discharged from the Notice Paper -

1. Electricity (Energy Efficiency Labelling) Regulations 1997
2. Licensed Surveyors Amendment Regulations 1997
3. Subiaco Redevelopment Amendment Regulations 1997

### **LAND ADMINISTRATION BILL**

*Committee*

Resumed from 10 June. The Deputy Chairman of Committees (Hon N.D. Griffiths) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

#### **Clause 200: Transitional provisions for taking in progress -**

Progress was reported after the following amendment had been moved -

Page 166, after line 19 - To insert the following new subclauses -

(2) Subject to subsection (1), if, immediately before the appointed day, a procedure had been begun but not completed under a provision of the *Land Acquisition and Public Works Act 1902* ("**the first Act**") subsequently amended or repealed by the *Acts Amendment (Land Administration) Act 1997* ("**the second Act**"), the procedure may be continued and completed as if the first Act had not been amended by the second Act.

(3) Without limiting subsection (2), if -

- (a) any proceedings for relief in respect of any alleged act or omission done or omitted by or on behalf of the Crown in respect of any land compulsorily taken or resumed under the first Act (including an appeal from a decision made in any such proceedings) were pending immediately before the appointed day; and

(b) any relief sought in those proceedings is granted,

the person who instituted those proceedings may make any application, or take any other action, under the first Act in respect of that land as if the first Act had not been amended by the second Act, and the first Act as it existed before its amendment by the second Act applies to and in relation to any such application or other action.

(4) This section is in addition to, and does not derogate from the application to the first Act, the second Act or this Act, of the *Interpretation Act 1984*.

Hon MARK NEVILL: The Australian Labor Party supports this amendment. It allows for processes already commenced under the compulsory resumption of land under the Land Acquisition and Public Works Act to be transferred across. I understand that although the original clause was intended to make that provision, there was some doubt about whether it would achieve that. The Opposition supports this amendment, which I understand puts that beyond doubt.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 201 to 206 put and passed.**

**Clause 207: Time limit for making claim for compensation -**

Hon NORM KELLY: I seek some clarification about the workability of a six month period during which compensation claims can be made. I am aware that this period applied under the old Act and, although applications may be made for compensation after the initial six month period, I wonder whether it would be better to provide a longer period of 12 months, especially in the case of absentee owners or executors of estates.

Hon MAX EVANS: There have been many months of negotiation; these things go on and on. It will not finish in that time. It is to start the whole thing. It is appropriate; it has worked fairly well previously.

**Clause put and passed.**

**Clauses 208 to 263 put and passed.**

**Clause 264: Liability of Crown and management bodies in relation to certain land -**

Hon MARK NEVILL: Subclause (2)(a) refers to loss suffered by a person on crown land, or from a cause emanating from an act of the Crown or an activity undertaken by the Crown. There is no liability where the Crown has failed to act under that clause. In the Gracetown situation, the charge is that the Crown or one of its management bodies failed to act. This clause restricts it to an act of the Crown. Is a failure to act by the Crown a cause of liability for loss suffered by a person?

Hon MAX EVANS: This is a new provision. It does not affect, take away, or detract from the limited liability of the Crown, local government and the interest holder for persons using public access routes under division 3 of part 5 of the Bill. Public access routes have limited improvements for the grazing of stock, such as grids or self-closing gates. Any person using the route does so at his or her own risk.

Subclause (2)(a) provides that there can be no claim against the State for any damage, injury or loss occurring on unallocated crown land or unmanaged reserves in their natural state unless it was caused by direct act or activity as a consequence of such an act or activity by the Crown.

Subclause (2)(b) states that section 17 provides for warnings to be endorsed on the certificate of crown land title for the land. Where a warning has been placed on the title and the land is then transferred into freehold under this Act or granted under the Land Act 1933, the warning is sufficient notice to the public and removes any liability of the Crown arising from the stated hazard.

It is not desirable to discuss the Gracetown tragedy. However, this clause provides that the Crown is liable where the event is a consequence of a direct act of the Crown or the management body. A direct act includes any improvement, agreed use or an act not taken or an omission resulting from the reasonable duty of care. This clause is meant to clarify that the Crown or, where applicable, the management body is not responsible for any damage on the unimproved land in its natural state.

Hon MARK NEVILL: So an act includes an act not taken?

Hon MAX EVANS: Yes; a duty of care comes into place.

**Clause put and passed.**

**Clause 265: *Prescription Act 1832* not applicable to Crown land -**

Hon MARK NEVILL: This is a new clause and I cannot see any necessity for it. We have never allowed adverse possession of crown land, so I cannot see the need for this provision. It would go completely against the practice as I know it.

Hon MAX EVANS: It is to stop a legal debate on some matter that might not otherwise arise. The basis of the doctrine of prescription is that if there is shown to be a long enjoyment of a right over land, a court will strive to uphold the right by presuming that it had a lawful origin. There has been debate in the past as to whether prescriptive rights can be applied to crown land. This clause seeks to clarify that.

This clause will not affect native title rights. Native title rights are covered by the commonwealth Native Title Act 1993. Under section 109 of the Australian Constitution, where the law of a State is inconsistent with a law of the Commonwealth, the commonwealth law shall prevail, and the State law shall, to the extent of the inconsistency, be invalid. In other words, this clause will not affect any prescriptive rights sought by Aboriginal persons by virtue of the Native Title Act. However, it will seek to clarify the law in relation to prescriptive rights of all other persons. It is made to ensure exactly how it applies to crown land.

Hon MARK NEVILL: I appreciate the fact that it will have no effect on the Native Title Act and native title rights. To what situation is the Government contemplating that this provision will apply? I cannot think of any. It has not been practice to my knowledge since this Act was passed.

Hon MAX EVANS: It might apply to a person with long term access on crown land and where an easement might be claimed against that person.

Hon MARK NEVILL: Is it correct that if one occupies alienated land for 12 years it becomes statute barred and cannot be claimed back?

Hon MAX EVANS: I can give an opinion from my heart as I won a case dealing with this issue. The old boundary of my land went across the middle of my front lawn. When two car dealers did a deal in 1964 they fell out and the land was not subdivided properly. When I came along 16 years later, all the front lawn belonged to the house in front. As part of my contract, I went to adverse possession, so that land was added to my title. It does work in court and it cost me \$5 000.

**Clause put and passed.**

*Sitting suspended from 6.00 to 7.30 pm*

*As to Progress*

Hon GIZ WATSON: I move -

That the Chairman report progress and seek leave to sit again.

Hon Max Evans: I would like to understand what this motion means. We are getting to the end of the Bill. I am not sure whether the debate on the Bill is being hijacked at this stage. If the motion is passed, will it be adjourned until a later stage of this day's sitting or until the next day's sitting?

The CHAIRMAN: This is a procedural motion and, therefore, it cannot be debated.

Hon N.F. Moore: Will it be adjourned until a later stage of this day's sitting or until the next sitting of the House?

The CHAIRMAN: Until the next sitting of the House.

Question put and a division called for.

*Point of Order*

Hon DERRICK TOMLINSON: Mr Chairman, after the vote you said that the ayes had it. Two members who voted with the ayes then called for a division. Could you clarify the situation?

The CHAIRMAN: We will proceed with the division.

*Committee Resumed*

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I cast my vote with the noes.

Division resulted as follows -

Ayes (5)

Hon Helen Hodgson  
Hon Norm Kelly

Hon J.A. Scott  
Hon C. Sharp

Hon Giz Watson (*Teller*)

Noes (23)

Hon E.J. Charlton  
Hon Kim Chance  
Hon J.A. Cowdell  
Hon M.J. Criddle  
Hon E.R.J. Dermer  
Hon B.K. Donaldson  
Hon Max Evans  
Hon Peter Foss

Hon N.D. Griffiths  
Hon Ray Halligan  
Hon Tom Helm  
Hon Murray Montgomery  
Hon N.F. Moore  
Hon Mark Nevill  
Hon M.D. Nixon  
Hon Ljiljana Ravlich

Hon Greg Smith  
Hon Tom Stephens  
Hon W.N. Stretch  
Hon Bob Thomas  
Hon Derrick Tomlinson  
Hon Ken Travers  
Hon Muriel Patterson (*Teller*)

Question thus negatived.

*Committee Resumed*

**Clause 266 put and passed.**

**Clause 267: Offences on Crown land -**

Hon MARK NEVILL: This clause relates to offences on Crown land and certain things that people cannot do without either permission or having a reasonable excuse. For example, a person cannot remove any plant from Crown land without reasonable excuse or cannot discharge a firearm or other weapon on Crown land without reasonable excuse. What would be a reasonable excuse? Many of my constituents are Aborigines who probably discharge unlicensed weapons on Crown land regularly. The Bill should contain some explanation of what is a reasonable excuse because the penalties in the clause are substantial.

Hon MAX EVANS: The words "the permission of the Minister or reasonable excuse" are legalese. "Reasonable excuse" is anything that is lawful or results when an appropriate authority gives permission. Under the provisions of other legislation Aborigines are allowed to hunt and fish where other people cannot. That is an appropriate authority and is therefore a reasonable excuse.

Hon MARK NEVILL: I cannot see anything wrong with someone taking a rifle onto crown land and doing some target practice. Not every outback town has a rifle range where a people can do that sort of thing. Would that be a reasonable excuse to discharge a firearm on crown land? How tightly will this proposed section be administered?

Hon MAX EVANS: Of course, there are fewer firearms around now. The clause notes say that an offence occurs only where a person does not have the authority or permission of the Minister or cannot under any other written law engage in the activity. For example, a person may have a permit to gather flora or to shoot vermin. That is a reasonable excuse and is not an offence on crown land. A lot of people shoot firearms on crown land all the time even though, in theory, they are not meant to. Anyone is allowed to fire a gun on their property, but problems can occur when that is done on crown land. Therefore, people would need to have permission to do that.

Hon MARK NEVILL: This clause goes too far. It is a new provision. Of course it is not appropriate for firearms to be discharged in areas where people live, but I do not see any problem with it being done in the backblocks.

I have never owned and have no great desire to own a gun. However, when the Minister says that there are a lot fewer firearms in circulation, he should remember what we were told during the Estimates Committee debates that in Western Australia only 20 000 guns have been collected in the gun buy back scheme, of which 5 per cent were unlicensed. All the guns have been taken off the honest people and \$40m has been thrown away, but all the illegal weapons are still out there, which on best estimates are about half the guns in circulation. Very little has been achieved. I hope this clause is administered with care and that some officious person does not go overboard in applying its provisions.

Hon MAX EVANS: I agree that this clause must be interpreted reasonably. Technically speaking no-one is allowed to shoot on crown land because it is not their property. As I say, this clause should pose no problems for Aborigines.

**Clause put and passed.**

**Clauses 268 and 269 put and passed.**



**Clauses 270: Removal of unauthorized structures from Crown land -**

Hon MARK NEVILL: Does this clause provide for the removal of squatters from shacks at Wedge Island or similar communities along the coast? Will the Minister explain subclauses (4) and (5)?

Hon MAX EVANS: It is intended to give the squatters referred to by Hon Mark Nevill a six year lease. If they do not agree to move at the expiration of six years, this clause provides the power to remove them from crown land.

Hon J.A. SCOTT: This clause refers to the removal of unauthorised structures rather than dwellings. Does it include things like the memorial barbecue across the road and non-permanent structures such as tents in which people camp on a temporary basis?

Hon MAX EVANS: A tent, barbecue, lean-to or stable could come under this clause.

Hon Kim Chance: Does that include a windmill?

Hon MAX EVANS: Yes.

**Clause put and passed.****Clauses 271 to 281 put and passed.****Postponed clause 51 put and passed.****New clause 278A -**

Hon NORM KELLY: I move -

Page 220, after line 15 - To insert in Part 11 the following clause -

**Review of Act**

**278A.** (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiry of 5 years from the Appointed Day but in any event within 5 years and 6 months after the Appointed Day.

(2) In the course of that review, the Minister is to consult with interest groups and to consider and have regard to -

- (a) the effectiveness of the operations of -
  - (i) the Pastoral Lands Board; and
  - (ii) the Compensation Court;
- (b) the need for the continuation of the functions of the Pastoral Lands Board and the Compensation Court; and
- (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.

(3) The Minister is to prepare a report based on the review and is to cause the report to be laid before each House of Parliament within 6 years and 6 months after the Appointed Day.

(4) In this section -

**"the Compensation Court"** means the Compensation Court constituted by Division 5 of Part 10;

**"the Pastoral Lands Board"** means the Pastoral Lands Board established by Division 2 of Part 7.

It is important that a provision be inserted in Bills like this one, which involves a major revamp of the Lands Act, to undertake a review of the legislation. A period of five years is sufficient to ascertain what aspects of the legislation are not working sufficiently.

Hon Tom Stephens: If this is the sort of amendment you wanted to move and the reason you asked for a one week adjournment, the way to do it is to have the one week adjournment to discuss amendments like this.

Hon NORM KELLY: This new clause is similar to a clause which has been inserted in legislation of this nature to ensure a review is carried out within a certain time to allow for any amendments which are considered necessary to

be made. This amendment should be passed to ensure that if the legislation is not totally workable a review is undertaken within that time frame.

Hon MAX EVANS: I move -

That the new clause be amended by deleting proposed subclauses (2) and (4).

My advice is that my amendment would still allow for a review of the legislation. A query has been raised about the Compensation Court and the Pastoral Lands Board. A report, as is required, is sufficient for that purpose.

Hon NORM KELLY: Subclauses (2) and (4) of the new clause are integral to carrying out a review of the legislation. Given the contentious nature of possible future state and federal legislation it is essential that the Pastoral Lands Board be part of the review. I understand that any review would include that board. The intention during our drafting of this new clause was to ensure that the Pastoral Lands Board be included in a review.

Hon MARK NEVILL: I support the amendment moved by the Minister for Finance. I can see no point in reviewing the Compensation Court. To my knowledge - I have not had time to examine the amendment in any depth because I received it some minutes ago - the Compensation Court was set up under the old Public Works Act, now called the Land Acquisition and Public Works Act, to consider disputes about compensation. I understand that one or two Supreme Court judges sit as the Compensation Court. I do not see how we can review the court as such. It would be a matter of reviewing a whole new field such as whether a land appeals tribunal might be more appropriate. That has been canvassed in previous reports in this House. To include the court for review could lead to a giant leap in reassessing the process. This is a very large Bill and a review of the Act will be quite lengthy. To add the Compensation Court would not be wise.

The Pastoral Lands Board will in effect be covered by a review of the Act. It is sufficient to make it clear in this debate that the board will be included when the Act is reviewed.

In reviewing the Act, all the interest parties should be consulted. An earlier draft amendment with which Hon Norm Kelly provided me listed a number of groups that should be consulted, including the community generally. Those on the list were the Department of Land Administration, the Conservation Council, Aboriginal land councils, pastoral lessees, the Pastoral and Graziers Association and the Law Reform Commission. That list excludes shire councils, Aboriginal communities that might not identify with land councils, Aboriginal landholders and many other interest groups. It is implicit in the review that interest groups such as those will be consulted. This is a fairly basic piece of legislation which covers most of the activities involving land throughout the State. It is very important legislation and any review must be done thoroughly. For those reasons I support the Minister's amendment.

Hon MAX EVANS: I can reassure Hon Norman Kelly that the Pastoral Lands Board will be reviewed. It has taken since 1988 for this legislation to come before this place. The same lengthy process will occur next time the Act is reviewed. The legislation encompasses three Acts to simplify things. I am sure that the Minister and the head of department who have responsibility for the legislation at the time of the review will take every aspect into consideration because land is a very important part of this State.

Hon NORM KELLY: I am happy to support the amendment to the new clause. I take on board the reason the Minister, supported by Hon Mark Nevill, moved to delete proposed subclauses (2) and (4), which were included following legal advice received during the dinner break. The main reason for moving this new clause was to ensure that a review would take place.

Hon MARK NEVILL: Usually review clauses require that the review be carried out at a certain time after the day on which the Act commences operation. This review clause refers to the appointed day, which is defined under clause 3 and which refers to the commencement provisions in the Act. It uses the definition contained in the Bill to achieve the same end.

**Amendment on the amendment put and passed.**

**New clause, as amended, put and passed.**

**Schedules 1 and 2 put and passed.**

**Title put and passed.**

**Bill reported with amendments.**

## **ACTS AMENDMENT (LAND ADMINISTRATION) BILL**

*Committee*

Bill passed through Committee without debate and reported without amendment.

**LIMITATION AMENDMENT BILL***Second Reading*

Resumed from 1 May.

The Leader of the House advised that the Bills committee had given the Bill an A classification.

**HON MARK NEVILL** (Mining and Pastoral) [8.14 pm]: The Opposition supports this Bill, the main aim of which is to protect state revenue. It will repeal section 37A of the Limitation Act, which was incorporated back in 1978, in one of the few amendments to the principal Act in the last few decades. I will come to this later. The Bill will substitute proposed sections 37A, B and C.

The current section 37A limits actions suing the Crown for any tax or impost "paid under the authority or purported authority of any Act" to within a 12 month limit. A High Court decision in 1994, in the case of the Commissioner of State Revenue v Royal Insurance Australia Ltd in respect of a similar provision in the Victorian Limitations of Actions Act 1958, has cast doubts on that section of the Act. The High Court held that money paid by way of tax under a mistake in one's obligation when "paid under the authority or the purported authority of any Act", as the current Act reads, may be reclaimed. Therefore, tax paid to the State under an invalid Act can now be recovered outside that 12 month limit. The potential risk to revenue is immense - in the order of \$600m per annum.

The second reading speech informs that all other jurisdictions in Australia have since amended their limitation legislation - we are the last. I ask the Minister why this matter was not dealt with when we dealt with the legislation relating to the Capital Duplicators case.

Hon Max Evans: I have asked the same question!

Hon MARK NEVILL: That related to a High Court decision of 1993. I am not sure whether the legislation we introduced at that time pre-empted the High Court decision. If it was after that judgment, this matter should have been addressed at that stage considering the risk under which the decision puts our revenue. Anyway, we have been inordinately slow in addressing this problem.

