WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 9 April 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

STANDING ORDERS COMMITTEE

Report

The President presented a report from the Standing Orders Committee relating to proposed amendments to Standing Order 134 providing a right of reply, and on the motion of Hon J.A. Cowdell it was resolved -

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

[See paper No 1522.]

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Salinity in Western Australia - Motion, as Amended

Resumed from 8 April on the following motion -

> That the House calls on the Standing Committee on Ecologically Sustainable Development to examine the salinity problems facing Western Australia and to report not less than once a year, the first report to be tabled not later than 31 December 1998, on the progress of implementation of the State's salinity action plan.

HON GREG SMITH (Mining and Pastoral) [11.05 am]: I do not support this motion in its present form because it calls on the standing committee to examine salinity problems facing Western Australia.

Mountains of studies have been done on salinity. My research in the Parliamentary Library indicates that studies of the problem began as early as 1930. It did not appear all of a sudden five years ago when this Government came to power. A good report was tabled in the Legislative Council in 1988, and many of the recommendations in that report were implemented. However, although it was recommended, incentives for farmers to spend their money were not put in place. Grants, the extended salinity loan scheme and so on were discussed. Members from the Agricultural Region might be able to tell me whether those measures were ever put in place. The money being spent and budgeted for at that time was nothing compared to what is now being spent on the problem.

The reason the committee should not examine the salinity problem is that it would be just another group of people collating information that has already been collated. We have the salinity action plan, the State Salinity Council and a ministerial subcommittee on salinity. For another organisation or parliamentary group to examine it would be a waste of time. Perhaps the committee could take a holistic approach to establish what is happening and whether what is supposed to be happening is happening. Other groups, such as a ministerial subcommittee, are probably doing that, but this committee could assure people that something is happening and that it is happy with what is happening. I see no reason for the committee not to have at least a monitoring role.

I foreshadow an amendment to the motion to delete all words following the word "Development" and replace them with the words "to monitor and report at least once a year on the implementation of the State's salinity action plan and other matters the committee considers relevant to the State's salinity problems". If we accept the motion in its present form, the committee will be required to carry out an examination this year and every subsequent year.

The PRESIDENT: I know that the member is foreshadowing his amendment, but I would appreciate a copy of it.

Hon GREG SMITH: This amendment would make the role of the committee far more practical. It has been conducting an inquiry into the forest industry since the day after it was appointed. Now, seven months down the track, it has not tabled a report.

The salinity problem in Western Australia is enormous. Without downgrading the forest inquiry, this proposed inquiry is probably even bigger. The committee has just had clauses of a land levy Bill referred to it and other legislation is being directed to it. It would not be productive for the committee to spend its time looking at these things. I would like to think that the time I spend on parliamentary business is producing something constructive. The goals and key principles underpinning the strategy to combat salinity have been documented. The committee could play a part. The strategy states that a whole of catchment and regional approach is the appropriate scale at which to focus the management of salinity. That is happening now under the land care development committees and other organisations. It acknowledges that salinity management is part of the sustainable use of land and water resources.

It states that a clear definition of accountability and appropriate performance monitoring at all levels will be fundamental to the effective management of salinity, and that effective government expenditure on the program will be achieved by strategically allocating resources to priorities based on their economic, social and environmental values. Therefore, the committee's role will be to ensure accountability and performance monitoring at all levels. I imagine that all organisations currently tackling salinity will release glossy reports, and the committee could draw them together for consideration. We may want to take a field trip to see whether people are doing what is claimed.

We are fortunate, as Hon Norm Kelly made me aware by interjection, to have a farmer on the committee who has a reasonable knowledge of the salinity problem. We also have in this Chamber Hon Kim Chance, Hon Eric Charlton, Hon Bruce Donaldson and Hon Murray Nixon from the wheatbelt area who discern the salinity problem.

I have suggested an amendment to this motion to the committee. Once I pointed out the problems we confronted with this motion, everybody on the committee was of the opinion that our time was too precious to be walking over ground already trodden. Whether my amendment will be accepted by the other major party is yet to be seen. Other people may like to see it go further.

The PRESIDENT: Order! Before the member moves his amendment, I indicate that it appears to be similar in substance to the words in the original motion. It may be that all the member is attempting to do is delete "examine" and substitute "monitor". I will leave that for the member to work out. However, the member must include certain words which have already been agreed to; namely, that the first report be tabled not later than December 1998, on the progress of implementation of the State's salinity action plan. This was agreed to some days ago. I assume that the member intends those words to stay.

Hon GREG SMITH: I am not convinced that I intend the words to stay.

The PRESIDENT: I will help the member. If he does not intend the words to stay, the amendment is out of order as the Council has already agreed to the words. It is part of the amendment to the original proposition put by Hon John Cowdell. It was agreed that 31 December 1998 be the date on which the first report shall be tabled.

Hon GREG SMITH: I shall move to retain as part of the motion that the first report to be tabled not later than 31 December 1998 on the progress of the implementation of the State's salinity action plan. Would that be acceptable?

The PRESIDENT: That must be part of the motion. I am sure it will be understood by members of the Legislative Council that the member intended that to be the case. I have read a copy of the amendment the member proposes to move. I do not want to enter into debate but the wording of the amendment and the motion appear to be very similar. The major difference is the word "examine" in the motion, and the member's proposal that the committee "monitor" the problem. I am attempting to assist the Council in coming to a conclusion. If the member does not agree, I will put the question that he delete certain words with a view to substituting others. I will leave that to the member to consider.

Amendment to Motion, as Amended

Hon GREG SMITH: I move -

> To delete the words "to examine the salinity problems facing Western Australia and to report not less than once a year" with a view to substituting the following -
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> > to monitor and report at least once a year on the implementation of the State's salinity action plan and other matters the committee considers relevant to the State's salinity problems

The PRESIDENT: The other words in the motion stay - they have been agreed to.

Amendment (words to be deleted) put and passed.

HON W.N. STRETCH (South West) [11.20 am]: I support the amendment because, as Hon Greg Smith said, many years of research and many years of reports have gone into trying to solve the salinity problem. It has been going on since the 1920s. The monitoring of that information needs to be borne in mind and measured against the progress made with the salinity action plan. Hon Greg Smith's amendment gives a little more direction to that research and monitoring than just examining the program yet again.

I have had a fairly consistent approach to the question of salinity in Western Australia. It will come as no surprise to members in this House who have been here a while that I am very concerned about the attitude of government authorities at all levels to the question of drainage and to what I have always called the salt equation. We must consider the balance of nature in the same way we must consider the balance in all other life, including human beings' interaction. We must also consider the history and the realities of this problem and the realities of Western Australia's landscape. I am referring particularly to the south west region, the area from just north of Geraldton to Esperance.

In considering the whole picture, we must remember that a lot of that area was originally seabed. I am sorry Hon Mark Nevill is not here. With his great knowledge of geology, he could have helped me out.

Hon N.D. Griffiths: He is listening to you.

Hon W.N. STRETCH: I know. He is obviously on parliamentary business elsewhere which will include monitoring closely my words!

When one considers the geological structure of Western Australia and how it has developed, it gives a good understanding of the reason we have this very high sodium chloride level in our soil profiles and our general landscape. There is a lot of raised seabed on the eastern side of the Darling Range, and there is a lot of inherent salt in the soil structure. It has been estimated that in the first 20 metres of soil in the Belka valley, there are tonnes and tonnes of salt per hectare. It will probably take a millennium or two before that gradually leaches out.

The nature of most of our agriculture is that we deal with the first metre of topsoil and the underlying substrata. What happens below that has always been a little out of our area of concern. That is no longer so with the removal of vegetation. As has been said many times, there has been a movement of salt up the soil profile until it has emerged on the surface in scalds and in salination of streams.

When the annual blow-in of salt from the ocean is added to the inherent salt in the soil, the problem is exacerbated. That blow-in of salt has been estimated, as mentioned in the salinity report of a 1976 study by Hinkes and Galetus, to range from 20 kilograms a hectare up to 200 kilograms a hectare. That is sodium chloride deposited on each hectare of land where the rain falls. We can see how that will gradually accumulate. While we think we are doing great things by planting trees and holding the existing salt in the lower profiles of the soil, we must remember that there is an annual topdressing of salt from the rainfall to add to the problem that exists already. I describe that as the salt equation. There is salt as a baseline, and salt coming in in the rainfall and wind drift from the coast, and that goes a long way inland. Therefore, we must look at the other side of the equation and achieve a balance.

There are only two ways that we can get rid of that salt from the soil profile. If it is coming in on one side, it has to be taken out on the other side and the only way it can come out is by flushing it out as a liquid or digging it out and moving it as a solid. The rate of increase can be held in the top profile by planting trees, by agricultural practices and a host of other things. However, the imbalance cannot be corrected unless the salt is physically removed from the soil by either flushing or extraction through mining and carting it off to the sea.

I am not sure of the amounts, but the bulk of the salt in the world's profiles comes out of the seawater. I cannot say how much of it got there from flushing from the land masses in earlier millennia; I am not sure whether anyone can. However, in looking at the realities of what exists today, there is a massive sea salt mass and a not so massive salt bank in the soil profile. The only place to properly get rid of salt is back in the ocean where it came from. The Israelis realised that a long time ago. When they went to Victoria to have a look at the salination in the mallee and the Wimmera country and the irrigation areas around Kyabram, they understood very early that the only way that salt could be removed was through a series of lakes and drains back to the sea.

I have always felt that we must look to our existing drainage systems - our rivers - to solve our salt problems. It is socially unacceptable to salinate our rivers to get rid of land salt. However, when we consider where we came from and where we are going, I challenge the Parliament, the study groups, and the Standing Committee on Ecologically Sustainable Development to find another way of countering the gradual and insidious build up of salt in the soil.

As I have admitted in the Parliament before, I am one of the vandals because I spent my first 20 years clearing timber and some salt has emerged, some of it arguably and some unarguably as a result of that clearing. However, it is not as great an area as one may think. The way to limit it is to ensure that the soil can drain into an existing system, which can then move it back to the sea. That may mean grasping the nettle and dedicating certain river systems as flushing systems. It will not write them off but it will dedicate them as flushing systems for a certain number of years, until the soil profile in the hinterland freshens up and the water discharges from that area become, if not potable, at least suitable for the growing of plants.

The other alternative to using the rivers, of course, is to use an engineering solution with pipelines through to the ocean. I think the cost of that would be prohibitive, certainly with present technology. I became involved in the politics of water movement and water and river interaction with the land in the early 1970s and that finally led me to this place, funnily enough, because I had a very severe conflict of views with the then Minister, who happened to be a Liberal Minister. I still believe I was right and that history will prove me right. However, that could be in 200 years. At that stage the idea involved moving the salty water from the inland rivers through to the ocean using dedicated river systems or, if necessary, pipelines in the river beds. However, I leave the House and the committee to consider that, when they monitor this action plan every year, they see where we are going with the problem of getting the salt out of the profile.

We can do what we like with it, but at some stage we must at least move salt out to sea in similar quantities to that which is blowing in off the ocean. If we do not do that, clearly we will face increasing salination. In some areas where evaporation ponds have been established the resulting salt has been either sold for commercial purposes or taken out in truckloads and dumped at sea. As that is where it emanated from there is no problem.

Hon Greg Smith: That is an expensive process.

Hon W.N. STRETCH: It is very expensive. However, the tonnage of salt in a hectare would probably take only two or three B trains to clear compared with some of the other alternatives. It could stack up in time depending on the value of the land and its uses. I understand that in Montana in the United States the Government has reclaimed pure white salt land by flushing and mechanical removal. It is not a method I prefer. The better method is to increase the rate of flow of salt water from the land into certain dedicated river systems, encouraging it to flow out to sea as soon as possible. That provides an option if one day we want to make the rivers potable.

The river that got me to this place is the Tone-Warren system in the south west. Most of the salt in the Warren River comes from the Tone catchment higher up, probably around the Dumbleyung district. That is a long way from the D'Entrecasteaux National Park where the Warren runs into the ocean. If we could run that water out as quickly as possible from the hinterland into the ocean we would gradually flush it out. I acknowledge that it might take 200 years. That is well beyond my ken and that of most of us here.

However, 200 years in the lifetime of the salt build up in the Australian land profile is but "a twinkling of an eye". We do not know how many millions of years it has taken for that salt to build up. Solutions are available that will speed up that flushing process. If we flush out as much soil salt as we can we will reduce the problem. If we simply rely on planting trees and holding the salt in the landscape we will be maintaining the status quo for the soil salts and, whether we like it or not, an annual build-up will be falling onto plantations and remnant vegetation or whatever is fenced off. It is vital we keep the flushing systems open and that we encourage as much salt as possible into the conduit systems to get it out to sea.