The Bill will substitute a new section 37A, which seeks to confirm the status quo; that is, it specifically refers to tax paid under an Act which is subsequently held invalid, and limits the period in which action can be brought to recover such payment to within 12 months. This will ensure that no adverse affect on state revenue will occur. Also, it applies to limitations on actions to recover taxes paid under a mistake of either fact or law.

Proposed sections 37B and 37C provide for a "passing on" defence. When taxes are paid under an Act subsequently held to be invalid, the period in which an action can be brought is limited to 12 months under section 37A, and successful claimants can only recover taxes which have not been, or will not be, passed on to another person or have not been incorporated in the price or charge for property or services rendered, or which are not refunded. The recovery is limited by the two proposed sections by the amount of tax which actually has been borne by the taxpayer to ensure that someone will not receive a windfall gain at the other end of the chain.

The recent challenge in the High Court to the state business franchise fee in the New South Wales Ha and Lim case is of great concern to all States. If it is successful, Western Australia could be exposed to refunds of up to \$600m from current revenue for fuel, tobacco and liquor franchise fees. In equity terms, I like neither these taxes nor gambling taxes, which are in a separate category. These tobacco, liquor and gambling fees fall disproportionately on low income groups in Australia, who would be surprised to discover the burden of tax they pay disproportionately to other groups in the community. Also, I can see that group also being unable to avoid that impost if we introduce a goods and services tax. The better off in the community are the ones who can afford their share of tax through trusts and effective taxpaying, and such taxes certainly hit the battler right in the neck. Although excessive drinking and any smoking is not good for one, the occasional tipple is now regarded as quite healthy, thank God!

Hon Max Evans: Thank goodness for the smokers.

Hon MARK NEVILL: I do not agree with smoking.

The other group which should be hit with tax are the overseas corporations, which I am repeatedly advised pay little in the way of company tax. I have no way of checking the truth of that allegation

Hon Max Evans: It is worked out as non-obligatory.

Hon MARK NEVILL: I gather that. The relative urgency with which the Government has moved on this issue contrasts with a lack of action in dealing with the Law Reform Commission report entitled "Report on Limitation and Notice of Actions" which was completed in early 1996.

Hon Max Evans: Are you saying it reported on the Limitation Act?

Hon MARK NEVILL: Yes; and I have a pristine copy of the report for the Minister, which I hope he will take home and read. However, because the Attorney General had not made certain appointments to the Law Reform Commission, the commission did not have a quorum for about 10 months, so although the report had been completed for a year, it was not published until January 1997.

Hon Max Evans: Does the report support what we are doing? What does it say about the Limitation Act?

Hon MARK NEVILL: I will go into that, if the Minister wants a discourse on it.

Hon Max Evans: Yes - it would save me from having to read it!

Hon MARK NEVILL: The report addresses issues which the State has been slow to address, some of which will interest the Minister for Finance. Again, we are the last State to reform its Limitation Act. In 1983 or 1984, the Burke Government amended the Limitation Act to allow asbestosis and mesothelioma sufferers to get around the six year limitation for industrial diseases with a long latency period, which was a humane action. I ask the Attorney General to get the reform of this Act moving in Cabinet, because it is very important.

Page 43 of the report states -

2.7 The Western Australian Parliament passed the Limitation Act in 1935. This however in no sense represented any reform of the law. The intention behind it was simply to consolidate all the statutory provisions in force in Western Australia, -

It was a grab bag -

and the Act was regarded merely as a supplementary measure to the Supreme Court Act 1935. It encountered some opposition in Parliament from the Hon Norbert Keenan, MLA for Nedlands, who objected to being asked to re-enact all these old provisions instead of just consolidating them, seeing it as a misuse of parliamentary time. He thought that much more was necessary:

"Of all the laws that exist on the statute-book, there is no one law that requires reconsideration more than does this one. . . . For one single amendment, one of no great importance, this is brought down as a Bill for re-enactment, containing all these old musty provisions and anachronisms, which are governed by no real common-sense whatsoever".

2.8 The fact that the Act was no more than a consolidating measure can be demonstrated by an analysis of its provisions. After the introductory sections, sections 3 to 34 reproduce, with minor linguistic amendments only, the provisions of the English Real Property Limitation Act 1833 as amended by the Real Property Limitation Act 1874. Sections 35 to 46 then reproduce (though with some redrafting and simplifying) the effect of various other English statutes from the Common Informers Act 1588 to the Mercantile Law Amendment Act 1856. The most important section in this group, section 38, is based on the Limitation Act 1623, as amended by later Acts. Section 47 is based on the provisions of the Western Australian Trustees Act 1900, which were taken from the English Trustee Act 1888.

The Limitation Act is almost of antiquarian interest. It contains archaic drafting, and it also contains actions which have not been used since medieval times, such as an action for menace. I hate to inflict upon Hansard some quotations from that Act, because it is a terrible piece of legislation, but in order to give members a taste, I will read section 7, which is fairly standard. It contains three paragraphs, the second two of which are provisos which contain sentences of some 200 to 300 words each. It is entitled "Provision for case of future estates", and states -

A right to make an entry or distress, or to bring an action to recover any land or rent, shall be deemed to have first accrued in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or rent, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined, have been in the possession or receipt of the profits of such land, or in receipt of such rent:

That is not even the end of the sentence!

Hon Max Evans: Hon Mark Nevill's report on drafting legislation in plain English should have cleaned that up years ago!

Hon MARK NEVILL: That did have a bit of an effect.

The Limitation Act is very important because it covers situations such as victims of child sexual abuse, and also the limitation period for professional liability, in which the Minister would be very interested.

Hon Max Evans: How long is the limitation period?

Hon MARK NEVILL: I will lend the Minister the report. The Limitation Act deals with estates, frauds and trusts; actions with regard to land and mortgages; and recovery of tax; and also has a section on disability. This important legislation is overdue for an extensive rewrite. As I said, the alacrity with which the Government has moved to amend the Limitation Act to protect its revenue contrasts with its lack of alacrity to do something about this Law Reform Commission report. We are the last jurisdiction in Australia to bring this Act into the present time. If the Minister for Finance could give the Attorney General some support in Cabinet, we would all appreciate some action in that area. We support the Bill.

**HON HELEN HODGSON** (North Metropolitan) [8.28 pm]: The intention of the Limitation Amendment Bill is to protect state revenue as a consequence of some cases that have arisen over the past few years. This matter was brought to the attention of all state jurisdictions in the High Court Royal Insurance case in 1994, which found that in some respects the Victorian Stamp Act and the Victorian Limitation Act were ineffective. That case was about the overpayment of stamp duty, which in some cases involved ignorance of the law, and in others retrospective application of the law and provisional payments. The question under the Victorian Stamp Act was whether the Victorian Commissioner of State Taxes could refund taxes. The High Court held, firstly, that it was unjust for the commissioner to retain the funds by mistake and, secondly, that the taxpayer had passed on that tax to its customers. However, that did not affect the relationship between the commissioner and the taxpayer. It held, thirdly, that section 20A of the Victorian Limitation Act, which is in the same sort of terms as our Limitation Act, provided that amounts that were paid under the authority or purported authority of any Act did not have to be refunded if it was more than 12 months since those amounts were paid. Because of the circumstances under which the overpayments were made, it was not under the authority or purported authority of any Act. That wording is similar to that contained in the legislation which we are being asked to address. The Limitation Amendment Bill is specifically designed to overcome that problem.

The nature of the Bill is interesting because it inherently affects the relationship between the people of this State and the Government when it comes to people's ability in certain circumstances to claim moneys back from the Government. The Bill is designed to limit the liability of the State in certain circumstances. It is designed to address the situation in which a mistake has been made. "Mistake" does not have its ordinary meaning when it is a legal concept. The CCH Macquarie legal dictionary defines "mistake" as "a misapprehension about some matter of fact (for which the law may make allowance) or about some matter of law (for which no allowance will be made at common law, though equity is less rigorous)". Therefore, the term mistake is not what one would normally think of but applies to a more specific situation. When we are considering whether we should look at the terms under which a person can claim funds back from state revenue, obviously it will affect the rights of taxpayers and the rights of the State. We must look at the rights of the two equally and decide which is the more important. This issue has been raised by current legal actions that could result in a finding that tobacco and other business franchise fees might be invalid and that the State might be faced with a large bill for repaying taxes for up to six years.

The changes in law are the result of a High Court judgment which has not yet been handed down. To date all of the parties have proceeded on the basis that the laws are valid. The High Court judgment could lead to refund claims on constitutional grounds or on the legal ground of mistake, which is a way of getting around the constitutional grounds.

When addressing the taxpayers' rights I looked at a few issues as I was looking at this Bill. The first was the period of 12 months, which is not very long. Will it be long enough? We are simply picking up what the law already provides, which is at the moment that taxpayers have 12 months to get back to the State. We are not changing their rights in that sense. The second issue was that all the taxation Statutes that I could refer to in the time at my disposal contain specific provisions for allowing taxpayers to go back to those administering the franchise taxes when there is the genuine matter of the law being applied incorrectly. Under the objection and appeal procedures taxpayers have 42 days in which to lodge an objection. The objection has to be considered. Then there are a further 42 days in which to appeal to the Supreme Court. On that basis the taxpayers already have a right of objection and appeal when the matter is contemplated by the legislation. The Limitation Amendment Bill seeks to provide for situations where taxpayers seek retrospective refunds as a result of changes to the law.

Another issue that I looked at closely was the passing-on defence. I came across the passing-on defence in my other life as a tax professional. It comes up most commonly in the case of sales tax legislation, which is of course an excise. A case in 1994 was to do with in-ground swimming pools known as the Mutual Pools case. It was found on

constitutional grounds that the swimming pools could not be charged an excise, so the Federal Government brought in legislation providing that where the tax had not been passed on to the customer the Government would refund the tax. The Government would not refund tax in cases where it had been passed on to the taxpayer because it would provide a windfall gain to the pool constructor. The passing-on defence in that instance was held to be valid by the High Court. In the second Mutual Pools case the ruling was that it was valid. There was a problem with the timing with the taxpayer but not the legislation.

The passing-on principle has been enshrined in the refund provisions of the sales tax legislation which was enacted in 1992. If a wholesaler who is paying sales tax incorporates the sales tax in the price of the goods to the customer, it is not entitled to a refund except in extremely limited circumstances. I have no problem with that, because the principle the High Court looked at was the principle in the Victorian stamp duty case. That was the principle of unjust enrichment, which meant that one had to make sure that the relationship was right and that even though the tax had been passed on, the State should not be able to go back and be unjustly enriched. Without the passing-on defence we have the problem with the middle person who is unjustly enriched, but this time at the expense of the consumer because the consumer has been paying tax in the cost of cigarettes and other items subject to franchise. Because of that the unjust enrichment principle works in favour of the legislation in this case.

I have a couple of other issues, the first of which relates to the passing-on defence. The wording is very broad when it states that it has not been incorporated into the price or charge. I could go off into economic theories of taxation, but there is a theory that no matter what the tax, it becomes incorporated in prices and charges. A taxpayer paying company tax will make sure the profit margin is set at a level which ensures that the taxpayer will still make enough to live on.

Hon Kim Chance: Unless you are an exporter!

Hon HELEN HODGSON: Yes. There is the broad issue of how far do we go when deciding whether the tax has been incorporated in the costs of goods and services.

The second issue I looked at was who will decide whether passing-on is a defence. Proposed section 37B of the Bill says that the court must be satisfied and that the claimant has the onus of proof. Where does the taxing authority come into it? I have been assured that the taxing authority would have to make a case to the court before the court would accept the passing-on defence. The wording of the legislation indicates that it is open to the court to accept the passing-on defence without any prompting from the taxing authority.

We feel that the Australian Democrats should support this Bill. We recognise the importance of maintaining the tax base. We have enough problems with vertical fiscal imbalance in this State. We do not think it would be equitable to allow a windfall gain to businesses at the expense of consumers; in the same way it would not be reasonable to allow a windfall gain to the State at the expense of business. Basically we are looking at a situation where a legal challenge has been made against the State on legal technicalities and we still have protection against genuine injustices under the relevant taxing Statutes.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [8.39 pm]: I thank both the Australian Labor Party and the Democrats for supporting this very important legislation. Hon Mark Nevill asked a very good question: Why has this limitation Bill not come forward earlier? I was told it was in the drafting stage. In the distributors case in the Australian Capital Territory people were trying to get a business franchise fee for X rated videos that were manufactured in the ACT and distributed around Australia. Capital Distributors wanted to raise revenue from that source. The case went on for a long time in 1993. The Government of the day in the Australian Capital Territory told the Howard Government that it did not mind if the Federal Government knocked out this legislation because it would bring in its own legislation so that no money would be lost. Right up to the time the High Court of Australia brought down its ruling, the ACT Government had no legislation in place to deal with this matter. Nothing is in place at present; however, I understand that the heads of commonwealth departments are talking about the Ha and Hammond case and we are addressing the limitations with the introduction of this Bill.

I have been told that one reason for not making public a limitation at this stage, as Hon Helen Hodgson said, is to do with the passing on or splitting of invoices. That may have been a ruse that provided some benefit later. I think the member diffused that argument. I have not struck the passing on or splitting of invoices before. It is completely new jargon to me. Perhaps Hon Helen Hodgson is familiar with it because she has come into the taxation area more recently than I have.

Hon Mark Nevill asked about the legislation that had been put through previously. In November 1993 we rushed to bring in legislation. We knew the High Court of Australia was to bring down a decision, I think on 8 December. The tobacco franchise fees are paid in arrears. In those days we were owed a lot of money from this source; I think it was about \$10m a month. We would not have received that \$10m because the companies would have sold the

goods, but not paid the franchise fee to the Government. The legislation had to be brought in by 8 December to address this matter. A person who was either number two or number three in the Philip Morris group telephoned me and said, "I am having a bit of trouble working this out. We will make certain you get paid, but we will not have all the money in on 8 December to pay it." I told him that I could not do anything about that; that if the High Court brought down a ruling that the fee did not have to be paid, there was no way I could make the company pay that money. I told him that he was running a big business. Most businesses are given seven or 14 days in which to pay their bills, although some pay in cash to the distributor. I told this person from Philip Morris Ltd that he would not have very much money outstanding at the end of the month, and I asked him how much money he was talking about. When he said that he did not know, I told him I would wait on the telephone until he found out that information. Philip Morris is a huge company worldwide and controls the Kraft group of companies. He told me that the amount involved was a couple of hundred thousand dollars. He had not even done his homework to know how much money he was trying to protect and how much would have been outstanding at that stage. From my recollection, that is the reason the legislation was brought in on 8 December.

Since then we have had the Arafura case - Hon Eric Charlton was interested in that case because it was about the fuel franchise fee - which fell over because the Arafura people ran out of money to fight it. We had hoped that after the Capital Distributors case, a further couple of changes from the High Court might clarify this matter. Decisions about those two matters are expected to be handed down quite soon. We all remember the 7:0 High Court decision about the Constitution and the inability of the States to raise taxes. In the most recent Capital Distributors case, the High Court decision was 4:3, and kept the States where they are at present. This time a different decision might be handed down. Of course, I cannot predict what will happen. There is a thought that the decision may favour the States; however, because we do not know which High Court judges will decide this case, it is difficult to predict the outcome. Somewhere along the line someone must challenge the High Court decision and put forward a case that the States can raise some forms of taxes.

The Dennis Hotels case in Tasmania was the first to challenge this decision.

Hon Helen Hodgson: I can think of a few other cases, too.

Hon MAX EVANS: I am sorry the member finished her speech. That Dennis Hotels challenge was thrown out and, yet again, a decision was handed down that that State could not raise taxes.

The business franchise fee for tobacco used to be payable by the tobacco distributors 12 months in arrears. It is now paid one month in arrears. When the franchise fee for tobacco is paid 12 months in arrears, it means that the taxes are paid this year, based on the volume of sales for the previous year. The tobacco distributor companies made more money out of the late payment of tax than they did from selling cigarettes. Eventually the Governments caught up with this loophole and reduced the time for payment from 12 months to six months, then to three months, and I brought it back to one month.

Members will be well aware of what was done. The big risk was that if the distributors lost one of their big clients, they had to pay the tax on the business they lost from which they were not receiving revenue. We made an arrangement to enable each of the big companies to have a separate distribution company, so that, had the company fallen over, it could have been put into liquidation. Those are some of the weaknesses involved in the system of the business franchise fees.

I was at a breakfast this morning and some people from liquor stores asked me about tax paid in that industry. The tax applying to tobacco is a wholesale tax. The tobacco wholesaler charges the business franchise fee when the product is sold to the retailer. The retailer pays it on the sale of cigarettes. The fee for those in the hotel industry is raised in a different way. It is paid by the retailer at the time of the sales. The hoteliers must keep records for all the goods he receives. Members can imagine the huge amount of work involved in that exercise. All transactions with the suppliers of the goods, such as Carlton and United Breweries Ltd, must be recorded. From time to time inspectors from the Office of Racing and Gaming try to marry up all that paperwork. The poor old licensee is involved in an horrendous amount of paperwork just to work out the proper fee payable to the Government.

About three years ago I tried to put in place a business franchise fee on liquor, similar to the one that applies to the tobacco industry. It would have cut out the paperwork that is necessary at present. Unfortunately that was not possible. New South Wales was also keen to go ahead. However, many different rates of taxes apply to alcohol which have been in place for 20 or 30 years, by comparison with the system for tobacco which was brought into being at the same time and about the same level. I only wish we could have achieved that goal of a business franchise fee on liquor because it would have saved a lot of money and paperwork for hotels if they had been able to pay the fee as a wholesaler. The rate could have been adjusted in certain circumstances. I must admit that I have just not been able to succeed with this initiative.

Hon Kim Chance: Would a hotel be buying its alcohol principally from two suppliers?

Hon MAX EVANS: There are 120 different types of whisky available from different wholesalers.

Hon Kim Chance: The hotels generally work on one wine and spirit merchant, especially country hotels.

Hon MAX EVANS: That does not happen today. There are so many different types of beer on the market today, compared with what was available in the old days. There is probably 10 times the variety there was 10 years ago. There is a wide range of prices.

Hon N.F. Moore: It could be 10 times better for some people.

Hon Mark Nevill: There is a better choice.

Hon MAX EVANS: I just feel sorry for the people in the hotel industry who have to do all this paperwork. Up to now we have not been able to solve this problem. I was interested in the comments made by Hon Helen Hodgson about the tax paid on in-ground swimming pools. I do not recall having to pay tax on my in-ground pool.

Under existing sections 37A and 37C the middle man could do very well. He would not return any money to the consumers who bought his products a long time ago. As I say, about \$600m is involved; that is, about \$300m for tobacco, \$70m for alcohol and the rest for fuel tax which goes straight to roads.

I suggest that Hon Mark Nevill and I jointly approach the Attorney General to bring to his attention what needs to be done about bad, inconsistent legislation. It is not good for anybody and we should do something about it. The Attorney General might have something in mind at the moment.

Hon Mark Nevill: I am sure he has.

Hon MAX EVANS: The report came out in January 1997, although as Hon Mark Nevill said, it was finished in about the beginning of last year. I am not too certain of the reason for the delay. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*Leave to Proceed to Third Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [8.48 pm]: I understand this Bill to be a category A Bill; therefore, I seek leave to move to the third reading of the Bill.

The PRESIDENT: Order! This Bill is a classification A Bill and it is in order for the Minister to seek leave to proceed directly to the third reading. The Minister has sought that leave. Is leave granted?

Hon HELEN HODGSON: I seek an explanation.

The PRESIDENT: Order! As only one voice is needed to refuse leave, leave is not granted to proceed to the third reading forthwith. We will now move into Committee, during which I am sure the member will get that explanation.

*Committee*

The Chairman of Committees (Hon John Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

**Clauses 1 to 2 put and passed.**

**Clause 3: Section 37A repealed and sections 37A, 37B and 37C substituted -**

Hon HELEN HODGSON: If the court raises that passing on defence and the claimant must satisfy the onus of proof, where does the taxing authority come into it under proposed section 37B?

Hon MAX EVANS: The State is the defendant in this case, and will seek a ruling on passing on from the court. The person who has claimed the money will sue the State, and the State will go to the court and seek a decision in its favour.

Hon HELEN HODGSON: Can the court bring in that defence without the State asking it to?

Hon MAX EVANS: It could, but only if the State chose to go that way. We hope it never comes about.

**Clause put and passed.**

**Title put and passed.**



*Report*

Bill reported, without amendment, and the report adopted.

**STANDING COMMITTEE ON LEGISLATION***Fortieth Report on Bank Merger Bills*

Hon B.K. Donaldson presented the Standing Committee on Legislation's Fortieth Report on the Bank Merger Bills, and on his motion it was resolved -

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

[See paper No 497.]

**STATE TRADING CONCERNS AMENDMENT BILL***Second Reading*

Resumed from 8 April.

**HON MARK NEVILL** (Mining and Pastoral) [8.57 pm]: The Australian Labor Party supports the State Trading Concerns Amendment Bill. The State Trading Concerns Act is one of the more fascinating pieces of legislation on the Statute book.

Hon Max Evans: We discussed this in opposition years ago.

Hon MARK NEVILL: A former Premier, Jack Scaddan, who was the author of this Act, called it the State Trading Concerns Act because he wanted to avoid calling it the state socialism Act, which is what it was. The Bill will amend the State Trading Concerns Act 1916.

Clause 5 will enable the Treasurer by regulation, to authorise government departments to carry on activities involving the provision of services, such as goods, information or intellectual property, scientific, technical, educational, training, management or advisory services, and advertising opportunities, which would include sponsorships. The Bill will put beyond doubt the capacity of the Government to commercialise and export public sector expertise. Clause 5 also allows for departments to charge for the provision of services. Net appropriations allow government departments and agencies to retain the funds earned, and this legislation should encourage departments to identify and develop new sources of revenue in the areas that I have mentioned. This opens the scope for departments to reap the benefit from exporting their technology skills and knowledge. As I said, the Bill is fascinating. There are many state trading concerns -

Hon Max Evans: Without the West Australian Development Corporation and Exim there are not so many!

Hon MARK NEVILL: I think we have quite a few.

Jack Scadden was one of the goldfields Premiers, along with Sir Philip Collier. John Tonkin was also born in the goldfields and attended the Boulder Primary School.

Hon N.F. Moore: Many important people were born in the goldfields!

Hon MARK NEVILL: The Leader of the House is a very perspicacious man!

Scadden was the Premier and Treasurer around 1912. He was very active during that time. He did an amazing amount of work to develop the State. However, what was right in those days is not necessarily suitable for today. It is a great lesson on how the situation can change. Scadden ran the State for the benefit of what one could call the little people - the wage earners and small business people. I will read some excerpts from his biography which is quite interesting: His most spectacular move was to establish many state trading concerns, as part of the party policy of creating state socialism. To circumvent the Opposition-dominated Legislative Council he used executive rather than legislative methods. Therefore, the state trading concerns were set up by executive methods rather than by legislation. During the parliamentary recess of 1912 he spent \$100 000 from the loan suspense account to set up state enterprises. He set up the State Shipping Service. He bought four steamers. He constructed the Wyndham abattoir. The story of Bob Button who started off Ruby Plains, indicates that he did not turn off one bullock from the station in 15 years, because there was nowhere to sell them. He sold a few before then to the miners at the Halls Creek gold rush. He survived on the station for 15 years but had nowhere to send his stock.

The State was involved in every chain of the meatworks, right down to the retail shops. The shipping service allowed the Kimberley pastoral industry and the abattoir to be established.

Hon J.A. Cowdell: This was to break the monopoly, as happy Jack Scadden used to say.

Hon MARK NEVILL: We will get onto the crooks a little later! This is a colourful piece of our history.

Jack Scadden set up the state brickworks and the state agricultural implements works, which became the State Engineering Works which was closed a couple of years ago. He set up the state sawmills and the state fishing business. He entered every phase of the meat industry, from breeding of stock to the retail trade. He took over Perth's tramway and ferry system. He ran a dairy farm, and the abattoir -

Hon J.A. Cowdell: Did you mention the state fish shops?

Hon MARK NEVILL: I have referred to the fishing business, but he also had a shop in which to sell the fish. I stand corrected! He also ran the Boyup quarry and state hotels. There were at least 20 of those, and I remember in the early 1960s they were running at a loss except for one - the State Hotel at Gwalia next to Leonora which earned enough money to subsidise the rest. The magnificent Gwalia Hotel was very profitable for the State.

Hon Max Evans: None of those people was paying federal tax in those days. They made a profit and kept it.

Hon MARK NEVILL: Good on them!

Jack Scadden's biography states that the brickworks countered a price fixing racket and provided cheaper, better bricks for workers' homes. The agricultural implements works were established in response to farmers' complaints about costly machinery. Dissatisfaction with Perth's private tramway was so great that some of Scadden's fiercest critics strongly supported his Government's takeover - the details of which he concluded in England in 1913. The dairy farm supplied unadulterated milk to hospitals and doctors testified that it saved lives!

Hon J.A. Cowdell: Not that adulterated private stuff!

Hon MARK NEVILL: Not some of that adulterated stuff that was coming from Hon John Cowdell's constituents in the bush! He was doing the right thing. I have already mentioned the Wyndham meat freezing works. Scadden got into trouble a little later on and lost his metropolitan seat. Much of the dispute was over legislation which introduced proper accounting methods and made the establishment of future enterprises subject to a parliamentary veto! The lessons of history tend to repeat themselves from time to time!

I am not opposed to the Government being involved in private industry. I do not think the Government should ever manage businesses, but I have no problems about government equity in private business. That is a personal view that is not shared by everyone these days. It is not fashionable to think that Governments should be involved in private industry. However, in the successful tiger economies in Asia the Government is closely interwoven with business. It can be done well. Obviously a lot of corruption occurs in Japan and Korea, as we have heard in recent days, but with accountability and transparency such ventures can be to our benefit.

Hon Max Evans: When the legislation was introduced it was not wrong to do it, but at least Parliament should approve, and if a profit is made Parliament should know about it. It was legitimising what was being done.

Hon MARK NEVILL: Under section 4 of the State Trading Concerns Act those businesses were established by additions to the schedule. They are listed at the back of the Act. I may have missed a few.

Hon Max Evans: You will not find the WADC.

Hon MARK NEVILL: No, I will not. When I asked a question about three years ago I was told that it made \$150m. I notice in this Budget the Government has gained another \$10m from it. Therefore, contrary to public opinion, it was a very successful business enterprise. Also GoldCorp is still doing reasonably well.

Hon Max Evans: \$40m was invested in WADC and another \$40m in Exim, but we did not get much of that back.

Hon MARK NEVILL: A profit was made, but we can argue that another day.

Clause 5 is interesting. The heading is "Certain activities may be authorized by regulation" but the clause does not mention it being done by regulation. I am not sure this is a valid clause. I have picked that up only tonight.

The PRESIDENT: Order! Hon Mark Nevill has been in this place a very long time. He should not show the new members bad habits by discussing Committee matters in the second reading stage. By all means he may signal clauses that he intends to debate in Committee, but he understands the rules on the second reading debate.

Hon MARK NEVILL: Thank you for drawing yourself to my attention, Mr President.

The heading of a clause is not part of a Bill. The heading of new section 4A states that certain activities may be authorised by regulation, yet no mention is made in that new section or in clause 4 of doing that by regulation. I

understand what the clause will do, but I do not understand how it will operate. The Minister should have that matter checked before we proceed further with this Bill. That clause intends to allow other methods of cashing in on departmental knowledge and skills. That will be done by regulation, not by addition to the schedule.

The other aspect of this Bill that I find a little distasteful is the prospect of schools being financed by sponsorships. Young people are exposed to very effective advertising that is not always in their interests. The people who will want to advertise or conduct sponsorship at schools will be those who target young people. If this provision were enacted 15 years ago I am sure tobacco companies would have queued to put their hoardings on the school gate. I can envisage a McDonald's sign over the gate to the East Kalgoorlie Primary School and it does not give me a warm feeling.

Hon Max Evans: You could outsource the tuckshop and McDonald's could run it for you.

Hon MARK NEVILL: I hope any sponsorship that is undertaken in schools will be done to improve the quality of life of the kids and will not lead them to bad habits. It is interesting to see the Government promoting state socialism. I wholeheartedly support the Minister's endeavours.

**HON KIM CHANCE** (Agricultural) [9.13 pm]: I, too, indicate my support for this Bill. I was extremely pleased to hear what Hon Mark Nevill had to say about the history of this State, because it is a fond history for some of us. I am glad he took the trouble to research the detail about some of the State's history.

Hon Max Evans: Brian Burke tried to repeat what had been done, but not with the same success.

Hon KIM CHANCE: Our State has had a rich and varied history in its experience with public enterprise. Some of the State's high points and some of the things we remember less fondly occurred in the correlation between government and enterprise. I can think of few things of greater significance in the contribution by public enterprise to the State's development than, for example, the goldfields water pipeline, which was one of the great engineering feats in the world at that time. Anyone who has had a good look at the history of the goldfields pipeline will understand what a remarkable achievement that was and how at that time in the State's history an engineering project of that nature could not have been undertaken by anything other than a public sector agency. Things have changed somewhat. We see large undertakings, although only minor on the engineering scale in terms of time compared with the goldfields pipeline, such as the Dampier to Bunbury natural gas pipeline, which physically is longer but is much less of an engineering achievement. Public enterprise was then, and remains now, a prime provider of capital where the private sector is too timid to go.

I was a little surprised this Bill was even necessary. I understand it came about because the State Trading Concerns Act was found on legal advice to be possibly deficient in its dealings with a range of services that are marketed by the public sector. As a consequence, the legislation needed to be tidied up to put the matter beyond doubt.

Hon Max Evans interjected.

The PRESIDENT: Order! The Minister has made his second reading speech. We are now having a speech from Hon Kim Chance. If he directs his comments to me, there will be no need to have a general discussion with the Minister.

Hon KIM CHANCE: This Bill does not herald a bright new dawn for socialism in Western Australia, much to my distress, but it underpins the concept of the value of public enterprise to this State and the nation. The Australian Labor Party - perhaps I should qualify that as Hon Mark Nevill did and say "or at least some of it" - has long believed public enterprise has a prime place and should function alongside private enterprise in the provision of services, particularly in certain areas where private capital is reluctant to invest. Increasingly they are not necessarily in just the engineering field where in the last century we would have looked to public enterprise entirely as an engineering provider.

Hon Mark Nevill: Members will soon get discount tickets to the Joondalup cinema.

Hon KIM CHANCE: Yes. The service industries are probably a bright new horizon for public enterprise.

Public enterprise has unique advantages - not advantages that make it exclusive in its form of service, but that make it valuable in correlation with private enterprise. Two issues come to mind in considering the advantage of public enterprise. The first is the ability to harness capital that will take the risks that public capital can be committed to. On occasions private capital is reluctant to go into an area. With the commitment of the State and the united support of the Parliament public capital can be committed into areas that private capital cannot enter. I suppose the pipeline is a fair example of that. Additionally, it is possible for the public sector to amalgamate capital in quantities that can be extremely difficult for the private sector to do. I know the private sector is capable of putting together large deals in business takeovers, but there are limitations on what the private sector can do without its approaching government

at one stage or another for some kind of indemnity. The largest financial dealings with which I have been involved - peripherally as a client - were the Australian Wheat Board's borrowings. It was borrowing billions of dollars on the international market.

Hon Max Evans: They did not do a balance sheet for three years. They did not worry about it.

Hon KIM CHANCE: Things were different in those days. At that time there was a reluctance, and even now there is, to do that without government backing or government guarantee. In a sense that is a form of public participation, even though taxpayers' dollars were never committed or paid out until 1991. That was the first or second year in which it happened after 1947.

Returning to engineering, the Snowy Mountains scheme, and I suspect the transcontinental railway, could not have been constructed without public participation. Perhaps more relevant to this Bill, the second advantage of public enterprise is that it has a capacity to market services that are essentially available only to administration systems, which tends to be the role of the public sector. I know that a former Minister for Lands has every right to be very proud of the achievements of the Department of Land Administration in marketing its cadastral and other land management services to Vietnam and elsewhere. I suspect that issue may have sparked the interest in the deficiencies of the State Trading Concerns Act. It was one of the first big exercises in the marketing of that state owned technology. It is an excellent exercise in marketing a value added service product. We are so used to exporting minerals and agricultural commodities that we sometimes forget the other areas, particularly in the public sector but also in the private sector, in which we are among the best in the world and should be marketing strongly. The DOLA case is one of the better examples.

I am delighted at this recognition of the value of public enterprise. In a sense it is a turning point in the way public services and their value, and public enterprise itself, are recognised, because they have a changing role. We now see big engineering projects largely designed, backed and financed by private enterprise. That is proper. Public enterprise may have filled a gap and it now moves to other spheres. I am delighted to see this Bill, although it does not herald the bright new age of socialism. However, it is in there and doing its job.

Debate adjourned, on motion by Hon Helen Hodgson.

*House adjourned at 9.24 pm*

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## QUESTIONS ON NOTICE

### ROADS - FIX AUSTRALIA FIX THE ROADS CAMPAIGN

#### *Funding*

11. Hon JOHN HALDEN to the Minister for Transport:
- (1) How much money has the Government committed so far in this financial year to the "Fix Australia Fix the Roads" campaign?
- (2) How much money was provided in -
- (a) 1994/95; and
  - (b) 1995/96?

Hon E.J. CHARLTON replied:

- (1) \$300 000.
- (2) (a) \$165 205 was provided to the campaign from Government contributions.  
(b) \$280 157 was provided to the campaign from Government contributions.

### STATE FINANCE - REVENUE

#### *Statistics*

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

What percentage of State sourced revenue is received from business?

Hon MAX EVANS replied:

This figure is not readily available and, because of the considerable research required to extract the information, I am not prepared to divert resources to undertake the work.

### GOVERNMENT CONTRACTS - TRANSPORT

#### *Value*

31. Hon JOHN HALDEN to the Minister for Transport:
- (1) What contracts have any of the departments under the Minister's authority entered into with -
- (a) Seatrack Transport;
  - (b) Highway Construction Pty Ltd;
  - (c) Boral Ltd;
  - (d) Pine Hauliers;
  - (e) Sitch Couch Services;
  - (f) Hampton Transport Service Pty Ltd; and
  - (g) Boat Torque Cruises Pty Ltd?
- (2) What was the value of these contracts, if any?

Hon E.J. CHARLTON replied:

Main Roads Western Australia

- (1)-(2) (a) Nil.  
(b) Contract 671/95 Road Construction on Burkett Road - \$12 502 151.80  
Contract 582/95 Road Construction on sections of Great Eastern Highway - \$8 492 816.27  
(c) Contract 118/95 Term Maintenance Contract - Pilbara and Mid West Regions - \$10 447 626.00  
Contract 414/95 Road Construction, National Park Section of Port Gregory to Kalbarri Road - \$1 777 072.00  
Contract 520/95 Construction of surcharge embankment for eastern approach to Burswood Bridge - \$449 549.00  
(d)-(e) Nil.  
(f) Various small Transport Contracts (\$98 000).  
(g) \$2 926 (Fares for Contract Supervision).

## Fremantle Port Authority

- (1)-(2) (a)-(f) Nil.  
(g) Boat Torque Cruises Pty Ltd formally leases an area from the Fremantle Port Authority.

## Bunbury Port Authority

- (1)-(2) (a)-(b) Nil.  
(c) Bulk Earth Works contract for Berth 8 commenced March 1995 - Final payment \$14 000 - 15 March 1996.  
(d)-(g) Nil.

## Port Hedland Port Authority

- (1)-(2) (a)-(b) Nil.  
(c) Reconstruction and sealing of weighbridge approaches \$37 219.  
(d)-(g) Nil.