Hon Greg Smith: That sort of salt will go down easily, won't it?

Hon W.N. STRETCH: Yes. It then becomes part of the land salt body. It will be adding to its own problem all the time. If we were to block off the rivers as we do with damming, put in contour drains and plant some of the trees and hold the salt in the profile that would be great in the short term, but even without movement of water bringing it to the surface its physical weight will gradually cause it to build up to a stage where the land will become unsustainable and virtually useless.

We must consider the natural drainage systems as a readily available method of cleaning our landscape of this salt problem. We accept it will be a project that will continue far beyond our lifetime. If we can get the salt out of, for example, the Warren River, which we need to dam - I understand it is not a favoured option this year, although it was a couple of years ago - we could then divert the saline waters from the head waters around the dam and rely on the fresh fill from the lower south western areas of the catchment where the water is potable, so that the dam water will be of good quality.

The alternatives are to either put in a diversion dam above the main dam and divert the water around it and back into the stream below the potable catchment, or divert it to another river system altogether. In the case of the Tone an engineering option was available in that way where the water could be diverted into the Frankland River. That immediately triggers a nimby syndrome; that is, do not foul up one river with salt from another river. I understand that argument. In addressing the problem of salination in the Western Australian landscape we must consider the whole picture and what is best for the State. If for 100 years we must dedicate a certain river as a flushing river and concentrate on others for potable water, so be it.

I have raised this matter because in its monitoring I would like the Standing Committee on Ecologically Sustainable Development to be mindful of the potential value of drainage. I agree that no one method will address the problem. That is mentioned several times throughout the report. However, we have only played around with drainage. It gets only a cursory mention in the report. Localised schemes have been quite successful. Other difficulties exist, such as where drainage basins have no possible outlet to the ocean. In some parts of the eastern wheatbelt the salt accumulates in sumps and there is nowhere else for it to go. In that instance consideration could be given to the commercial utilisation of the evaporated salt, trucking it out, or dedicating a pipeline to move it out in saline solution form. Pumping it out as a liquid would probably be a much cheaper solution than carting it out as solid salt.

Where we have dedicated river systems we must be more lateral in our thinking and address the fact that we will not solve the problem by holding the salt in our soil. With natural build-up, annual additions of salt will create an increasing problem. Until we consider the physical removal of the soil from the landscape we are only putting our finger in the dyke. It will solve the problem in the short term; it will not solve it in the long term. Some trees will

keep growing and more salt tolerant plants will survive, but as time goes on more and more salt tolerant plants must be developed - notwithstanding there is probably a limit to that.

I bring that point to the attention of the sustainable development committee to consider alternatives which discourage drainage. One of the things dear to the heart of many land care people is the prohibiting of saline discharge. At one stage it was even suggested it be called a noxious waste. In that case we might as well ban nitrogen from the atmosphere because salt is part of our bodies and our landscape. The matter must be dealt with sensibly and in a balanced way. It is no good saying we cannot get rid of it, we must keep it on our soil, everything must stay on the area in which it was created. That approach simply will not work.

The other problem we have in establishing these drainage systems is that the Western Australian soil profile is very different from that of many other continents. It has a very shallow topsoil. Much of this is because the arable soils are alluvial wash from the ridges, some of which are the oldest landforms on Earth. As the valley floors filled up with sand, they blocked off some of the natural drainage areas and, consequently, there is a locking in of small lakes in a sand plain valley floor situation. Many of these must be opened up to return the natural drainage system to what it was before the silting occurred. There will then be the natural reflow to the rivers again. It is very much a question of the siltation of the valley floors and the consequent backup of the water in the hinterland behind them that has caused much of the water table to rise and, with that, the associated salt problems.

Members and people in all areas, no matter where we live, are reliant on potable water and it behoves us all to take an interest in this problem. I do not like to use the word "problem"; I prefer to call it a challenge. However this issue has been around for so long and will continue for such a long time in the future that it is getting to the limit of the definition of a challenge. It is part of the committee's function to bring alternative solutions to it. I close by urging that, through this amendment or whatever motion is finally passed, a broad approach be taken to the problem.

Trees are certainly an important part of our short term solution. They are not a long term solution. We do not yet have a definitive long term solution. However, I put to the House and the committee that in time the drainage and the encouragement of this long term flushing of the landscape is the ultimate solution of the problems and challenges we are now facing in this area.

HON B.K. DONALDSON (Agricultural) [11.43 am]: I support the amendment. This has been a very mature debate. The number of members who have participated shows the very keen interest we have in it. We all recognise that this problem is the responsibility of all Western Australians, not just the landowners. It is very important that the Standing Committee on Ecologically Sustainable Development has recognised the responsibility it would have had under the original motion represented a duplication, or even a boiling of the cabbage a number of times. The committee has taken a very important approach by using the word "monitor", rather than the word "examine". As a result of the original motion, eight or 10 papers could have been presented on a regular basis by several different groups reporting on the salinity action plan. The use of the word "monitor" is very important when we look at the developments being put forward to address this very serious problem in Western Australia.

I support the amendment. I appreciate the fact that speakers from both sides have participated in this debate. I have been interested to hear from people who are not necessarily landowners, but who recognise the extent of the difficulty in coming up with a management plan to address this issue. Hon Greg Smith pointed to a report of 1930 or 1931. That was 67 years ago. The salinity did not suddenly happen. We did not wake up one morning and see a salt lake in our backyard. There is a recognition of the problem across the whole community. Successive Governments should not be blamed for inaction. I am encouraged that our younger landowners are taking a far more responsible attitude to land care. Some of the impositions that were put on some of the original clearers of land - that is, fence to fence - have been eliminated. I appreciate talking to some younger farmers who are very switched on and who appreciate the changes that are being made and the role of this standing committee in monitoring the process in the future.

HON J.A. COWDELL (South West) [11.45 am]: In the motion as amended reference was made to examining the salinity problems facing Western Australia. Many of us assumed the committee would exercise its discretion and primarily have a monitoring role with respect to the state salinity action plan. This new definition spells out that role as being to monitor and report on the state salinity action plan, and to report on other matters. This is fine. It gives a priority to examining salinity problems. I have no difficulty at all in accepting that the words to be inserted be inserted, as I have no problem in accepting the worthwhile addition of Hon Norm Kelly, Hon Bruce Donaldson and Uncle Tom Cobbley and all.