## GOVERNMENT CONTRACTS - TRANSPORT

*Treasurer's Instructions - Breach*

55. Hon JOHN HALDEN to the Minister for Transport:

- (1) On how many occasions has the Treasurer's Instruction 308(4) been breached since July 1995?  
(2) Which contractors were involved?  
(3) What were the specific amounts paid to each contractor?  
(4) If such breaches did occur, why did they occur?

Hon E.J. CHARLTON replied:

## Department of Transport

- (1) Departmental records indicate that 39 breaches have occurred since July 1995.

- (2) (a) Media Decisions (WA) Division of Marketforce Advertising Ltd.  
(b) Motor Trade Association.  
(c) Sands & McDougall.  
(d) Random Access (WA).  
(e) Gryphon Consultants.  
(f) Australian Institute of Management.  
(g) Y-Micro.  
(h) Park Printing Co.  
(i) Neville Jeffress.  
(j) Design Design.  
(k) O'Briens Specialist.  
(l) The Flinders University.  
(m) Danka Datakey P/L.  
(n) Altona Industries.

| (3) | Invoice | Date     | Amount (\$) |
|-----|---------|----------|-------------|
| (a) | 60367   | 30.06.96 | 5 014.80    |
|     | 60383   |          | 11 145.75   |
|     | 60384   |          | 1 031.94    |
|     | 60385   |          | 4 725.00    |
|     | 60386   |          | 15 528.45   |
|     | 60388   |          | 73 630.20   |
|     | 70355   | 31.07.96 | 2 100.26    |
|     | 70356   |          | 178.52      |
|     | 70357   |          | 2 274.58    |
|     | 70358   |          | 1 158.29    |
|     | 70400   |          | 6 300.78    |
|     | 80345   |          | 6 300.78    |
| (b) | 114702  | 19.08.96 | 50.00       |
| (c) | 675284  | 25.11.96 | 21.36       |
|     | 674447  |          | 10.20       |
|     | 676265  |          | 9.60        |

|     |        |          |            |
|-----|--------|----------|------------|
| (d) | 82977  | 10.12.96 | 397.00     |
|     | 82863  | 06.12.96 | 1 665.00   |
| (e) | 9953   | 16.09.96 | 1 912.50   |
|     | 9896   | 09.09.96 | 1 305.00   |
|     | 9895   |          | 1 305.00   |
| (f) | 3401   | 12.12.96 | 1 000.00   |
| (g) | 108518 | 30.01.96 | 155.00     |
| (h) | 9792   | 07.01.97 | 303.00     |
|     | 9790   |          | 1 290.00   |
|     | 9789   |          | 270.00     |
| (i) | 581600 | 29.06.96 | 1 705.52   |
|     | 581598 |          | 3 033.27   |
|     | 581597 |          | 3 033.27   |
|     | 581596 |          | 2 714.61   |
| (j) | 196974 | 30.05.96 | 525.00     |
| (k) | 1381   | 19.12.96 | 23 357.95  |
|     | 1380   |          | 23 357.95  |
|     | 1379   |          | 6 924.01   |
| (l) | 300040 | 27.02.97 | 120.00     |
|     | NTF298 | 23.09.96 | 28 900.00  |
| (m) | 449229 | 23.12.96 | 139.40     |
|     | 444728 | 26.11.96 | 107.21     |
| (n) | 14260  | 12.11.96 | 169 108.83 |

- (4) Delays in payment have occurred through the transition of the Road Trauma Trust Fund from the Police Service to the Department of Transport, systems problems and some may genuinely have been delayed due to unsatisfactory goods/services received. Action is currently being taken to redress systems problems.

#### Main Roads Western Australia

- (1)-(3) Insofar as Main Roads Western Australia is concerned its performance with respect to payments of accounts is closely monitored. The average performance for the year to 30 June 1996 was 90 per cent of accounts were paid on time and the average performance for the year to date is 91 per cent of accounts have been paid on time.
- (4) Variations in performance below 100 per cent generally relate to accounts:
- (a) which are in dispute;
  - (b) which lack sufficient information to enable the "owner" of the account to be easily identified; or
  - (c) for which invoices were not received in the first instance.

I am advised by the remaining agencies within the Transport portfolio that Treasurer's Instruction 308(4) is being complied with.

#### TRANSPORT - BUS

##### *Revenue*

78. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it anticipated that there will be a fall in bus fare revenue in 1996/97?
- (2) If yes, what is the anticipated extent of that fall in revenue?
- (3) Why has the department anticipated that revenue from bus services will fall?

Hon E.J. CHARLTON replied:

- (1) It is anticipated that there may be some reduction in the budgeted bus fare revenue in the 1996/97 year.
- (2) As stated in answer to Question 1 budgeted bus fare revenue may fall during 1996/97, however, as we have three months remaining for the 1996/97 year the final result will not be known with an acceptable level of accuracy until the end of the financial year.

- (3) The anticipated fall is primarily based upon losses of revenue associated with industrial actions which have occurred during 1996/97 which included several service stoppages and on other occasions refusals by drivers to collect revenue.

MINISTERS OF THE CROWN - MINISTER FOR MINES

*Aircraft Charter - Carnarvon*

118. Hon E.R.J. DERMER to the Minister for Mines:

- (1) Did the Minister charter an aircraft from Perth to Carnarvon and return on Saturday, 21 December 1996?
- (2) Was the air charter booked by staff of the Minister's office?
- (3) In which Minister's name was the booking made?
- (4) Who travelled on this aircraft?
- (5) What was the cost of the aircraft charter?
- (6) Were any accommodation costs incurred during this trip?
- (7) What ministerial duties did the Minister, and those accompanying the Minister, carry out in Carnarvon?
- (8) What arrangements have been made for the payment of this air charter account?

Hon N.F. MOORE replied:

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

MINISTERS OF THE CROWN - MINISTER FOR MINES

*Aircraft Charter*

154. Hon E.R.J. DERMER to the Minister for Mines:

- (1) Did the Minister charter an aircraft from Perth to Shark Bay/Denham and return in the vicinity of June 1 or 2, 1996?
- (2) Was the air charter booked by staff of the Minister's Office?
- (3) In which Minister's name was the booking made?
- (4) Who travelled on the aircraft?
- (5) What was the cost of the aircraft charter?
- (6) Were any accommodation costs incurred during this trip?
- (7) What ministerial duties did the Minister, and those accompanying the Minister, carry out in Shark Bay/Denham?
- (8) What arrangements have been made for the payment of this air charter account?

Hon N.F. MOORE replied:

- (1) Yes.
- (2)-(8) The visit to Shark Bay was for electorate purposes, not ministerial, and was paid for from my electorate aircraft and car hire allowance.

MINING - RADIATION

*Safety Issues*

163. Hon J.A. SCOTT to the Minister for Mines:

- (1) Why was the Radiation Safety Sub-committee of the Mines Occupational Health and Safety Advisory Board abolished?
- (2) What expert committees exist to oversee radiation safety issues in Western Australia?



- (3) Do these committees contain independent experts from outside the industry and public service?
- (4) If yes, who are they?
- (5) Are the monitoring reports on radiation doses received by workers in the mineral sands industry published?
- (6) If yes, where are they available?
- (7) If no, why not?
- (8) What expertise does the Mines Department have in the field of radiation safety?
- (9) What are the names of the officers with expertise and what are their qualifications?
- (10) Is the Government planning to increase the number of qualified officers in the area of radiation safety in the Mines Department?
- (11) If no, why not?

Hon N.F. MOORE replied:

- (1) Refer to my answer to 848(2), October 15 1996.
- (2) The Mines Occupational Safety and Health Advisory Board determined that radiation safety issues can be handled by its Occupational Safety and Health Standing Committee or, if necessary through an expert working party to that Committee. Also, the Radiological Council is responsible for overseeing conditions related to the processing, use and storage of radioactive minerals at mining operations.
- (3) Yes.
- (4) Occupational Safety and Health Standing Committee Members -

Mr J Torlach (Chairman) (Department of Minerals and Energy)  
 Mr T Fisher (DME)  
 Mr M Rowe (DME)  
 Mr P Gilroy (Chamber of Minerals and Energy)  
 Mr S Klyen (Western Mining Corporation)  
 Mr B Chesson (ALCOA)  
 Mr B Bryant (Trades and Labor Council)  
 Dr B Galton-Fenzi (Occupational Physician)

OSHSC Working Party Members -

Dr B Hartley (Chairman) (Curtin University)  
 Dr K Terry (Consultant, Radiation-Wise)  
 Mr L Toussaint (Health Department of Western Australia)  
 Mr I Marshman (DME)  
 Ms H Upton (DME)

Radiological Council Members -

Dr J McNulty (Chairman) (Medical Practitioner)(Appointed under Section 13(2)(a) of the Radiation Safety Act)  
 Dr K Brownlie (Radiologist) (Appointed under Section 13(2)(b) of the Act)  
 Dr J Turner (Nuclear Medicine Physician) (Appointed under Section 13(2)(b) of the Act)  
 Mr J Henderson (Electronic Engineer) (Appointed under section 13(2)(b) of the Act)  
 Dr R Fox (Physicist)(Appointed under Section 13(2)(b) of the Act)  
 Dr N Costa (Tertiary Institutions Representative) (Appointed under Section 13(2)(b) of the Act)  
 Dr B O'Connor (Appointed under Section 13(2)(b)(vi) of the Act)  
 Dr P Jennings (Appointed under Section 17(1) of the Act)

- (5) Refer to my answer to 848(3), October 15 1996.

- (6) From the Department of Minerals and Energy.
- (7) Not applicable.
- (8) The Department of Minerals and Energy has three officers with qualifications and experience in radiation safety.
- (9) Mr Greg Hewson, Principal Scientific Officer, (Currently seconded to industry). Bachelor of Applied Science in Physics (with distinction) from Curtin University.  
Mr Ian Marshman, Radiation Research Officer. Bachelor of Science in Physics (Hons) from Monash University.  
Ms Hazel Upton, Senior Scientific Officer. Bachelor of Science in Physics from the University of Western Australia and Graduate Diploma in Applied Physics from Curtin University.
- (10) No.
- (11) The current staffing levels are adequate for the projects that are currently in operation in Western Australia.

#### MINING - PROHIBITION

##### *Areas Involved*

192. Hon J.A. SCOTT to the Minister for Mines:

- (1) Are there any areas of the State which the Court Government can guarantee will be safe from any form of development or mining?
- (2) If so, where are these areas?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Following detailed environmental assessment, no exploration or mining will be allowed in areas of significant conservation value within the State's national parks, nature reserves and marine parks. Two examples of the Government's resolve in this regard have been the rejection of a proposal to explore for minerals in the Fitzgerald River National Park and the prohibition of exploratory drilling for and production of petroleum and gas in the Ningaloo Marine Park.

#### ROAD SAFETY - COUNCIL

##### *Representation - Objectives*

209. Hon TOM STEPHENS to the Minister for Transport:

- (1) Has the Traffic Board been replaced with a new Government body, the Road Safety Council?
- (2) What are the -
  - (a) main objectives; and
  - (b) strategies of the Road Safety Council?
- (3) To date, which objectives have been achieved?
- (4) Who is on this committee and what organisations do they represent?
- (5) Are there representatives from cyclists and pedestrian organisations on the Road Safety Council?
- (6) If not, why not?
- (7) Since its inception, has the Road Safety Council met?
- (8) If yes, what dates and where?
- (9) What was on the agenda of these meetings?
- (10) What are the annual costs to the Government for the running of the Road Safety Council?

Hon E.J. CHARLTON replied:

- (1) Yes, on 1 February 1997.

- (2) (a) To eliminate road crashes as a major cause of death and injury in Western Australia.
- (b) Strategies of the Road Safety Council are:-
- (i) Better road safety co-ordination;
  - (ii) Increased community ownership and participation in Road Safety;
  - (iii) Safer road users;
  - (iv) Safer roads;
  - (v) Safer vehicles;
  - (vi) Effective transport and land use planning; and
  - (vii) Optimised trauma services.

Including all initiatives considered essential for improved driver training and education.

- (3) The strategic plan which was launched in July 1996 has a five year goal of significantly reducing road trauma in WA. While improvements are expected each year in a variety of areas, assessment is generally on an annual basis commencing July 1997.
- (4) Mr Grant Dorrington - Independent Chairperson.  
 Mr Mel Hay - Police Service.  
 Dr Margaret Stevens - Health Department.  
 Mr Gary Hodge - Transport.  
 Mr Phil Charles - Main Roads Western Australia.  
 Mr Neil Jarvis - Education.  
 Mr Vic Evans - SGIC.  
 Mr Richard Stott - RAC - Road User Representative.  
 Mayor Trevor Clarey - Local Government.
- (5)-(6) A person whose specific role is to represent the interests of road users (which includes cyclists, and pedestrians) is a member of the Road Safety Council. Mr Richard Stott from the RAC (WA) has been appointed to this position.
- (7) Yes.
- (8) The first meeting was held on Wednesday, 12 March 1997, at the Minister for Transport's Office, 12th Floor, Dumas House, 2 Havelock Street, West Perth. The Council meets every third Friday of the month.
- (9) Welcome and introductions from the Minister for Transport on behalf of his colleagues on the Road Safety Ministerial Council; initiatives and outcomes for road safety brief from the Minister and a commitment to monthly meetings dealing with all aspects of road safety. These include the new education package already launched, the new driver training program to be implemented later this year as well as other specific initiatives.
- (10) The Council has nine members, two of whom will be compensated in accordance with the Salaries and Allowances Tribunal for the time given to Council matters. Other members are from public sector agencies.

#### PARKS AND RESERVES - CONSERVATION

##### *Leases*

217. Hon J.A. SCOTT to the Minister for Mines:

In relation to part (3) of question without notice 875 of Thursday, 26 September 1996 -

- (1) On what date was the application for a mining lease, exploration lease or temporary reserve placed over each conservation reserve listed?
- (2) When was the mining lease, exploration lease or temporary reserve granted for each conservation reserve listed?
- (3) When do these mining leases, exploration leases or temporary reserves expire for each conservation reserve listed?

Hon N.F. MOORE replied:

- (1)-(3) Details of the date of application, grant and expiry for the mining leases, exploration licenses and temporary reserves affecting conservation reserves as set out in the attachment to the answer to question without notice 875 of Thursday, September 26 1996, are set out in attachment 'A'. [See paper No 493 .]

#### NATIONAL PARKS - LEASES

218. Hon J.A. SCOTT to the Minister for Mines:

In relation to question on notice 647 of 22 August 1996 -

- (1) On what date was the application for a mining exploration lease and/or temporary reserve placed over each national park listed?
- (2) When was the mining exploration lease and/or temporary reserve granted for each national park listed?
- (3) When do these mining exploration leases and/or temporary reserves expire for each national park listed?

Hon N.F. MOORE replied:

- (1)-(3) Details of the date of application, grant and expiry for exploration licences and temporary reserves affecting national parks as listed in the answer to question on notice 647 of August 22, 1996, are set out in attachment 'A'. [See paper No 494.]

#### COMMERCE AND TRADE - MANUFACTURING

##### *Performance Projection*

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

- (1) What is likely to be the job growth in the manufacturing sector in WA within the next 12 months?
- (2) What are the projected profitability and sales growth figures for the next 12 months and how does that compare to the previous 12 months' performance?

Hon MAX EVANS replied:

- (1) The latest Australian Business Expectations survey, compiled by the Australian Bureau of Statistics, indicates that employment in the manufacturing industry is likely to fall marginally over 1997. The survey indicates that business expects manufacturing employment in the December quarter 1997 to be 0.6% lower than in the December quarter 1996. However, growth in manufacturing output is expected to be based on strong investment growth. This will produce substantial increases in productivity and is likely to generate significant employment growth in subsequent years.
- (2) The same survey also indicates that profitability and sales in the manufacturing sector are likely to strengthen. Firms expect manufacturing sales to be 3.8% higher in the December quarter 1997 than in the December quarter 1996. Profitability is expected to be 14.1% higher in the December quarter 1997 than in the December quarter 1996. Reliable data are not yet available on actual profitability and sales for 1996.

#### ROADS - GREAT EASTERN HIGHWAY

##### *Marking*

271. Hon MARK NEVILL to the Minister for Transport:

Will the Government urgently examine the need for clearly painted double white lines on the bend on Great Eastern Highway, immediately east of the junction of South Garrett Road and Great Eastern Highway, one hundred kilometres east of Merredin?

Hon E.J. CHARLTON replied:

The painting of the double white lines on the bend of Great Eastern Highway was completed in Mid April.

#### ROADS - SPEED LIMITS

##### *Statistics*

272. Hon M.D. NIXON to the Attorney General representing the Minister for Police:

Will the Minister for Police advise -

- (1) In what year was the open road speed limit introduced in Western Australia?
- (2) For the two years immediately prior to the introduction of open road speed limits -
  - (a) what were the number of road fatalities;
  - (b) what were the number of non-fatal accidents; and
  - (c) what was the estimated vehicle kilometres travelled?
- (3) For the two years immediately following the introduction of open road speed limits -
  - (a) what were the number of road fatalities;
  - (b) what were the number of non-fatal accidents; and
  - (c) what was the estimated vehicle kilometres travelled?

Hon PETER FOSS replied:

- (1) December 1967.
- (2)
 

|     |      |              |
|-----|------|--------------|
| (a) | 1966 | 253          |
|     | 1967 | 256          |
| (b) |      |              |
|     | 1966 | 30 271       |
|     | 1967 | 33 699       |
| (c) |      |              |
|     | 1966 | 4.77 billion |
|     | 1967 | 5.20 billion |
- (3)
 

|     |      |   |
|-----|------|---|
| (a) | 1968 | 320   |
|     | 1969 | 311   |
| (b) |      |   |
|     | 1968 | 36 570  |
|     | 1969 | * not comparable due to change in reporting mechanism |
| (c) |      |   |
|     | 1968 | 5.63 billion  |
|     | 1969 | 6.49 billion  |

Prior to December 1967, there was no maximum speed limit on roads that were not subject to a speed limit. After that date, a maximum speed limit of 110 kilometres per hour was introduced on all roads not subject to a lower limit.