HON CHRISTINE SHARP (South West) [11.46 am]: As Chairman of the Standing Committee on Ecologically Sustainable Development, I indicate that the amendment of Hon Greg Smith is acceptable to the committee. We discussed that proposal yesterday in committee and felt it was a very realistic proposal in terms of making sure our workload did not get bogged down to the whole science of salinity, but very much looked at the government and community processes for seeking to improve it, rather than at the problem itself. Hon Greg Smith has moved a

valuable amendment. This must be one of the most amended motions I have seen since I have been in this place; however, I am very happy to support this final version. I think this committee can do some good work for the Parliament on what all members have shown is a matter of huge concern to all of us.

Amendment (words to be substituted) put and passed.

Motion, as Further Amended

Hon J.A. COWDELL (South West) [11.48 am]: Most points of view have been canvassed on this particular subject. We have received in a multipartisan spirit the improvements of many respective amendments. The motion, as amended, still makes the point that I was making in moving the motion in the first instance; that is, this issue is of such importance that it should be referred to the specialist standing committee.

Government priorities may change and although we have a State Government priority on this issue at the moment, that may change. There should be monitoring. I am not sure whether there is a Commonwealth Government priority in this regard, but the flow of commonwealth funds and whether the Commonwealth is living up to its promise will have to be monitored. Also to be monitored is the performance of peak councils' operations, how the Department of Conservation and Land Management is performing as the chief instrument of much of the policy to be implemented, and that the proportion of the CALM budget allocated is used in this regard and is not just a change of labels so that that timber planting agreements and the total network of those suddenly crop up on the other side of the ledger and are said to constitute total expenditure on the salinity program. For those reasons it is important to monitor what is going on and to alert the Parliament to any significant deficiencies in funds either at the state government level through state government instrumentalities, through the Commonwealth Government, or through the private sector. It is necessary to monitor and evaluate the various strategies and whether they are enjoying success. In a spirit of multipartisanship, I support the motion as amended.

Question (motion, as further amended) put and passed.

COMMITTEE REPORTS - CONSIDERATION

Committee

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

Standing Committee on Public Administration - Distribution Adjustment Assistance Scheme

Resumed from 12 March on the following motion -

That the report be noted.

HON KIM CHANCE: This is a continuation of debate on the motion to note the report which began on 12 March. On 12 March I listed a range of the terrible outcomes experienced by people who were affected by the change that we collectively made to the legislation. I will not go back through them again, but some of those outcomes indicated that there had been some drastic reductions in people's incomes and living standards; that there was unemployment - in some cases long term unemployment; and most importantly people had lost almost everything they had worked for all of their lives, including, in some cases, the family home. Page 23 of the report covers that in detail. However, the legislation that was passed took everything those people had; everything except their dignity.

On 12 March, we diverted for a brief discussion on the credibility of the assessment of market value of the right that was contained in the licence which the former vendors held. That was a key issue for the Committee and we spent a great deal of time on it. I will, for the purpose of discussion in the Committee, simplify and shorten that aspect. In each case, the free market established the value of both the licences held by the former licensed vendors and the contracts which ultimately replaced them. In other words, it was the classic concept of a genuine seller and a willing buyer. It is irrelevant that the value of those licences was created by a legislative fiat. All that matters is that the value was real, that it was established by a legal mechanism, and that the value was the exclusive property of the former licensed vendors. The beneficial ownership of that right was taken from those licensed vendors without compensation. That is the bottom line and it is really not a complex issue. That right then reverted to the dairy companies without cost. The inherent value of that right became attached to the contracts which replaced the licences. The contractors acquired that inherent value at no cost.

It is not a complex matter. However, I will illustrate it so there is no misunderstanding. Vendor A has a property right with a tradable value of $350 000. Vendor A loses that right when the Parliament abolishes licensing. Vendor B gets a contract to deliver milk in the area formerly served by vendor A. Vendor B then sells that contract for the same price - $350 000 - as its value when vendor A owned it. What does A get out of it? In a word, nothing, unless we call unemployment something. Vendor A gets nothing, save the meagre adjustment assistance which was

provided by the distribution adjustment assistance scheme that we have already established was not compensation, was never deemed to be compensation and was specifically disavowed to be compensation by its architect and the Government. It is just plain wrong and we cannot allow the situation for those people to continue any longer.

The committee looked at the law in some detail to see whether it could find some way of redressing the situation. Ultimately, the matter of compensation for legislative effects of this kind falls under the description of "just terms" which, if my memory serves me correctly, is referred to in section 51(xxxi) of the Australian Constitution. Unfortunately, the concept of acquisition on just terms and the requirement for acquisition on the basis of just terms, while contained in the Australian Constitution, has no mirror in the Western Australian Constitution. The State, like the Commonwealth, is empowered to acquire and deal with property, that property being private or public. However, the state Constitution has no mirror provision to section 51(xxxi) of the Australian Constitution, which requires the State to apply just terms to such acquisition. It is the reverse in other jurisdictions. The committee looked at the Canadian jurisdictions, where the just terms provision, or the Canadian equivalent, is in the constitutions of the provinces but not of the federation.

That leaves us with the common law. We cannot refer to the Constitution of Western Australia and insist that certain things be done under it because that requirement does not exist. The situation is rather different in the common law. The State can acquire property, but is required under the common law, if that property is private, to make a form of compensation. I cannot imagine the milk vendors taking this issue to the High Court for settlement. The problem exists much closer to home.

When we passed that clause of the adjustment Act in 1994 we made a blue, and it is our job to try to fix that blue. We cannot do that directly because we are the upper House of this Parliament. That is one of the frustrations of having a House structured in this way. With its rapidly developing and very competent committee system, at the end of the day, a committee - no matter whether it is my own committee or any other committee - can get to only a certain point and cannot enforce its findings. We are not the Executive and it would be improper for us to do that. However, we can reveal to the public of Western Australia where we have made a mistake. That is very much a function of our committee and every other standing committee of this House.

I have spoken for a long time on this issue in the past, and I have no intention of doing that again. The committee has stated unanimously that this problem simply must be fixed. I have had some discussions with the Minister, albeit briefly, and I understand that he has been working with his people to find some accommodation. I do not mind in what form that accommodation for these people is ultimately found. I do not want to make a political point about this. I simply want us to accept that we have made a terrible error in the way we have dealt with these people. Its importance goes far beyond the future of those 40-odd licensed vendors. This matter goes to the very heart of the way Governments deal with individuals and with their right to be dealt with fairly and properly, regardless of what seems to me to be a deficiency in the Western Australian Constitution.

Had this been done under commonwealth law, there would have been a requirement for compensation on just terms under section 51(xxxi) of the Australian Constitution. That right does not exist in law but it does in every moral sense that I can possibly imagine. This issue must be remedied, as it should have been three years ago. However, that is no excuse for us to delay now. Somehow we must be able to say to these people, "We are sorry that we made such a terrible mistake."

I hope that the Chamber will understand what the committee has said and accept it, and that, ultimately, at executive level, the Government will also accept the view of the Legislative Council and act to end these people's three or more years of misery.

HON M.J. CRIDDLE: As a member of the subcommittee I have had much to do with the report. Hon Kim Chance and I met with these people and there is no doubt that they have suffered a great deal of distress. The honourable member mentioned section 51(xxxi) of the Constitution, which goes to the heart of this issue in terms of compensation. As a Parliament, that is one of the issues that we should have taken into consideration.

Changes to government regulated white milk distribution were first proposed in 1985 in a report commissioned by the Dairy Industry Authority. All milk licences covered only whole milk and reduced fat milk, and people sometimes do not take that into consideration. It excluded all other market milk products and byproducts, including flavoured milk, creams, cheese and so on. It is my understanding that the Labor Government accepted the principle of deregulated milk distribution and that system was put in place in 1991. The coalition Government inherited that situation in February 1993.

The distribution adjustment assistance scheme was introduced to facilitate the adjustment of the milk vending and distribution sector to a deregulated environment. It was never held out by the Government as a compensation scheme - it was an adjustment scheme. That is one of the major points at issue. Since coming into office, the State

Government has raised the total amount available in the DAAS from the $1m originally proposed to $7m as it stands today. Some of that money has already been distributed.

The scheme is designed to assist the vendors exiting the industry, but it relates only to the white milk component of their businesses. As white milk is the only product regulated by legislation, all other products were already free of any licensing arrangements. The payment proposed by the previous Government was $35 to $50 a litre and the maximum payment was $50 000 to $150 000. The $150 000 cap was one of the issues that needed to be resolved.

The appointment of an independent arbiter to examine, by way of an appeal, submissions from vendors who believed they had special circumstances that required extra consideration came under the DAAS assessment arrangement. The DAAS will cease on 30 June this year and it would probably fall neatly into place if all industry arrangements were concluded in one proposition.

I understand the Minister is looking at the whole of the issue with a view to reviewing it and seeing what sorts of arrangements can be put in place for the whole of the industry. That would include those people who have been disadvantaged to a large extent.

I would like to touch on some of the recommendations of the committee. As was said earlier, the decisions were unanimous apart from one. The recommendations read -

> It is the Committee's view that a clear moral and ethical duty exists to support the need for further assistance for some of the former licensed milk vendors, to an extent which fairly reflects the value of the loss of the rights which they held as licensees in the milk distribution industry. These property rights were lost as a direct consequence of the passage of the Act.
>
> > The committee recommends that the Minister for Primary Industry consider that further assistance be paid to some of the former vendors as soon as is administratively possible.

I think a process has been put in place to look at the possibility of further assistance. That is not saying that at the end of the day the assistance milk vendors already have will be increased, but the issues need to be revisited. It continues -

> > Existing available funds amounting to over $4m in DAAS provisions should be utilised to fund further assistance payments.

That $4m is what remains in the fund at this time. It continues -

> The precise extent of further adjustment assistance payable will need to be determined on a case by case basis, however, the financial straits of some former vendors are so severe that consideration may need to be given to according those vendors a higher priority for assessment.

We met probably six to 10 people who faced very difficult circumstances. I would like to highlight one other recommendation to the committee; that is, that action be taken by the Government to recoup all or part of any cost assistance required for the beneficiaries of the altered arrangements. That goes back to the companies that are now in place to carry out the milk distribution business.

Those are some of the issues I wanted to highlight. The Minister is looking at the issue. At his convenience I am sure there will be an announcement as to whether there will, or will not, be some assistance in the future.

Hon BARRY HOUSE: As a member of the committee but not a member of the subcommittee, I will make a couple of brief remarks. The way this committee set about working on this issue illustrates the value of a subcommittee being able to conduct some inquiries. As a result the committee was able to cover a lot more ground than might have otherwise been possible. The Standing Committee on Public Administration is a large committee with six members. In this case Hon Kim Chance and Hon Murray Criddle did an excellent job as a subcommittee. I want to commend them for their efforts and the result they have come up with which the rest of the committee was quickly able to analyse, grasp and endorse.

At this stage it is worth mentioning our advisory research officer who played a big role in this process. Elizabeth Lawton put together most of the material for the report and also for a report, which will be subsequently considered in this House, on the University of Western Australia. She proved to be an extremely competent and diligent person. The opportunity should not pass without noting her contribution to this report and to other work which the committee has done. She seems to have the ability to assemble the information in a logical, readable form that provides the reader with not only an historical background but also a thorough analysis of major issues and questions. Ms Lawton has moved on to greener pastures in Melbourne. We wish her well and thank her for the work that she did.

There is a valuable lesson for the Parliament to learn from the report whenever an industry restructure or adjustment

is being considered. That valuable lesson involves the principle of a right - in this case we identified it as a committee as a legitimate property right that the milk vendors possessed. That is summed up in section 10.4 of the committee's overall findings on page 25 of the report, which reads -

> Neither the DAAS arrangements, nor the arbitration process have adequately addressed the financial and emotional losses that have occurred, and have not taken into account the property rights of the former licensed milk vendors. The Committee recommends that because some of the former licensed milk vendors are encountering financial hardship as the result of the inadequacies of the DAAS, the Minister for Primary Industry should put in place a process whereby the former vendors are adequately recompensed.

We have heard from Hon Murray Criddle that that is in train. It continues -

> If the remaining DAAS funds are insufficient to properly recompense the former vendors, then the remaining DAAS funds should be supplemented by a continuation of the levy on milk, or recouped from the dairy companies, if it is possible to do so.