#### ROADS - KWINANA AND MITCHELL FREEWAYS

##### *Speed Limits - Statistics*

273. Hon M.D. NIXON to the Attorney General representing the Minister for Police:

In respect of each of the Kwinana and Mitchell Freeways -

- (1) In what year was the speed limit on Kwinana/Mitchell Freeways raised from 80km per hour to 100km per hour?
- (2) For the two years immediately before the speed limit increase from 80km per hour to 100km per hour -
  - (a) what were the number of road fatalities;
  - (b) what were the number of non-fatal accidents; and
  - (c) what was the estimated vehicle kilometres travelled?
- (3) For the two years immediately following the speed limit increase from 80km per hour to 100km per hour -
  - (a) what were the number of road fatalities;
  - (b) what were the number of non-fatal accidents; and
  - (c) what was the estimated vehicle kilometres travelled?

Hon PETER FOSS replied:

I thank the honourable member for providing some notice in respect of this question. I preface my response by saying that the information being provided relates only to the length of the Kwinana and Mitchell Freeways as they were for the period two years prior to the increase in the speed limit in August 1987.

As the member would be aware, both Freeways have been increased considerably in length since 1985 and a comparison of crashes at that time with crashes on the longer routes existing in 1996 (two years after the last increase in the speed limit) would not be valid.

- (1) 80 km per hour to 90 km per hour in August 1987.  
90 km per hour to 100 km per hour in March 1994.
- (2) (a) Two years prior to 80 km per hour to 90 km per hour change.  
Kwinana Freeway Nil  
Mitchell Freeway Nil
- Two years prior to 90 km per hour to 100 km per hour change.  
Kwinana Freeway Two  
Mitchell Freeway One
- (b) Two years prior to 80 km per hour to 90 km per hour change.  
Kwinana Freeway 572  
Mitchell Freeway 520
- Two years prior to 90 km per hour to 100 km per hour change.  
Kwinana Freeway 706  
Mitchell Freeway 617
- (c) Two years prior to 80 km per hour to 90 km per hour change.  
Kwinana Freeway 577 million  
Mitchell Freeway 616 million
- Two years prior to 90 km per hour to 100 km per hour change.  
Kwinana Freeway 769 million  
Mitchell Freeway 856 million
- (3) (a) Two years following the 80 km per hour to 90 km per hour change.  
Kwinana Freeway Two  
Mitchell Freeway Nil
- Two years following the 90 km per hour to 100 km per hour change.  
Kwinana Freeway Three  
Mitchell Freeway Two
- (b) Two years following the 80 km per hour to 90 km per hour change.  
Kwinana Freeway 799  
Mitchell Freeway 745
- Two years following the 90 km per hour to 100 km per hour change.  
Kwinana Freeway 1 079  
Mitchell Freeway 669
- (c) Two years following the 80 km per hour to 90 km per hour change.  
Kwinana Freeway 646 million  
Mitchell Freeway 683 million
- Two years following the 90 km per hour to 100 km per hour change.  
Kwinana Freeway 814 million (estimated)  
Mitchell Freeway 906 million (estimated)

## MOTOR VEHICLES - AIRCONDITIONING

*Flammable Gas*

282. Hon GEORGE CASH to the Minister for Mines:

- (1) Was a meeting held at the Department of Minerals and Energy, Minerals House, Perth on Monday, December 4, 1995, for the purpose of coordinating Government response to requests by the motor vehicle industry to ban the use of flammable gases as refrigerants in vehicle airconditioning systems?
- (2) What specific resolutions were agreed upon at the meeting?
- (3) Who attended the meeting and which Government departments were represented?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Resolution 1 - There was sufficient concern for the safety of persons to warrant the introduction of a ban on use of flammable gases as refrigerants in vehicle air conditioning systems and that such a ban should remain in place until such time as this use could be demonstrated safe.

Resolution 2 - This matter was most closely aligned with legislation administered by the Department of Minerals and Energy and Ministry of Fair Trading and that these agencies should continue to liaise to determine the best means of implementing such a ban.

Following the meeting:

- Crown Law advised that no legal authority existed in current legislation to implement a ban;
- the suppliers of hydrocarbons refrigerants agreed to not use their product as a refrigerant in Western Australia; and
- industry has developed a Code of Practice whereby the product may be used safely as a vehicle refrigerant.

|     |                                 |                  |
|-----|---------------------------------|------------------|
| (3) | Geoff Fulford                   | DEP              |
|     | Hubert Du Guesclin/Mike Johnson | Fair Trading     |
|     | John Marcolina                  | DOT              |
|     | John Randall                    | WorkSafe WA      |
|     | Mel Stokes                      | Office of Energy |
|     | Gino Valenti                    | DME              |

#### MOTOR VEHICLES - AIRCONDITIONING

##### *Flammable Gas*

284. Hon GEORGE CASH to the Minister for Mines:

- (1) Has South Australia commenced the process of preparing regulations to ban flammable airconditioning gas in motor vehicles?
- (2) Has the South Australian Minister for Industrial Affairs indicated his intention to ensure the proposed regulations are similar to regulations which apply in Queensland and New South Wales?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) South Australia's Minister has indicated his desire for a prohibition on the use of hydrocarbons as a vehicle refrigerant. I understand that South Australia is likely to follow either the Queensland or New South Wales models.

#### ENVIRONMENT - BIOLOGICAL SURVEYS

##### *Progress*

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

- (1) Has the Government started the West Australian Biological Survey that it promised the Western Australian public in its 1993 election commitment on the environment?
- (2) If yes, which national parks or biogeographical areas have so far been surveyed in the State and who is involved in the survey?
- (3) If not, when will the biological survey begin and who will conduct the survey?
- (4) Is the Minister for the Environment aware that the election commitment set a target of ten years for the completion of the survey?

Hon MAX EVANS replied:

- (1) CALM has been carrying out biological surveys in WA since the Department was formed in 1985. These surveys involve a permanently employed team of 6 biologists and 4 technical staff in the Bioresources Section of the Science and Information Division of CALM. They collaborate with staff from CALM regions, the W.A. Museum, CSIRO and Universities in a programme of regional surveys, jointly funded with the Commonwealth Government. This programme has continued under the current State Government. In addition, numerous localised surveys continue to be undertaken in conjunction with non-Government organisations and the other institutions listed above. Furthermore, projects are being undertaken to refine 1:250 000 scale vegetation maps across WA. These surveys all contribute to the biological survey of WA.
- (2)-(4) A list of relevant surveys is presented below. The list is in two parts. The first section covers the period up to 1992. The second covers the surveys in which CALM is currently involved; these range from studies still underway to those only recently published.

In addressing who is involved in the survey, the institution names and funding institution are listed rather than the names of the individual scientists. In the lists below:

ANCA (previously ANPWS) (now EA) = Australian Nature Conservation Agency, Canberra AHC = Australian Heritage Commission, Canberra, often via the WA State Heritage Committee CALM = WA Dept. Conservation and Land Management CC = WA Conservation Council CSIRO = Commonwealth Scientific and Industrial Research Organisation DEST = Department of Environment Sports and Territories, Canberra DOA = Dept of Agriculture DOLA = Dept of Land Administration EA (previously ANCA) = Environment Australia, Canberra FRNPA = Fitzgerald River National Park Association KP = Kings Park Board LWRDC = Land & Water Resources Research and Development Corporation. UWA = University of WA WAM = WA Museum WAWA = WA Water Authority WWF = World Wildlife Fund

#### A. PREVIOUS BIOLOGICAL SURVEYS (to 1992)

Biological surveys have been carried out in WA for many decades. There have been three or four regional surveys as well as hundreds of localised surveys of National Parks, Nature Reserves, other Crown lands, and areas proposed as conservation reserves, or being assessed for other land-use planning decisions. As pointed out above, they have been undertaken by a variety of organisations, including CALM and its precursors (Forests Dept, National Parks Authority, Dept Fisheries and Wildlife & the WA Herbarium), the WA Museum, and Agriculture Dept.

CALM has produced a "*Bibliography of Location-based Biological Studies in Western Australia*" (Lyons & Gibson 1994, CALM Science Supplement No. 1 attached) that covers published studies for the period up to 1992, and has more than 2300 entries. Other surveys have not yet been published, even though the data is available in various forms via CALM records, and data attached to voucher specimens stored in WA Museum collections.

Some typical examples are listed below (with cost estimates, where available):

##### Regional:

- |    |   |                             |           |
|----|---|-----------------------------|-----------|
| 1. | Eastern Goldfields region   | CALM & WAM                  | 1977-1983 |
| 2. | Nullarbor region  | CALM, CSIRO & ANPWS         | 1984-1986 |
| 3. | Kimberley Rainforests   | DEST, CALM, WAM, UWA, CSIRO | 1987-1990 |
| 4. | Great Sandy Desert  | CALM & WAM                  | 1977-1979 |
| 5. | During the 1970's, the vegetation of W.A. was mapped at a scale of 1:1 million by Dr Beard (a previous director of Kings Park ) (Beard, J.S. 1980. W.A. Herbarium Research Notes No. 3, pages 35-58). |                             |           |
| 6. | CSIRO Land system surveys of various Kimberley districts during the 1960's and early 1970's.  |                             |           |
| 7. | Rangeland surveys during the 1980's and 1990's in the Nullarbor, Goldfields, Carnarvon Basin etc. DOA, DOLA   |                             |           |

##### Localised:

- |    |                                  |                              |              |
|----|----------------------------------|------------------------------|--------------|
| 1. | Drysdale River National Park     | CALM, ANPWS, WAM, UWA, CSIRO | 1975         |
| 2. | Kimberley Islands                | CALM, WAM                    | 1971-ongoing |
| 3. | Pilbara & Shark Bay Islands      | CALM, WAM, UWA               | 1965-ongoing |
| 4. | South Coast Islands              | CALM, WAM                    | 1975-ongoing |
| 5. | Fitzgerald River National Park   | AHC, CALM, FRNPA             | 1985-1987    |
| 6. | Numerous W.A. Wheatbelt reserves | WAM, CALM                    | 1970-ongoing |

#### B "FULL" BIOLOGICAL SURVEYS IN WHICH CALM IS CURRENTLY INVOLVED

"Full" biological surveys = surveys of vascular plants and one or more animal group (e.g. plants + birds, or plants + birds + land snails, etc).

##### Regional Surveys:

- |    |  |                               |              |
|----|--|-------------------------------|--------------|
| 1. | Northern Irwin - Southern Carnarvon Basin  | CALM & ANCA                   | 1994-ongoing |
| 2. | Little Sandy Desert  | ANCA, CALM, KINGS PARK & WAM  | 1995-ongoing |
| 3. | Swan Coastal Plain   | AHC, CC, CALM, DEP, ANCA, WAM | 1992-ongoing |
| 4. | South Coast wetland flora and fauna  | CALM, ANCA, UWA               | 1992-1993    |
| 5. | Little Sandy Desert survey   | CALM, EA (prev. ANCA)         | 1996-ongoing |
| 6. | Salinity Survey, covering the Avon, Roe, southern Irwin, eastern Eyre, eastern Dale and western Coolgardie Districts | CALM, WAM                     | 1997-ongoing |

##### Localised Surveys:

- |    |                                 |                 |              |
|----|---------------------------------|-----------------|--------------|
| 1. | Barlee Range, Ashburton         | CALM & WAM      | 1993-ongoing |
| 2. | Cockburn Range, East Kimberley  | CALM & ANCA     | 1994         |
| 3. | South Coast Mountain surveys    | ANCA & CALM     | 1994-ongoing |
| 4. | Koolan Island, NW Kimberley     | DEST & CALM     | 1992         |
| 5. | East Kimberley coastal lowlands | DEST & CALM     | 1992         |
| 6. | Aurora & Helena Ranges,         | SWI ANCA & CALM | 1995-ongoing |



|     |   |                  |              |
|-----|---|------------------|--------------|
| 7.  | Burrup Peninsula, Pilbara   | DEST & CALM      | 1995-ongoing |
| 8.  | Great Sandy Island, Pilbara   | CALM             | 1995-ongoing |
| 9.  | Millstream-Chichester NP, Pilbara   | CALM             | 1995-ongoing |
| 10. | De La Poer Ra, Great Victoria Desert  | CALM             | 1994         |
| 11. | Rowles Lagoon, South-West Interzone   | CALM             | 1994         |
| 12. | Mount Elvire, South-West Interzone  | CALM             | 1994         |
| 13. | Cape Arid, South Coast  | CALM             | 1988-ongoing |
| 14. | Hidden Valley, East Kimberley   | CALM             | 1994         |
| 15. | Lake Magenta extension, Wheatbelt   | CALM             | 1995-onwards |
| 16. | Fitzgerald River biosphere zone, South Coast                                | ANCA & CALM      | 1993-ongoing |
| 17. | Boonanarring Nature Reserve   | CALM             | 1987-1988    |
| 18. | Stirling Range NP   | CALM             | 1985-ongoing |
| 19. | Kings Park fauna  | WAM, Alcoa, KP   | 1994-ongoing |
| 20. | Exmouth Gulf Islands  | CALM             | 1991-1994    |
| 21. | Kellerberrin Remnant Bushlands, Wheatbelt                                   | CSIRO            | 1986-ongoing |
| 22. | Tutanning Nature Reserve, Wheatbelt   | CALM             | 1986-1994    |
| 23. | Kingston Forest, Jarrah Forest (1.5 years into an on-going 5 year program), | CALM             | 1994-1998    |
| 24. | Gibson Desert mammal re-introduction project (30% survey)                   | CALM, UWA, WAPET | 1991         |
| 25. | Vasse-Wannerup waterbirds   | CALM, ANCA       | 1993         |
| 26. | Goongarrie Lease survey   | CALM             | 1996-7       |
| 27. | Ningbing Range survey   | CALM             | 1996-ongoing |

C. SURVEYS IN WHICH CALM IS CURRENTLY INVOLVED THAT FOCUS ON ONLY ONE ENTIRE TAXONOMIC GROUP (e.g. vascular plants, or birds, or reptiles, or aquatic invertebrates):

Regional Surveys:

|    |   |                    |              |
|----|---|--------------------|--------------|
| 1. | W.A. River Health (aquatics)                        | LWRRDC & CALM      | 1994-ongoing |
| 2. | Goldfields Greenstone hills (flora)                 | AHC & CALM         | 1994         |
| 3. | Wheatbelt gypsum dune (flora)                       | ANCA & CALM        | 1994         |
| 4. | Wheatbelt water reserves (flora)                    | ANCA & CALM        | 1993         |
| 5. | South Coast flora survey                            | ANCA & CALM        | 1990-1992    |
| 6. | South-west Nature Reserve wetland vegetation survey | CALM               | 1988-1989    |
| 7. | Swan Coastal Plain waterbirds                       | CALM, WAWA, LWRRDC | 1989-1991    |
| 8. | Tingle Mozaic flora (SW forest)                     | CALM, AHC          | 1989-1992    |

Localised Surveys of parks, reserves etc:

|    |  |                      |              |
|----|--|----------------------|--------------|
| 1. | Hammersley Range uplands (flora)                                     | ANCA & CALM          | 1994-1996    |
| 2. | Selected Wheatbelt reserves (vertebrates) -                          | CALM                 | 1993-onwards |
| 3. | Shark Bay flora survey   | AHC, CALM            | 1990-1991    |
| 4. | Aquatic invertebrates of Two Peoples Bay nature reserve, South Coast | CALM                 | 1991-1992    |
| 5. | North-west Cape fauna  | WAM, AHC, ANCA, CALM | 1990-ongoing |
| 6. | Batalling Fauna survey, Jarrah Forest                                | CALM, AHC-WWF        | 1992-ongoing |
| 7. | Queen Victoria Spring Nature Reserve                                 | CALM                 | 1987-ongoing |

MINING - KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

*Mt Charlotte Mine - Earth Tremors*

312. Hon J.A. SCOTT to the Minister for Mines:

I refer to two earth tremors at Kalgoorlie Consolidated Gold Mines Pty Ltd, Mt Charlotte mine, which I understand occurred at approximately 10.47pm and 10.48pm on Monday, March 17, 1997. The earth tremors apparently at the Mundaring Geophysical Observatory measured 2.3 and 2.6 on the Richter scale -

- (1) Has the Minister or the Department of Minerals and Energy investigated this incident?
- (2) If not, why not?
- (3) Will the Minister or DOME urgently carry out an investigation into the above incidents?
- (4) If not, why not?
- (5) How many workers at KCGM, Mt Charlotte underground mine, if any, were injured or received injuries as a result of these tremors?
- (6) Did rockfalls and ground heaves occur in the KCGM Mt Charlotte mines where the earth tremors originated?

- (7) Do DOME mines inspectors now consider the areas, where the earth tremors originated from in the underground mine, to be safe for workers to operate?
- (8) If not, why not?
- (9) What do KCGM and DOME propose to do to try and prevent similar incidents of this nature from occurring again?

Hon N.F. MOORE replied:

- (1) The incidents were investigated by Employees Inspector Robert Leggerini on 19 March 1997. A record book entry was written following his inspection. Work was progressing in a safe and orderly manner with due precautions being taken by employees and company staff members.
- (2) Not applicable.
- (3) The investigation by Employees Inspector R Leggerini was carried out after the incident referred to, as is the normal practice in major events. The seismic events on 17 March 1997 appear to be an ongoing phenomenon associated with the Eastern Goldfields area. The Department of Minerals and Energy has been aware of seismic activity on the golden mile in Kalgoorlie for many years and indeed has records of such tremors going back to 1965. Present information indicates that the tremors are in part due to natural ground movement and partly due to energy releases associated with mining activity. Significant events have been recorded in many of the previous 30 years, with the largest being a natural event measured at 4.5 on the Richter Scale on the 9th October 1987. No serious underground damage resulted from this event.
- (4) Not applicable.
- (5) From company reports one person required 2 stitches to a cut on his forehead after the seismic events on 17 March 1997.
- (6) Some minor rockfalls occurred during the seismic events. During the follow up inspection appropriate scaling and rockbolting was being undertaken in accordance with the geotechnical advice of the Senior Rock Mechanics Engineer.
- (7) At this time no additional geotechnical input has been requested from the company by the Department, nor have any complaints been received from the Mine Safety Committee or Safety Representatives at Mount Charlotte. The Department has found no reason to declare that the sites inspected after these events are unsafe, provided that ground support systems are maintained to a high standard.
- (8) Not applicable.
- (9) KCGM employs a full time Geotechnical Engineer at the Mount Charlotte mine and also has engaged an external Geotechnical Consultant to provide additional input to the important area of Geotechnical design of mine excavations and rock support. The company has also installed a modern seismic monitoring system which measures and locates the sites of seismic events. These inputs are used to provide design information to develop effective support systems for the mining areas. There are not techniques available at this time to predict or prevent natural earthquakes.