There is no doubt that the dairy companies were the major beneficiaries of this readjustment. They virtually got handed an asset at no cost. It may be difficult to recoup some of those funds at this stage, but it should be considered and pursued, if that is at all possible. The fundamental principle is that if the community desires to change a right or to take over a right of an individual, organisation or firm, the community should pay for it. The financial imposition of acquiring that right should not fall on one individual who possesses it. If the community makes the decision that it wants to change or restructure something, as it did in this case through the Parliament - we have heard that maybe there are reservations about what we did - the community should be responsible for paying that person who owns the property rights a fair and just price for them. We must highlight that basic principle in the report. We must make sure that it is not repeated when questions like this come before the Parliament in future.

As individuals, we have had several letters from some of the affected milk vendors. I am sure that other members of Parliament have too. I am sure the Minister for Primary Industry is considering those. He is under some constraint until 30 June, but once 30 June has passed I am sure, and I trust, that consideration will be given to implementing sections of the report that we have laid before the Chamber. I certainly anticipate and trust that a large part of that $4m will still be available - I hesitate to use the word "compensation" because it is technically not the correct term - to recompense some of the vendors who are identified as having suffered unjustly.

Hon KIM CHANCE: I am grateful for the contributions of Hon Murray Criddle and Hon Barry House. I was brief in my contribution for two reasons: I had already had a few words to say on 12 March; and, secondly, I thought it was time to summarise the principles of the issue and to provide an opportunity for other members to make contributions.

Although I was leading to the point, we have not dealt with our vision of how the situation can be put right. What mechanisms should be employed to do that? In a sense, in addressing that, I will deal with the matter now, not as the committee chairman, but as a private member, because I want to say certain things that are not necessarily the view of the committee. I want to say those things as a member, in debating the motion to note the report.

Hon N.F. Moore interjected.

Hon KIM CHANCE: As long as one says so from the beginning and does not confuse people. I am entitled, as a private member, to have a view.

Hon N.F. Moore: It tends to take away from the committee system which is to seek to obtain a consensus view among members - and members go along with that.

Hon KIM CHANCE: I am not diverting from the consensus of the committee view. The committee undertook the inquiry within its terms of reference. I see no reason that an individual member of the House, in debating whether to note the report, may not go outside those terms of reference, and that is precisely what I want to do. That is the reason I indicate that I am no longer speaking as the chairman of that committee.

Hon N.F. Moore: I am not being critical. It is an interesting question.

Hon KIM CHANCE: I say that so that people understand the context in which I make these comments. The committee's report puts a very clear case for the reasons this situation needs to be put right. The committee has not addressed - and has deliberately not addressed because it may have felt it went outside its terms of reference or charter - precisely how the situation should be put right. The committee has simply stated that a problem exists, and it needs to be fixed. The committee may have felt it would have been outside its charter to suggest to the Executive how this situation should be put right. That is essentially a decision for the Executive, and it is in an attempt to influence that decision by the Executive that I want to say a few words on the matter.

The report refers to a longstanding view of the market value of licences but that market value was of the order of two years' gross returns from the business in question. At point 3.4.2 on page 9 the report states -

> The Committee does not necessarily accept this figure of two years gross return. A report prepared by consultants ACIL Australia Ltd for the DIA in 1991 put the market value of licences nearer to the sum of four years gross return.

The footnote reads -

> "An Adjustment Assistance Scheme for the Milk Distribution Sector - A Report for the Dairy Industry Authority of Western Australia", February 1991, by ACIL Australia Ltd.

This comes down to the definition of precisely what was the value of the businesses before they were legislated out of existence. We have generally worked on the assumption that the value of the businesses, as established by the market, was of the order of two years' multiple of gross return, but is that necessarily so?

Hon Murray Criddle pointed to a relevant issue. He said that a former Labor Government had made some kind of decision to move into deregulation. I do not have the same view, but I do not necessarily want to make this a political matter. I discussed this at length with the then Minister for Agriculture, Mr Bridge. My understanding is that the Dairy Industry Authority was keen to go into deregulation, and that matter was resisted by the then Minister. The outcome of that sometimes fairly spirited discussion between the then Minister and the DIA was that the action taken by the Labor Government of the day was to expand the licensing boundaries for milk distribution, so that a number of licensed vendors within an expanded boundary could compete against each other, on the basis of their operation under the property right of the licence. That is about as far from deregulation as one could get. It is introducing competition within the spirit of the licensed vending system.

Hon Murray Criddle's comments on the DIA's position were correct. I do not think it is necessarily true to say that although those actions occurred during the term of a Labor Government they were in any way reflective of the Labor Government's position, when the Minister responsible fought deregulation so strongly. I do not want to enter the history of the matter too much. It is relevant to this debate only insofar as it was an issue that created instability and uncertainty in the market value of the licences.

In 1991 when ACIL looked at the market value of licences it deemed them to be traded at a level four times the operating margin of the businesses. By the time we looked at it the market value of the licences had been greatly destroyed by the uncertainty which had been created, one could say, partly by the Labor Government and partly by the DIA. I do not care; it is irrelevant. Instability had been created in the value of the licences, and we were dealing with licences on the market value which had been reduced to some extent by that instability.

Hon Derrick Tomlinson: In spite of that, the value of the licences was considerably greater than the payment available through the distribution adjustment assistance scheme.

Hon KIM CHANCE: Yes. I am trying to define how great was the gap. I return to my hypothetical licensed vendor A, who had a property value of $350 000 calculated on the basis of two years' annual returns; the value would have been $700 000 if it were calculated on the basis of four years' annual returns; and the gap, if vendor A had received $100 000 from DAAS payments, would be in the form of a loss of $250 000 - of course that loss extends to $600 000 if we return to the base figure established by ACIL in 1991.

These are all issues on which decisions must be made. However, I feel very strongly that in making an assessment of how to get out of the problem, the Government will need to look further back than simply the situation which existed in 1994, at the time this legislation was enacted. I have some views on the mechanism by which the problem might be fixed. Those views go beyond the terms of reference of the committee. I do not believe it really matters how the fair recompense is delivered; the conduit of that recompense is not particularly important provided the end result is achieved. I suspect that the most effective way of delivering the assistance is to reopen the arbitration system which already exists and was used to an extent in some cases to provide additional assistance where financial hardship existed within the terms of the distribution adjustment assistance scheme.