#### MINING - KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD

##### *Mt Charlotte Mine - Underground Blast*

316. Hon J.A. SCOTT to the Minister for Mines:

- (1) Can the Minister or DOME investigate to confirm that in approximately June of 1996 a major underground blast at KCGM Mt Charlotte mine rattled buildings in Kalgoorlie-Boulder and measured 3.5 on the Richter Scale at the Mundaring Geophysical Observatory?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) According to KCGM records, on June 1 1996 readings of 1.5 and 1.6 local magnitude were recorded on the company's PSS seismic monitoring system at approximately 1515 hours. This system is not identical to that used at the Mundaring Geophysical Observatory, but the level of 1.6 local magnitude recorded on the company system appears to correlate with a recording of 2.6 on the Richter Scale reported by MGO, in a

comparison made in March 1997. The Richter Scale refers to an empirical system developed in California to describe the magnitude of large scale earthquakes, and is based on low frequency measurement.

- (2) Not applicable.

#### MINING - ROYALTIES

##### *Payments - Increase*

321. Hon TOM STEPHENS to the Minister for Mines:

- (1) Is the Minister aware that, according to statistics compiled by AMEC, from the Western Australian Department of Minerals and Energy Statistics digest, mineral and energy royalty payments to the Western Australian Government have risen by more than \$98m in the last year?
- (2) Can the Minister explain how this exceptionally strong growth squares with Government claims that recognition of native title will ruin the State's prospects of attracting funds or increased expenditure on mineral expenditure in this State?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The current growth in Government royalty revenue can be attributed to exploration expenditures over the past decade, or more, that are now coming to fruition. This is because the lag between exploration, discovery of an economic deposit, investment and the subsequent mining and payment of royalties is often very significant. In addition a company's mining program is usually implemented in stages. It would be a number of years before the mine operates at full production leading to increasing royalties from a single successful exploration program a number of years in the past. If current exploration efforts are not directed to discovering new deposits this will impact on royalties in the future.

#### MINING - TENEMENTS

##### *Local Government Rating*

352. Hon MARK NEVILL to the Minister for Mines:

In respect to mining tenements which cross local government boundaries -

- (1) How are councils required to rate each type of mining tenement?
- (2) Do councils have a uniform approach to the rating of such tenements?

Hon N.F. MOORE replied:

- (1) The Valuer General provides a separate rating valuation to each local government for the portion of land in each local government area. The local government then applies its rate in the dollar to the valuation. Often the valuation is so low that the minimum rate takes effect.
- (2) No. Rates in the dollar may vary and the minimum rate may vary.

#### ROADS - KALGOORLIE-WILUNA

##### *Lake Raeside Project*

356. Hon MARK NEVILL to the Minister for Transport:

Have there been any delays in the planned completion of the Lake Raeside Project on the Kalgoorlie/Wiluna Rd?

Hon E.J. CHARLTON replied:

The original scope of the works, planned to start in 1997/98 and be completed by 1999, involved the re-construction of the floodway at a cost of \$3.1 million. However, following the damage caused by Cyclone Bobby, it became evident that a more substantial upgrading was required. The present plans for the work include an 80 metre long high

level bridge, five kilometres of raised formation and 1400 metres of rock protected floodways to provide a crossing that will remain open during future major floods. This will cost \$6.2 million and will be completed by 2000.

### WHEELCHAIRS - POWERED

#### *Insurance*

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

- (1) Is the Minister aware that powered wheelchairs do not qualify for third party insurance cover under the Motor Vehicle (Third Party Insurance) Act 1943?
- (2) Why is this the case?
- (3) Will the Minister undertake to provide an insurance scheme to protect the legal rights of those disabled persons using powered wheelchairs?
- (4) If so, how and when?
- (5) If not, why not?

Hon E.J. CHARLTON replied:

- (1) Wheelchairs which are not capable of travelling at more than 7kph are defined in the Road Traffic Code 1975 as "exempt wheelchairs". The definition of "pedestrian" in the code includes a disabled person in an "exempt wheelchair". Persons who own "exempt wheelchairs" therefore do not need to register these devices and as a consequence are not covered by third party insurance. Their status is identical to a pedestrian so far as third party cover is concerned.
- (2) The amendments to the Road Traffic Code 1975 were implemented in 1989 as a means of -
  - \* increasing the level of mobility of the disabled in low speed motorised wheelchairs. The assigned pedestrians status allowed them to legally use these vehicles on footpaths, to enter shopping centres, lifts, etc. In other words they were given the access rights of any other pedestrian which are normally denied to registered vehicles, and
  - \* removing the need to become involved in the vehicle registration process and for the need to hold a driver's licence.
- (3) I currently have a task force investigating a wide range of issues to do with electric wheelchairs and scooters. Included in its brief is the examination of options as to how third party insurance can be extended to cover "exempt wheelchairs".
- (4)-(5) The chairman of this group has advised me that he expects to complete his report towards the end of July. I will be in a better position to answer questions concerning the details of the recommended proposals after that time.

### ROADS - SERVETUS STREET

#### *Widening*

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

- (1) Has an origin destination study been undertaken on the planned widening of Servetus Street, Swanbourne?
- (2) Where will traffic be going to and coming from?
- (3) When does the Government plan to widen the street, and complete the project?
- (4) Are increased traffic flows predicted once the project is completed?
- (5) What amounts of air pollution are predicted as a result of increased traffic flows?
- (6) What will be the increase in run-off of petrochemicals, heavy metals and solvents from the increase in road surface run-off?
- (7) Where will this run-off be directed?
- (8) What is the predicted destination of traffic travelling south along Servetus Street once it reaches Curtin Avenue?

Hon E.J. CHARLTON replied:

- (1) Yes. Three specific Origin - Destination studies have been undertaken.
  - A Regional Traffic Study in June 1993 that examined the regional traffic that uses North Street and Marine Parade instead of Servetus Street and Curtin Avenue;
  - A specific study of local movements across Servetus Street in October 1995; and
  - A detailed traffic study on North Street and Marine Parade in April 1996.
- (2) Traffic travelling south along Servetus Street past the Alfred Road intersection turns into the following roads:
 

|                    |     |
|--------------------|-----|
| Campbell Barracks  | 6%  |
| Shenton Road       | 10% |
| North Street       | 11% |
| Claremont Crescent | 4%  |
| Curtin Avenue      | 64% |
| Other              | 5%  |

Traffic travelling north from Curtin Avenue goes to the following locations:

|                               |     |
|-------------------------------|-----|
| Claremont Crescent            | 20% |
| North Street                  | 5%  |
| Shenton Road                  | 4%  |
| Servetus Street (Alfred Road) | 68% |
| Other                         | 3%  |
- (3) The project will be completed by December 1998.
- (4) No.
- (5) Because the completed project will allow smoother flowing traffic and less severe gradients in the road, air pollution will be reduced.
- (6) As the traffic is not expected to increase, neither will the pollutant content of the road runoff.
- (7) The road runoff will be to four retaining basins in North Street.
- (8) About one third of the traffic travelling south along Servetus Street at Curtin Avenue continues southward to Port Beach Road. The remaining two thirds either turn left into Claremont Crescent or turn off Curtin Avenue in the Cottesloe area.

#### GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

##### *Funding*

433. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

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

Hon N.F. MOORE replied:

Department of Commerce and Trade

- (1)-(3) The following programs are offered by the Department of Commerce and Trade through its Office of Aboriginal Economic Development:

Product and Service Development

Technical advice to help Aboriginal enterprises develop proposed products and services in more detail, provided by persons with expert industry knowledge. \$150,000 in 1997/98.

Aboriginal Enterprise Planning and Improvement Service

Grants to help Aboriginal enterprise operators engage consultants to improve their business planning, management and marketing. \$150,000 in 1997/98.

#### Small Capital Grants for Aboriginal Enterprises

Assistance for the purchase of equipment or marketing materials by Aboriginal enterprises which are working steadily to become established, with a significant commitment of labour and resources by the proprietor. \$230,000 in 1997/98.

#### Community Stores Program

Aboriginal community store improvement program, proposed to be delivered by the Aboriginal Business Development Company under contract to the Office of Aboriginal Economic Development. \$565,000 in 1997/98.

#### Training and Mentoring for Aboriginal Enterprises

Access to training to improve enterprise management skills. A program to meet the costs of business mentors for approved Aboriginal enterprises will be introduced in the second half of 1997. \$125,000 in 1997/98.

#### Aboriginal Enterprise Networks

A program to support co-operation, information exchange and mutual support between Aboriginal enterprises in similar industries is to be introduced in the second half of 1997. \$125,000 in 1997/98.

#### Business Funding Scheme

An ATSIC program delivered by the Office of Aboriginal Economic Development, providing low interest loans for commercial enterprises, based on commercial assessment criteria.

#### Community Economic Initiative Scheme

An ATSIC program delivered by the Office of Aboriginal Economic Development, providing grants for community-based enterprises. The total funds available under BFS and CEIS in 1996/97 are approximately \$7.8 million. These monies are paid direct by the Aboriginal and Torres Strait Islander Commission to approved applicants. In addition, the Office of Aboriginal Economic Development is being paid approximately \$800,000 on a cost-recovery basis by ATSIC in 1996/97 to assist Aboriginal clients prepare BFS and CEIS applications, assess such applications and prepare advice for ATSIC.

Office of Aboriginal Economic Development staff also provide advice directly to Aboriginal enterprise clients. The budget for the Office is \$2.0 million in 1996/97 and \$2.625 million in 1997/98, exclusive of payments received from ATSIC.

The following programs are offered by the Department of Commerce and Trade through its Office of Regional Development:

#### Regional Initiatives Fund

Grants to plan projects and develop strategies for enterprise development in a particular region or industry. \$500,000 is available in 1996/97. This fund applies to both Aboriginal and non-Aboriginal initiatives.

The following programs are offered by the Regional Development Commissions

As part of their responsibility for planning, co-ordinating and encouraging economic development within their Regions, the nine RDCs are becoming more involved in Aboriginal economic development. Several RDCs have appointed Aboriginal Economic Development Officers to help expand and focus their efforts in this field. Expenditure is estimated at \$200,000 in 1996/97 and \$400,000 in 1997/98, through a mixture of Commerce and Trade and RDC budgets, with a contribution from ATSIC of \$80,000 in 1996/97.

In addition to the above programs, the Department of Commerce and Trade is assisting Aboriginal enterprises to gain access to its general business development programs, including AusIndustry and Regional Headworks Scheme.

Aboriginal clients are also making increasing use of the services provided by the network of Business Enterprise Centres throughout Western Australia. The operations of the BECs are supported financially by the Small Business Development Corporation, at an estimated cost of \$1.85 million in 1996/97.

- (4) With the exception of the Business Funding Scheme and the Community Economic Initiative Scheme, which are funded by ATSIC, the source of funds for the above programs is the Consolidated Revenue Fund.

#### Small Business Development Corporation

- (1) The Small Business Development Corporation (SBDC) does not conduct programs specifically to assist and advance the welfare of Aboriginal persons. Aboriginal persons have access to the full range of SBDC services through the SBDC and the Business Enterprise Centre Network.
- (2)-(4) Not applicable.

#### International Centre for Application of Solar Energy (CASE)

- (1) CASE has taken on a supportive advisory role to ATSIC both in Canberra and in WA. The purpose of the on-going advice relates to the provision of renewable energy power to remote Aboriginal sites. An example of such a project is the provision of a renewable power system to the Swan Valley Nyungah Community.
- (2) The Community is currently constructing 15 new dwellings and communal buildings for training and social activities. It wishes to install a renewable energy based power source to enhance its aim for self sufficiency and control of its own development.

The project has four major components:

- (a) installation and demonstration of the power system;
- (b) training and information dissemination;
- (c) system performance and monitoring; and
- (d) ongoing commercialisation for both equipment sales and training programmes.

The project is an excellent opportunity to demonstrate, for the first time in Australia, the compatibility of both wind power and solar energy with grid connect power. The system will have a complete monitoring and display function on-site, that will be duplicated in a computer display facility at the International Centre for Application of Solar Energy (CASE) headquarters in Perth. The site installation will be used for educational purposes under a training program to be operated by the Remote Area Development Group at Murdoch University who will educate other indigenous communities in the benefits, operation and maintenance of renewable energy technologies.

- (3)-(4) Funding commitments have been received from the Nyungah Community, Alternative Energy Development Board, Homeswest, with in kind payments from CASE and Western Power.

The Nyungah Community project is currently being finalised with full project costs to be in the order of \$220,000 - \$250,000.

#### Technology Industry Advisory Council

- (1) TIAC has no programs directed specifically to assist and advance the welfare of Aboriginal persons.
- (2)-(4) Not Applicable.

#### Gascoyne Development Commission

- (1) The Gascoyne Development Commission has a mission of regional development and Aborigines make up about 10% of the Gascoyne population.
- (2) The Gascoyne Development Commission has an Aboriginal Economic Development Program in place specifically targeting development in that area.
- (3)-(4) \$50 000 from ATSIC  
\$20 000 from Department of Commerce and Trade  
\$20 000 from Gascoyne Development Commission

#### Goldfields-Esperance Development Commission

- (1) The Esperance Aboriginal Land Development Corporation.
- (2) The GEDC assisted the EALDC to establish a public limited company to hold land currently invested in the Aboriginal Lands Trust, and manage it in the interest of the Aboriginal people.
- (3)-(4) Not Applicable.

#### Great Southern Development Commission

- (1) GSDC has one program of Economic Development. Within this role it supports two activities relating to Aboriginal Economic Development. It chairs and provides executive support to regional Aboriginal Affairs

Co-ordinating Committees in the Wheatbelt, Great Southern and Wheatbelt regions. GSDC has also established an Aboriginal Economic Development program.

- (2) RAACC was inherited from the Commonwealth at Ministerial direction in 1989. It provides an interface between regional managers of Commonwealth and State agencies and Aboriginal leaders and meets in different towns across the region for this purpose. Its aim is to better co-ordinate the delivery of government services to Aboriginal people. RAACC's work has been widely recognised as reflected in the Premier's Social Justice Report on Aboriginal Affairs. With the regionalisation of the Aboriginal Affairs Department, arrangements have been made to transfer the operations of RAACC to AAD by June 30 1997

Aboriginal Economic Development Initiative of GSDC is to support and develop Aboriginal businesses through GSDC's program of Economic Development. GSDC has recently employed an Aboriginal person as manager of the program.

- (3) For 1996/97, RAACC received \$113 900  
Aboriginal Economic Development Program received \$61 250
- (4) Source of funds are from GSDC, AAD, ATSIC and Commerce and Trade.

#### Kimberley Development Commission

- (1) The Kimberley Development Commission does not operate any program or sub-program exclusively targeted at Aboriginal people. Aboriginal people make up a significant proportion of the population in the region and are involved in all programs and subprograms run by the Kimberley Development Commission
- (2)-(4) Not Applicable.

#### Mid West Development Commission

- (1) The Commission's involvement in working with Aboriginal communities and individuals is to encourage and promote economic development.
- (2) In 1997/98 the Mid West Development Commission plans to establish an Aboriginal economic development officer within the agency to consolidate this position.
- (3)-(4) Funding is to be determined.

#### Peel Development Commission

- (1)-(4) The Peel Development Commission does become involved in the normal course of business with Aboriginal Economic Development on a project by project basis. These projects are co-jointly developed with the Office of Aboriginal Economic Development.

#### Pilbara Development Commission

- (1) Aboriginal Economic Development.
- (2) To facilitate increased economic opportunities for Aboriginal people and enterprises.
- (3) \$39,000
- (4) Funding will be sought from OAED, currently funded by the Pilbara Development Commission.
- (5) Not applicable..

#### South West Development Commission

- (1) The South West Development Commission does not conduct any programs specifically to assist and advance the welfare of Aboriginal persons.
- (2)-(4) Not applicable.

#### Wheatbelt Development Commission

- (1) None through Wheatbelt Development Commission. WDC uses the Department of Commerce and Trade programs.
- (2)-(4) Not applicable.

### PUBLIC SERVICE - EMPLOYEES

#### *Number*

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

What were the current number of State Government public sector employees at the end of the December quarter 1996?



Hon N.F. MOORE replied:

88,631 Full Time Equivalents in agencies subject to FTE monitoring (excludes universities).

# MINING - CHEMISTRY CENTRE

## *Budgets*

446. Hon MARK NEVILL to the Minister for Mines:

I refer to the Chemistry Centre budgets -

- (1) What was the expenditure in each financial year since and including the 1993/94 financial year on -
  - (a) commercial services; and
  - (b) investigatory services and research,
 and what was the estimate for the 1996/97 and 1997/98 financial years?
- (2) What was the retained revenue under section 23A of the Financial Administration and Audit Act, in each of the above years?
- (3) What was the expenditure on capital services in each of the above financial years, and estimates where appropriate, and on what major items was the money spent in each financial year?
- (4) What was the FTE's for each of the above financial years?

Hon N.F. MOORE replied:

Estimates have been used for 1996/97 and 1997/98.

- (1) The expenditure for
  - (a) commercial services and
  - (b) investigatory services and research
 for the years 1993/94 to 1997/98 is shown in the following table.

|  | <b>1993/94</b> | <b>1994/95</b> | <b>1995/96</b> | <b>1996/97</b> | <b>1997/98</b> |
|--|----------------|----------------|----------------|----------------|----------------|
| Commercial Services (\$,000)               | 7927           | 8084           | 7578           | 6072           | 6210           |
| Investigatory Services & Research (\$,000) | 1169           | 918            | 682            | 336            | 374            |

- (2) The retained revenue under Section 23A of the Financial Administration and Audit Act is:

|                           | <b>1993/94</b> | <b>1994/95</b> | <b>1995/96</b> | <b>1996/97</b> | <b>1997/98</b> |
|---------------------------|----------------|----------------|----------------|----------------|----------------|
| Retained Revenue (\$,000) | N/A            | 8687           | 8071           | 6143           | 6064           |

- (3) The expenditure on capital services in each year is:

|                               | <b>1993/94</b> | <b>1994/95</b> | <b>1995/96</b> | <b>1996/97</b> | <b>1997/98</b> |
|-------------------------------|----------------|----------------|----------------|----------------|----------------|
| Buildings, Waterford (\$,000) | 9806           | 2521           | 708            | 188            | -              |
| Scientific Equipment (\$,000) | 854            | 0              | 0              | 276            | 526            |

The Waterford buildings include buildings for the Department's's Mineral Processing Laboratory and CSIRO Division of Minerals.

The scientific equipment includes a range of equipment for chemical analysis.

- (4) The FTE's for each year:

|       | <b>1993/94</b> | <b>1994/95</b> | <b>1995/96</b> | <b>1996/97</b> | <b>1997/98</b> |
|-------|----------------|----------------|----------------|----------------|----------------|
| FTE's | 165            | 136            | 104            | 95             | 95             |

## MINING - GOLD

*Amount to be Appropriated*

447. Hon MARK NEVILL to the Minister for Mines:

Is it correct that \$204m is budgeted to be appropriated from the gold mining industry over the next four financial years by the State Government?

Hon N.F. MOORE replied:

\$204m has been budgeted for collection, by way of a gold royalty, from the gold mining industry over the next four financial years.

## MINING - MINERALS AND ENERGY RESEARCH INSTITUTE

*Funding*

448. Hon MARK NEVILL to the Minister for Mines:

- (1) What has been the State Government grant to the Minerals and Energy Research Institute of Western Australia in each financial year since and including the 1993/94 financial year?
- (2) What was the expenditure on minerals research and energy research in each of the above financial years?

Hon N.F. MOORE replied:

The Minister for Mines has provided the following response:

|     |         |           |
|-----|---------|-----------|
| (1) | 1993/94 | \$753 000 |
|     | 1994/95 | \$862 000 |
|     | 1995/96 | \$862 000 |
|     | 1996/97 | \$850 000 |
|     | 1997/98 | \$835 000 |

|     | MINERALS | ALTERNATIVE ENERGY |
|-----|----------|--------------------|
| (2) | 1993/94  | \$520 000          |
|     | 1994/95  | \$573 000          |
|     | 1995/96  | \$550 000          |
|     | 1996/97  | N.A.               |
|     | 1997/98  | N.A.               |

Since August 1994 the responsibility for allocating funds to alternative energy projects has been transferred to the Alternative Energy Development Board within the Office of Energy.

## DEPARTMENT OF MINERALS AND ENERGY - MINING OPERATIONS

*Expenditure*

449. Hon MARK NEVILL to the Minister for Mines:

I refer to the Department of Minerals and Energy -

- (1) What was the expenditure on mining operations in each financial year, since and including 1993/94?
- (2) What were the FTE's, actual and estimates, for the above financial years?
- (3) What was the petroleum industry management expenditure in each of the above financial years?
- (4) What was the number of FTE's employed in each financial year under (3) above?

Hon N.F. MOORE replied:

The table lists the expenditure incurred by the Mining Operations Division, which is a component of the total expenditure of the Department of Minerals and Energy.

## (1) YEAR EXPENDITURE

|           |                      |
|-----------|----------------------|
| 93/94     | M\$6.728             |
| 94/95     | M\$6.599             |
| (1) 95/96 | M\$6.594             |
| (1) 96/97 | M\$7.080 (projected) |

1. These figures do not include major capital expenditure projects nor charges allocated to Divisions in 1996/97 which were previously recorded as Departmental overheads. The basis for comparison is thus common for the four years.

2. FTE's (Yearly average)

| YEAR  | Planned (estimates) | FTE's<br>Yearly Average (actual) |
|-------|---------------------|----------------------------------|
| 93/94 | 94.5                | 92                               |
| 94/95 | 94.5                | 90                               |
| 95/96 | 95                  | 91.5                             |
| 96/97 | 95                  | 91                               |

3. Petroleum industry management expenditure in each financial year, since and including 1993/94, was as follows:

|    |         |  |
|----|---------|--|
| 4. | 1993/94 | \$1.9 million (including assessed overheads) |
|    | 1994/95 | \$2.8 million (including assessed overheads) |
|    | 1995/96 | \$3.0 million (including assessed overheads) |

5. The number of FTE's employed in petroleum industry management in each financial year, since and including 1993/94, was as follows:

|    |         |    |
|----|---------|----|
| 6. | 1993/94 | 22 |
|    | 1994/95 | 30 |
|    | 1995/96 | 30 |

## FUEL AND ENERGY - PETROLEUM

*Royalties*

450. Hon MARK NEVILL to the Minister for Mines:

(1) What were the estimated royalties from petroleum production in each year, since and including 1993/94?

(2) What were the actual royalties from this sector over each financial year, since and including 1993/94?

(3) What are the estimates for petroleum royalty for -

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

Hon N.F. MOORE replied:

(1) ESTIMATED PETROLEUM ROYALTIES (\$Am)

|         |       |
|---------|-------|
| 1993/94 | 106.0 |
| 1994/95 | 114.5 |
| 1995/96 | 198.0 |

(2) ACTUAL PETROLEUM ROYALTIES (\$Am)

|         |       |
|---------|-------|
| 1993/94 | 72.9  |
| 1994/95 | 113.7 |
| 1995/96 | 159.4 |

(3) ESTIMATED PETROLEUM ROYALTIES (\$Am)

|         |       |
|---------|-------|
| 1996/97 | 231.5 |
| 1997/98 | 223.0 |
| 1998/99 | 206.0 |

## MINING - UNDERGROUND

*Collapse*

451. Hon MARK NEVILL to the Minister for Mines:

(1) At which underground West Australian mine was there a large scale collapse of ground above and around a stope which resulted in a formation of a surface hold and the inflow of a considerable amount of water and weathered rock material into the mine?

- (2) Approximately how many mine workers could have been affected if this collapse had occurred during the shift or at the change of shift?

Hon N.F. MOORE replied:

- (1) The collapse of ground occurred at the WMC Resources Ltd - Leinster Nickel Operations - Rocky's Reward Mine on Thursday 20 February 1997 at approximately 4.00pm.
- (2) Approximately 20 persons were working day shift at the mine and 15-20 on afternoon shift. The collapse occurred at the change of shift, and the afternoon shift was withdrawn. This action was taken as water was seen to be entering via a break through to the surface, the potential for which was indicated on the previous day in the form of surface cracking.

#### MINING - PHD STUDENTS

##### *Scholarships - Geosciences*

455. Hon MARK NEVILL to the Minister for Mines:

I refer to the Budget papers, page 644 -

- (1) Which three outstanding PHD students were awarded supplementary scholarships to assist their studies in geosciences?
- (2) What funding was provided?
- (3) What is the nature of their studies?

Hon N.F. MOORE replied:

- (1) Anthony Gartrell, UWA, for three years  
Richard Higgins, UWA, for two years  
Thomas Ridsdill-Smith, UWA, for three years
- (2) Each MERIWA scholarship supplements an existing doctoral scholarship and comprises \$5000 per year as a stipend and \$5000 per year for Project maintenance.
- (3) • Anthony Gartrell's studies concern experimental modelling techniques which he has developed to examine deep crystal and upper mantle deformation processes and their effect in controlling near surface deformation which affect the location, size and quality of oil and gas accumulations in the Northern Carnarvon Basin.
- Richard Higgins' objective is to examine the evolution of basement discontinuities and their effect on the near surface structures in the Timor Sea and to define the resulting fluid migration pathways which can cause dissolution and precipitation of minerals leading to structurally controlled mineral concentrations as well as hydrocarbon accumulation.
- Thomas Ridsdill-Smith is studying the "The Application of Wavelet Transforms to Processing and Interpretation of Aeromagnetic Data" in order to develop a new technique for improved magnetic data interpretation which will be of considerable benefit to hydrocarbon and mineral exploration.

#### FORESTS AND FORESTRY - BUTLER FOREST BLOCK

##### *Area and Logging Program*

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

With regard to Butler Forest Block between Nannup and Margaret River in the Central Forest Region -

- (1) What is the area of the block?
- (2) How many hectares does it contain of -
- (a) jarrah/marri forest;
- (b) heath;
- (c) wetland; and
- (d) other (please specify)?
- (3) How much of the forest is unlogged ("virgin")?
- (4) How much of the forest is old growth, as defined in the National Forest Policy Statement?

- (5) Has logging been completed?
- (6) If yes, when?
- (7) If no, when is it scheduled to be completed?
- (8) What amounts has CALM estimated will be extracted for -
- (a) first grade jarrah sawlogs;
  - (b) second grade jarrah sawlogs;
  - (c) other sawlogs;
  - (d) marri chiplogs; and
  - (e) other forest produce?
- (9) what amounts have been extracted for -
- (a) first grade jarrah sawlogs;
  - (b) second grade jarrah sawlogs;
  - (c) other sawlogs;
  - (d) marri chiplogs; and
  - (e) other forest produce?
- (10) What amounts remain to be extracted during the current logging programme of -
- (a) first grade jarrah sawlogs;
  - (b) second grade jarrah sawlogs;
  - (c) other sawlogs;
  - (d) marri chiplogs; and
  - (e) other forest produce?
- (11) After the current logging programme is completed, when and in what quantities, does CALM next expect to extract -
- (a) first grade jarrah sawlogs;
  - (b) second grade jarrah sawlogs;
  - (c) other sawlogs;
  - (d) marri chiplogs; and
  - (e) other forest produce?
- (12) What base revenue has CALM received for each type of the forest produce?
- (13) What amount did the log buyers pay for -
- (a) roading;
  - (b) inforest; and
  - (c) administration charges?
- (14) To what sawmills have the sawlogs from Central Block been delivered?

Hon MAX EVANS replied:

- (1) 6 940 hectares
- (2)
- (a) 6 480 hectares
  - (b) 450 hectares
  - (c) Nil
  - (d) 10 hectares pine plot
- (3) Prior to the recent harvesting, there was approximately 3 000 hectares of virgin forest in Butler block. The area will be re-calculated when boundaries of current harvesting are mapped.

- (4) The definition and mapping of “old growth” in the jarrah forest is still being developed for the old growth assessment in the Regional Forest Agreement. Approximately 3 000 hectares was previously unlogged prior to current logging.
- (5) No.
- (6) Not applicable.
- (7) Harvesting in Butler is planned until the year 2002.
- (8) (a) 27 200 cubic metres  
 (b) 5 600 cubic metres  
 (c) 2 800 cubic metres  
 (d) 17 000 cubic metres  
 (e) 6 300 cubic metres
- (9) (a) 4 489 cubic metres  
 (b) 2 400 cubic metres  
 (c) 1 031 cubic metres  
 (d) 5 272 cubic metres  
 (e) 4 115 tonnes
- (10) (a) 500 cubic metres  
 (b) 300 cubic metres  
 (c) 450 cubic metres  
 (d) 700 cubic metres  
 (e) 800 tonnes
- (11) See answer to question 8.
- (12) To date, the revenue received is:
- |     |           |                             |
|-----|-----------|-----------------------------|
| (a) | \$139 293 | First grade jarrah sawlogs  |
| (b) | \$51 360  | Second grade jarrah sawlogs |
| (c) | \$15 047  | Other sawlogs               |
| (d) | \$105 719 | Marri chiplogs              |
| (e) | \$32 351  | Other forest produce.       |
- (13) (a) \$46 777  
 (b) \$20 490  
 (c) \$27 109
- (14) This question was previously answered in Parliamentary Question 298 Part 19.

## SPORT AND RECREATION - STADIUM

*Midland*

464. Hon Nick Griffiths to the Minister for Sport and Recreation:

- (1) Has the Minister given consideration to the submission from the Midland Society Inc requesting him to consider locating a stadium to house the Western Reds rugby team and the Perth Glory soccer team to the Midland Railway Workshops site in Midland?

(2) When does he anticipate being in a position to make a decision on the stadium site?

Hon N.F. MOORE replied:

The Minister for Sport and Recreation has provided the following response:

- (1) The former Midland Railway Workshops site will be considered along with others for the location of a new stadium, and the Midland Society will be advised accordingly.
- (2) A decision will be made on a stadium site after a consultant has advised on all the issues, opportunities and feasibility of constructing an innovative and cost-effective stadium that would accommodate the needs of athletics, soccer and rugby. Submissions to undertake the feasibility study are currently being assessed and until that study has been completed, I am not able to indicate when a final decision may be made.

## MINING - NATIVE TITLE HOLDERS

### *Compensation*

509. Hon MARK NEVILL to the Minister for Mines:

Is the Government considering changes to the Mining Act which would force mining companies to pay compensation to native title holders?

Hon N.F. MOORE replied:

On 5 November 1996 the Minister for Mines issued a media statement advising that holders of mining titles would be responsible for native title compensation when the titles are granted or worked. It was pointed out that the policy would be implemented in two phases.

- . Initially a Ministerial condition will be placed on mining and general-purpose leases which were granted after being processed through the right to negotiate process of the Commonwealth Native Title Act.
- . The second phase would involve amendments to the Mining Act to ensure native title holders can recover compensation from mining title holders in the same way as other land holders.

The changes had been discussed with the mining industry prior to the policy announcement.

## ENVIRONMENT - WETLANDS

### *Ramsar Listing*

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

- (1) Is the Minister for the Environment aware of the Coalition's promise to consider further nominations for Ramsar listing?
- (2) Is the Minister aware that there are several wetlands in Western Australia which are not Ramsar listed at present but which could qualify for listing?
- (3) If yes, what action is being taken to nominate them?
- (4) If none, why not?

Hon MAX EVANS replied:

- (1) Yes
- (2) The Minister is aware that there are a number of wetlands for which the scientific advice is that they would meet the criteria for listing.
- (3) The Department of Conservation and Land Management has commenced discussions with the Commonwealth Government agency Environment Australia and is seeking funds under the National Wetlands Program of the Natural Heritage Trust to assist in the identification of candidate wetlands and the preparation of the necessary nomination documentation.
- (4) Not applicable.

**QUESTIONS WITHOUT NOTICE**

**GLOBAL DANCE FOUNDATION - INCORPORATION**

*Crown Solicitor's Advice*

**466. Hon TOM STEPHENS to the Attorney General:**

I refer to the Attorney General's reply to question without notice 453 asked yesterday in which he stated that the Crown Solicitor's Office had advised its client, the WA Tourism Commission, not to sign the Global Dance Foundation agreement until that body was incorporated.

- (1) Was this advice to the WATC from the Crown Solicitor's Office provided orally or in writing?
- (2) When was that advice provided to the WATC?
- (3) When did the Crown Solicitor first become aware that the WATC had not followed his advice?
- (4) Why was the Crown Solicitor unaware that Global Dance was not incorporated when it submitted the agreement for stamping?
- (5) Will the Crown Solicitor release all relevant files and documents on this issue to the Public Accounts and Expenditure Review Committee to enable it to investigate this matter fully?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The advice was given in writing.
- (2) The advice was given on 11 April 1995 and 8 May 1995.
- (3) The Crown Solicitor first became aware that the WATC had not followed his advice on or about 17 January 1997.
- (4) The Crown Solicitor's office was not informed that the document had been executed prior to incorporation of the association and, therefore, submitted the document for stamping.
- (5) The Crown Solicitor's Office has made available to the Public Accounts and Expenditure Review Committee of the Legislative Assembly all relevant files, save for legal advice given after execution of the agreement, which is subject to legal professional privilege in respect of advice given by law officers of the Crown.

**FISHERIES - SOUTH COAST PURSE SEINE MANAGED FISHERY**

*Management Paper No 99*

**467. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:**

With regard to the south coast purse seine managed fishery -

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

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

I thank the member for some notice of this question.

As the member will be aware, these issues are most complex and require further attention. Therefore, I request that he place the question on notice.



## GLOBAL DANCE FOUNDATION - INCORPORATION

*Crown Solicitor's Advice***468. Hon TOM STEPHENS to the Minister for Tourism:**

I refer to the answer to my question without notice 453 of 10 June in which the Attorney General stated that the Crown Solicitor had advised or warned his client, the WA Tourism Commission, not to sign the agreement with Global Dance Foundation until the Crown Solicitor or the WATC was satisfied that Global Dance Foundation had been incorporated.

- (1) Does the WATC agree it received this advice?
- (2) If yes, why did the WATC sign the agreement with Global Dance on 25 May 1995, contrary to that advice when Global Dance was not incorporated until 1 June 1995?
- (3) If no, will the Minister assure the House that the WATC will instruct the Crown Solicitor to make files relating to this matter in the Crown Solicitor's possession available to the Public Accounts and Expenditure Review Committee of the Legislative Assembly to enable it to investigate this matter fully?

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

Mr President, I cannot seem to find a copy of that question or answer, but I have about 15 questions from the Leader of the Opposition. I understand a couple more are to come. I do not have that question yet, but when I receive it, I will give an answer to the Leader of the Opposition.

## GLOBAL DANCE FOUNDATION - AGREEMENT

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

I again refer to the Global Dance Foundation agreement made on 25 May 1995.

Hon N.F. Moore: I do not have any questions or answers in relation to the Global Dance Foundation.

The PRESIDENT: Order! The Leader of the Opposition has asked a question about the Global Dance Foundation. Does the Minister for Tourism intend to answer that question?

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

I do not have an answer to that question.