Some of the work of the arbitration system was quite good, and some of it was shocking. The reason for the variation between the two was that the arbitrator felt restrained in the adjustment assistance that he could award under the hardship provisions. He was restrained by the guidelines in the distribution adjustment assistance scheme, by the amount of money that remained, and by his interpretation of the government policy as expressed in those guidelines. As a member of Parliament I do not believe that in 1994, when we made our decision about the arbitrator's potential role in smoothing out the apparent potholes in the system which had become obvious in debate on the amendment Bill's provisions, we thought for one moment that the arbitrator would be constrained to the extent that he has. If there has been a problem in the process it has been in the limitations in the guidelines which the arbitrator felt

enjoined to operate under. Members will find reference to this in a number of places in the report. Simply, the arbitrator could not address the problems of inadequate assistance, because he was not allowed to.

It is fascinating to cast back one's mind to that debate in 1994. One of the points we were most concerned with was the quantum of the fund that would be made available under the distribution adjustment assistance scheme. I can remember running around this building having meetings in lobbies with Julian Grill, Monty House, Phillip Achurch from the Small Business and Enterprise Association, and the Milk Vendors Association of WA. These little huddles were taking place all over Parliament and almost all were about the quantum of funds: $5.4m, $7.1m, or $9.2m. The distribution adjustment assistance scheme has paid out less than $3m! The exact figure is in the report. More than $4m is hanging around unused.

Neither the committee nor I know why that has happened. We may have private views on how that happened. The most logical answer probably falls into two areas: One, far fewer people exited the industry than was anticipated; or, two, the guidelines under DAAS delivered lower individual outcomes in terms of the assistance each exiting vendor would receive. It could be either of those two reasons or the third possibility that the original quantum of funds was expected to cover a second wave of persons exiting the industry. That is a likely possibility. Because of one of those three factors, or a combination of all of those three factors, we have not used anything like the quantum of funds that any of us, including the Minister, expected would be used. I am sure the Minister would not have made such a point of allocating $7m under his last package had he thought it would make no difference. He would have said the existing $5.4m would be more than enough to achieve his end.

What I deduce from that is that the ends the Minister sought in his recommendation that we adopt the scheme were never met. That is not through any fault of the Minister, and maybe not through any fault of the Dairy Industry Authority. We got it wrong. People are human and they make mistakes. However, let us try to fix that mistake now.

More than half of the money that was allocated to solve this industry adjustment problem is unallocated. It is still sitting there. The Minister does not have to go back to Cabinet and get Cabinet's approval to find the money to fix this problem, because it has already been through Cabinet. It was approved by Cabinet in 1994. More than $4m is waiting to be allocated. Is the problem the third of those three factors; that is, a second wave of persons exiting the industry are still to be paid out? I have recently received submissions from the Milk Vendors Association on that matter and again discussed it briefly with the Minister for Primary Industry, Hon Monty House. It is highly probable that some time after 30 June or even between now and 30 June this year a second wave of people will exit the industry.

It has always been my concern and that of everybody in this Chamber that anybody who finds himself in a similar position and no longer has a contract which he can sell should be subject to some consideration. About the only thing that I could suggest to the Milk Vendors Association, and briefly to the Minister, is that the 1¢ per litre levy to fund the distribution adjustment assistance scheme be continued for an unqualified time into the future in order to provide that funding.

One of the issues I had to clarify with the Milk Vendors Association - the association representing those people who still are milk vendors - was that their perception that the committee had felt that all of the $4m which was now allocated would be set aside for those vendors who had already exited the industry. In fact the quantum of money which is left is absolutely irrelevant to the degree of compensation that might be due. It might be that $1.5m of that money will fully meet the needs; it might be that we need $10m. The sum of $4m remaining in DAAS is effectively irrelevant.

I would be extremely concerned if the Minister were to take the view that this situation can be fixed simply by issuing new guidelines to the arbitrator, and that one of those guidelines was that the quantum of funds, the $4m which is remaining, must not be exceeded. The Minister would make a mistake and a severe one if he were to do that, because the quantum of funds is no longer relevant. Certainly, in the timing of the distribution of the money that $4m might be important, because that is perhaps all that could be delivered now without going back to Cabinet to seek a greater amount. However, I hope the Minister will set the question of this $4m aside and simply try to fix the problem.

I do not have a clue about how much is needed to fix the problem. The committee did not address that, but I imagine some people could give a reasonably accurate estimate of the amount needed. It might be far less than $4m, and it might be more. I do not know and I do not care very much. All I care about is getting the problem fixed. That is a roundabout way of getting back to my original point.

The Minister might choose to fix the problem by going back to the arbitration process under a new set of guidelines. The arbitrator should perhaps be told to feel free to award a payment to the appellant which he believes accurately reflects the net loss that appellant has suffered as a result of the legislation. The amount awarded must take into account the amount of money paid to the appellant already under the DAAS arrangement; any amount of money paid

subsequently under the arbitration arrangements for financial hardship; any amount the vendor may have received from the incoming contractor - in some cases money was paid to the exiting vendor by the incoming contractor, but in some cases not a cent was paid, and that is dealt with in the report; and any interest that may have accrued on the losses that the former licensed vendor has suffered over the three years. It must be remembered that the loss started in 1994, and people cannot be compensated for the suffering and mental anguish they have been through in those years. The best that can be done in that regard is an apology from the Parliament. I am deeply sorry that Parliament made that decision, and it would be nice if the Executive would say so. Mechanisms exist by which this issue can be resolved. The funds of $4m can be used to assist in that process. I do not know whether $4m will be too much or too little, and I do not care. The Minister should make a statement, and the Parliament should support him in that statement, that this Parliament has hurt people badly and the problem must be fixed.

Hon DERRICK TOMLINSON: This report reminds me of a gas ripened tomato. It is round, red and fulsome, and it looks luscious. However, when one bites into a gas ripened tomato, it is pithy and flavourless. Let us consider the full, luscious, ripeness of this gas ripened tomato. To follow that through one must look at the committee's findings. I refer members to the committee's finding at paragraph 3.2.6, as follows -

> The Committee concludes that prior to the proclamation of the Act in 1995, licensed milk vendors held rights attaching to those licences, and that those rights were their legal property.

That is excellent. Finding 3.3.1 states -

> The Committee concludes that the property rights held by the licensed vendors prior to the proclamation of the Act, were rendered void as a result of the Act.