## TOURISM - EVENTSCORP

*Whitbread Office - Establishment***470. Hon TOM STEPHENS to the Minister for Tourism:**

On 6 May this year the Minister told the House that the EventsCorp Whitbread office was officially opened in Fremantle on 31 January 1997. Can the Minister explain to the House how the Whitbread office of EventsCorp sent a letter to John Harvey in June 1996, six months before the office was opened?

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

I thank the member for some notice of this question. The Fremantle stopover is managed by EventsCorp. As such, it has sat under EventsCorp management since the previous race in 1993-94, hence the sending of the letter in June 1996 was part of this normal management process. Until 31 January 1997 this management was conducted out of EventsCorp offices at 16 St George's Terrace. On 31 January the offices were moved to Fremantle as it was considered by the Host Port Advisory Board that it was more appropriate to have the staff in Fremantle as it was a predominantly Fremantle event.

## LEGAL AID - FUNDING

*Commonwealth Cuts***471. Hon HELEN HODGSON to the Attorney General:**

The Attorney General has been quoted in media reports as saying that the State Government would allocate money from the state Budget to bridge the cut in legal aid funding.

- (1) Has the Attorney General been supplied with any further information about the amount of the reduction in funding from the Commonwealth Government to the Western Australian Legal Aid Commission?
- (2) Has the Government allocated funds from the Budget to bridge the cut in commonwealth funding?
- (3) If so, how much has been allocated?
- (4) If not, why not?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question. I should first of all say that I do not believe those words were said in the media, but to the extent that the media said that, it got it wrong.

- (1) Yes.
- (2) No.
- (3) Not applicable.
- (4) A Cabinet submission has been prepared, but it will be dependent on the final situation.

**POLICE - CORRUPTION**

*Allegations - Referral to Anti-Corruption Commission*

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

- (1) How many allegations of corruption or impropriety against police officers has the Western Australia Police Force referred to the Anti-Corruption Commission?
- (2) Specifically has the Police Force referred any allegations to the ACC involving police officers who have left the force?

**Hon PETER FOSS replied:**

The question I have from Hon Nick Griffiths refers to the Police Service, and I assume he is referring to that in this question.

- (1) Since the establishment of the Anti-Corruption Commission, 35 allegations of corruption or impropriety, in the form of a section 14 notice, have been referred to the commission.
- (2) Yes.

**ROADS - HEAVY HAULAGE VEHICLES**

*Compulsory Routes*

**473. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Is Main Roads Western Australia encouraging heavy vehicle operators to use Stock Road instead of Hampton Road in Fremantle?
- (2) If yes, what measures does this include?
- (3) If not, why not?
- (4) Can the Minister alter the Road Traffic Code to enforce compulsory routes for heavy vehicles?
- (5) Will the Minister enforce Stock Road as a route for heavy vehicles and ban such vehicles from Hampton Road until such time as an alternate route is provided?

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

I thank the member for some notice of this question.

- (1)-(3) Heavy vehicles, except those requiring permits, have access to all roads. Main Roads requires permit vehicles to use Stock Road in lieu of Hampton Road. Following discussions between the Government and livestock transporters, an agreement has been reached that all livestock trucks going to the port use Stock Road. Additionally, following representation from interest groups, the Government has agreed to investigate ways to calm traffic in Hampton Road.

- (4) Because of the need for service vehicles to assess all parts of the metropolitan road network, the permit system is considered to be the more flexible system.
- (5) That is already being done for permit vehicles. In addition, when complete the Fremantle eastern bypass will see a significant reduction in heavy vehicles using Hampton Road.

#### TOURISM - ELLE RACING

##### *Funding - Cabinet Decision*

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

On 29 April the Premier informed the Parliament that the decision to fund Elle Racing Pty Ltd did not go to Cabinet.

- (1) When was the decision made to spend \$1m of taxpayers' money?
- (2) Who was involved in making this decision?
- (3) Were the Western Australian Tourism Commission commissioners consulted before the decision was made?
- (4) If yes to (3), what was their recommendation?
- (5) If no to (3), why not?

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

I thank the member for some notice of this question.

- (1) The Western Australian Tourism Commission commissioners approved the contract between the commission and Elle Racing on 12 November 1996.
- (2) The WATC commissioners.
- (3) Yes.
- (4) To execute the agreement with Elle Racing Pty Ltd.
- (5) Not applicable.

#### DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - EXECUTIVE DIRECTOR

##### *Misleading Evidence*

#### **475. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) Is the Minister aware that in evidence before the Legislative Council Estimates Committee on Wednesday 28 May the Executive Director of the Department of Conservation and Land Management misled the committee in that he stated that only one-third of Giblett forest block is interim listed on the Register of the National Estate, when all of Giblett block is interim listed on the register?
- (2) Is the Minister aware that the Executive Director of CALM further misled the committee by stating that the areas planned to be logged this year are not interim listed on the register of the National Estate, when they are?
- (3) What action will the Minister take to correct this situation where the Executive Director of CALM is apparently unaware of the true status of Giblett block?

#### **Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1)-(2) Dr Shea's response was in error. As the member was advised yesterday all of Giblett block is on the interim list of the Register of the National Estate.
- (3) Dr Shea is aware of the correct situation; in fact, he provided the answer to the member's previous question on this matter.

#### TOURISM - ELLE RACING

##### *Contract - Two Parts*

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

On 29 April the Minister informed the House that there was one contract between the Western Australian Tourism Commission and Elle Racing Pty Ltd and pursuant to the agreement a sum of \$1m was payable. Can the Minister

explain why Mr Crockett, the Chief Executive Officer of the WATC, was reported in *The West Australian* on 16 January as saying there were two contracts and the Crown Solicitor's Office had helped prepare the two contracts?

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

I thank the member for some notice of this question.

- (1) There is only one contract between WATC and Elle Racing Pty Ltd. *The West Australian* of 18 January 1997 stated -

WA Tourism Commission Chief Executive Shane Crockett revealed yesterday that the sponsorship deal was in two parts . . . We are paying \$666,000 -

That may be a typographical error or a mistake on the part of the newspaper, and it should be \$600 000 -

- for Elle Macpherson's endorsement of state tourism and another \$400,000 for her to base her racing yacht in Fremantle.

In addition to the one contract between WATC and Elle Racing there is a letter of endorsement from Elle Macpherson stating they she will meet her obligations in the WATC-Elle Racing contract. In summary both Mr Crockett and I have stated that there is only one contract between Elle Racing and WATC, though there is also a letter of endorsement between Elle Macpherson and WATC. Both documents were developed in conjunction with the Crown Solicitor's Office.

**TAXIS - CAMERA SURVEILLANCE UNITS**

**477. Hon E.R.J. DERMER to the Minister for Transport:**

- (1) Has the testing of the taxi camera surveillance equipment of the short listed tenderer chosen by the industry evaluation panel been completed ?
- (2) If not, why not?
- (3) If so, what recommendation has been made by the industry evaluation panel to the Department of Contract and Management Services tender committee?
- (4) Has a contract been let for the installation of camera surveillance units in Western Australian taxis?
- (5) Has the first of these camera surveillance units been installed in a taxi?
- (6) If not, why not, and when does the Minister anticipate the first unit will be installed?
- (7) How much time does the Minister expect that the installation of camera surveillance units in all taxis will take?

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

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not applicable.
- (3) I am advised that the tenders committee of the Department of Contract and Management Services will consider a recommendation on the matter tomorrow, Thursday, 12 June.
- (4)-(5) No.
- (6) The contract for the supply and fitting of the cameras has not yet been awarded. We are waiting on the decision tomorrow.
- (7) The installation of cameras in all taxis will take approximately 18 weeks from the date that the contract is awarded.

I am as keen as the taxi industry and Hon Ed Dermer to see these units installed. There were some impediments along the way and some concerns were expressed within the industry about the technology. We had to get it right. We are going to get only one chance to get it right. I hope now that the testing has been completed and after the recommendation is made tomorrow that we will be able to get on with it.

## WOMEN'S INTERESTS - WOMEN'S SUFFRAGE CENTENARY

**478. Hon HELEN HODGSON to the Minister representing the Minister for Women's Interests:**

- (1) In the light of budget matters now having been determined, has the Minister allocated funds to contribute towards preparations for the Women's Suffrage Centenary celebrations in 1999?
- (2) If so, what is the amount?
- (3) If no money has been allocated, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The estimated allocation for 1997-98 is \$260 000.
- (3) Not applicable.

## ENVIRONMENT - CSBP

*Bund Upgrade Plan***479. Hon J.A. SCOTT to the Minister for Mines:**

- (1) Did the Department of Environmental Protection and the Department of Minerals and Energy approve the CSBP five year bund upgrade plan?
- (2) Will the Minister table the copy of the agreement to upgrade the bunds and the associated plans?
- (3) If no written agreement and/or approved plan exists, what power does the agreement have to enforce the plans being carried out?

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

I thank the member for some notice of this question.

- (1) If the five year bund upgrade plan referred to is CSBP's safety management system and dangerous goods storage improvement plan, it was a plan that addressed public safety not environmental protection, and was approved by the Department of Minerals and Energy and not the Department of Environmental Protection.
- (2) Attached is a copy of the company's plan. I seek leave to table that document.  
Leave granted. [See paper No 496.]
- (3) Not applicable.

## PARKS AND RESERVES - REGIONAL

*Gnangara - Advertisements***480. Hon KEN TRAVERS to the Minister representing Minister for the Environment:**

I refer to the four page advertising wraparound feature regarding the proposed Gnangara regional park that was run by the Community Newspapers Group in November 1996.

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

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

The questions raised are similar to those raised by the member in the Estimates Committee debate on 28 May for which answers are being provided. In view of the further information being sought I ask that this question be placed on notice.

TOURISM - ELLE RACING

*Failure to Enter Race - Refund*

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

With regard to the concerns being expressed that the Elle Racing syndicate may not have an entry in the Whitbread round the world yacht race, if the yacht is not entered will the State be refunded the \$440 000 it has already paid to Mr Harvey?

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

This matter is the subject of legal advice from the Crown Solicitor's Office and it is inappropriate to comment at this time.

FORESTS AND FORESTRY - GIBLETT BLOCK

*Moratorium on Logging*

**482. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) In the light of the previous answer, apparently the Executive Director of CALM is, or was, unaware of the true status of Giblett block; that is, Giblett block is interim listed on the Register of the National Estate. Does the Minister intend to place a moratorium on logging in Giblett block?
- (2) If not, on what date is logging expected to commence in Giblett block?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) At a date to be determined.

TOURISM - ELLE RACING

*Contract - Monitoring*

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

I refer to the Elle yacht racing saga. The Minister has informed the House that the performance of the Elle Racing contract has been constantly monitored.

- (1) Who carried out the monitoring?
- (2) What form did it take?
- (3) Was the Minister kept informed about the performance of Elle Racing?

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

I do not have a copy of the question. Therefore I cannot provide an answer.

ADOPTIONS - NUMBER

*Babies and Stepchildren*

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

- (1) How many babies were relinquished for adoption in the years 1995 and 1996?
- (2) How many stepchildren adoptions took place in 1995 and 1996?

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

I thank the member for some notice of this question.

- (1) 1994-95 19 local babies were placed for adoption.  
1995-96 25 local babies were placed for adoption.
- (2) 1994-95 88 stepchildren adoptions occurred where orders were granted.  
1995-96 17 stepchildren adoptions occurred where orders were granted.

#### ENVIRONMENT - EXMOUTH GULF

##### *Destruction of Mangrove Trees*

#### **485. Hon TOM STEPHENS to the Minister representing the Minister for Lands:**

With reference to my question without notice asked yesterday regarding the destruction of mangroves in the south western reaches of Exmouth Gulf, I draw the Minister's attention to the front page article of the *Exmouth Expression* of June 1997.

- (1) Will the Minister now investigate who is causing the destruction of these mangrove trees?
- (2) Will he immediately take steps to prevent further destruction of these vital parts of the ecosystem?

#### **Hon MAX EVANS replied:**

I thank the member for some notice of this question. The Minister for Lands has asked the Department of Land Administration to confer with the Department of Conservation and Land Management to identify the exact location of this destruction, to assist with any investigations, and to examine any further recommended action that may be necessary to protect similar ecosystems.

#### PASTORAL LEASES - EXCISIONS

##### *Aboriginal Living Areas*

#### **486. Hon TOM STEPHENS to the Minister representing the Minister for Lands:**

- (1) Is a moratorium still in place for granting excisions from pastoral leases for Aboriginal living areas?
- (2) If not, when was the moratorium lifted?
- (3) How many excisions have been effected since the moratorium was lifted for Aboriginal living areas?
- (4) From which pastoral leases have these excisions been made?
- (5) To which Aboriginal communities have the excised land areas been granted?
- (6) What excisions from pastoral leases for Aboriginal living areas were granted between February 1993 and what is the date on which the freeze on excisions was put in place by the Court Government?

#### **Hon MAX EVANS replied:**

I thank the member for some notice of this question. As it will take considerable time to research and collate the answer, I ask the member to place the question on notice. He will probably perform as he did yesterday because he thinks that this information can be produced in five minutes.

#### FISHERIES - SOUTH COAST PILCHARD FISHERY

##### *Management Plan - Amendments*

#### **487. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:**

I refer the Minister to the media statement of the Minister for Fisheries on 8 June 1997 in which he announced the introduction of new management measures for the south coast pilchard fishery.

- (1) Will the Minister advise why he proceeded to table the amendments to the management plan while the effect of those amendments was still under discussion by the industry?
- (2) Is the Minister aware that at a meeting of industry participants in Albany on 9 June the amended plan was unanimously rejected?
- (3) Given that the plan has now been rejected by the Management Advisory Committee, the Western Australian Fishing Industry Council and the industry meeting on 9 June, will the Minister now withdraw the amendments?

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

I thank the member for some notice of this question. As the member would be aware, these issues are most complex and require further attention. I therefore request that he place the question on notice. I will do what I can to ensure that the information is provided quickly.

## TOURISM - ELLE RACING

*Mr Mike Rees - Discussions with Elle Macpherson's Management***488. Hon TOM STEPHENS to the Minister for Tourism:**

With regard to the Elle Racing yacht, on 29 April the Minister advised the House that EventsCorp did not undertake a specific financial check on John Harvey but that EventsCorp had sent a senior officer to New York for discussion with Elle Macpherson's management.

- (1) Who was that officer?
- (2) On what date(s) did the officer meet with Elle Macpherson's management?

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

I thank the member for some notice of this question.

- (1) Mr Mike Rees.
- (2) 8 October 1996.

## TOURISM - ELLE RACING

*Funding - Source***489. Hon TOM STEPHENS to the Minister for Tourism:**

On 29 April the Premier told Parliament the source of the money used to pay Elle Racing. He said the first part of the program - \$500 000 - came out of the Tourism Commission budget. As this money could not have been allocated for Elle Racing when the 1996-97 Tourism budget was brought down, from what section of the Tourism budget was it taken?

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

I thank the member for some notice of this question. The funds were taken from the \$22.9m allocated to the WA Tourism Commission to undertake the WATC's specified program of "Promotion of Western Australia as a Tourist Destination".

## TOURISM - BRAND WA ADVERTISING CAMPAIGN

*Funding***490. Hon TOM STEPHENS to the Minister for Tourism:**

With regard to the \$10m Brand WA advertising campaign -

- (1) Did the decision to allocate this significant amount of money go to Cabinet?
- (2) If no, who made the decision and whose advice was sought on this \$10m decision?

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

I thank the member for some notice of this question.

- (1)-(2) The total spent on the Brand WA advertising campaign was \$8.8m as tabled in Parliament on 7 May 1997, not \$10m. It should be noted as detailed in the report that this money will be spent over a four year period as follows -

1995-96 \$ 392 262  
 1996-97 \$3 806 050  
 1997-98 \$2 425 000  
 1998-99 \$2 225 000

Under the WATC's Program Statement No 1 in the document "1997-98 Budget Statements", page 942, the WATC is charged with promoting Western Australia as an attractive tourist, event and convention



destination within Australia and overseas. As such, the funds indicated above are approved each year as part of the budget allocation to the WATC in order to undertake this task.

The specific marketing initiatives undertaken by the WATC are determined by the WATC Board of Commissioners based on advice provided by management, industry advisory boards and external experts.

#### SPORT AND RECREATION - NEDLANDS YACHT CLUB

##### *Extensions to Clubhouse - Government Grant*

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

The payment of the final instalment of a \$38 000 CSRFF grant to enable the Nedlands Yacht Club to expand its clubhouse facilities was recently announced.

- (1) Is the Premier a member of the Nedlands Yacht Club?
- (2) Did the local government authority contribute to the cost of the extensions to the yacht club?
- (3) Is the yacht club situated on crown land?
- (4) How many yacht clubs have received CSRFF grants over the past four years?

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

- (1) I am not privy to such information, nor do I believe I should be. The member could contact the club to determine if club members' details are available to the public.
- (2) First, I must clarify the fact that the CSRFF grant was only partly for improvements to the clubhouse. A large proportion of the grant was for the secure storage of rescue craft. The LGA did not contribute to the cost of the extensions but supported the club in arranging a self supporting loan, within council policies, for part of the total project costs.
- (3) The yacht club is situated on a crown reserve administered by the City of Nedlands.
- (4) CSRFF grants have been approved for six yacht or sailing clubs over the last four years. Grants have been distributed throughout the State, including the Ord River, Albany, Esperance and Geraldton.

This question is a typical question from members opposite who seek to denigrate Ministers and, in this case, the Premier. The allocation of funds for the CSRFF are made by an independent committee. This decision on the Nedlands Yacht Club was made by an independent committee, chaired by Yvonne Rate, who is highly respected in this community. If any Opposition member has any questions about why a grant was made to any organisation, that member can ask her. I can give members an absolute assurance that the Premier was not involved in any way in the decision to provide funding to the Nedlands Yacht Club - no more than Hon Tom Stephens was involved in funds going to Kununurra or other members were involved in funds going anywhere else. The decision was made by an independent committee. Members of that committee would be horrified to think that somebody in the Opposition would argue that in some way committee members were influenced by a member of Parliament in carrying out their duty.

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