That is excellent. At paragraph 3.4.5, in discussing whether the amount of the loss was quantifiable, the committee concluded -

> It is the Committee's conclusion, however, that the value of the rights that were lost may be quantified by reference to sale records over the preceding decade and that it is clear that the amount of that loss is no less than the market value of licences prior to deregulation.

That gets to the heart of the problem. Hon Kim Chance and other speakers have identified that the floor of the DAAS arrangement was based upon the licence to be a vendor of whole milk. However, the market value of that licence was based largely upon the sale of other milk products. Regardless of that, the property, which the committee acknowledged was granted by virtue of the licence, had a value that did not reflect the value of what the licence permitted but rather the trade that it enabled.

Hon Kim Chance: You are quite right - I agree.

Hon DERRICK TOMLINSON: That is the problem. I commend the committee for that conclusion. The committee then looked at the question of adjustment versus compensation. Again, the distribution adjustment assistance scheme was not intended to provide compensation; it was intended, as its name states, to provide adjustment assistance. At paragraph 6.2.6 the report states -

> The Committee concludes that while adjustment assistance has been provided to some of the former vendors, they have never been fully or fairly 'compensated' according to the common law or according to the standards, expectations and practices of the community.

They were unfairly treated. They lost a property right to the extent that the committee concludes at a later stage at paragraph 10.1 -

> It is clear that some of the former vendors have suffered severe hardship as a direct consequence of the change in legislative arrangements.

Members were told that constantly by the vendors, before they passed the legislation and, yes, we were wrong. The Minister and the Government were not wrong; the decision was made by this Parliament and it was wrong. The committee admits that and I hope the Parliament will also admit it. I repeat -

> It is clear that some of the former vendors have suffered severe hardship as a direct consequence of the change in legislative arrangements. Even in cases where real hardship is not as evident, it is apparent to the Committee that very significant financial losses have been incurred by affected parties.

A clearer statement could not be made. It is stated at paragraph 10.2 -

> The sense of injustice felt by the former vendors is strong and enduring, and in the Committee's opinion, warranted.

It is warranted, and at paragraph 6.2.6 the committee notes that the former vendors have not been fully or fairly compensated according to the common law or according to the standards, expectations and practices of the community. By an action of this Parliament, for which all members have a collective responsibility, and I do not resile from my part of that responsibility, those people were unfairly treated and are aggrieved. The recommendations in the report include the following -

> It is the Committee's view that a clear moral and ethical duty exists to support the need for further assistance for some of the former licensed milk vendors,

I do not know why it refers to only some of those vendors. It continues -

> - to an extent which fairly reflects the value of the loss of the rights which they held as licensees in the milk distribution industry.

That applies to them not as whole milk vendors but as vendors in the milk distribution industry, which reflects the market value of the property they held by virtue of that licence. That is excellent. The recommendation continues -

> These property rights were lost as a direct consequence of the passage of the Act.

At that stage we have taken the rich, gas ripened tomato, we have sensed its full lusciousness and we are about to bite it. What do we get? A mouthful of pith. The report continues -

> 11.2 The precise extent of further adjustment assistance payable will need to be determined on a case by case basis, however, the financial straits of some former vendors are so severe that consideration may need to be given to according those vendors a higher priority for assessment.
>
> 11.3 The means of calculation of a further adjustment assistance package is not an issue for the Committee to determine, although the Committee recommends that provision be made for a review of the arbitration system by the Government to assist those former vendors most aggrieved by the altered legislative arrangements.

This is the pith. In fact, it is pith and wind!

Having demonstrated with impeccable logic that these milk vendors have been treated unfairly and not in accord with the normal standards and expectations of the community, and having come to the conclusion that they should be fairly compensated according to those normal standards and expectations which equal the market value of their licences, the committee then says that it thinks the Government should do something about it. It is not for the Government to do something about it. Parliament has reviewed it, and by "the Parliament" I mean the committee with the full authority of the Parliament. It came to the conclusion that these people should be fairly compensated but then said that it did not know to what extent. I suggest the committee take this report away and come back with a very strong direction, not that the Minister should do this or that, but that those milk vendors who were unfairly treated as a result of a legislative decision of this Parliament should receive compensation according to the reasonable expectations of the community. That is the sort of apology -

Hon Kim Chance: Move that now and we will support it.

Amendment to Motion

Hon DERRICK TOMLINSON: I move -

> To delete all words after "That" and substitute -
>
> > the third report of the Standing Committee on Public Administration be returned to the committee with a recommendation that it prepare strict guidelines for the compensation of milk vendors affected by the 1995 legislative decision.

Hon PETER FOSS: We should keep in mind the functions of this House and ensure that we do not find ourselves recommending expenditure of money.

Hon KIM CHANCE: I am obviously sensitive to the comments made by Hon Derrick Tomlinson. Again, this is the matter that the committee spent some time addressing before coming to the view that it might have been exceeding its terms of reference, if not its whole charter, if it went into it. Of course, both of those problems are overcome if the Chamber is pleased to refer the matter back to the committee for that specific purpose. Then, the terms of reference and the standing orders, which establish the committee's charter, are set aside, because the Chamber, if it chooses to support this amendment, has spoken in regard to that distinct reference. From that point of view, I am happy to second the amendment because I believe that the committee can provide guidance. However, of course, going back to the Attorney General's concern, very clearly all that the Standing Committee on Public Administration

might be able to do in this regard is to outline its view of how the problem might be corrected. Clearly, neither the committee nor the Legislative Council itself would be able to go further than to make a recommendation on the nature of how the assistance might be provided. From my point of view, again as a private member and not as chairman of the Standing Committee on Public Administration, I would be delighted if the Chamber made such a reference to the committee.

Hon PETER FOSS: The other limitation on the committee is in schedule 1, section 3(3), which states -

> Except as provided in SO 339(c), the committee shall not proceed to an inquiry whose sole or principal object would involve consideration of matters that fall within the purview, or are a function, of another committee.

If any committee were to have any purview of this, it might be the Standing Committee on Estimates and Financial Operations rather than this committee.

Hon KIM CHANCE: I take the Attorney General's point. However, we are dealing with an area wholly within the provisions of the standing orders governing the committee. We are dealing with a decision about a scheme administered by a state agency, to wit the Dairy Industry Authority, and the outcomes of that scheme. We are talking about the potential modification of a scheme that is administered by a state agency under any definition one would care to construct. The fact that it has an impact on the Standing Committee on Estimates and Financial Operations, the Standing Committee on Constitutional Affairs and Statutes Revision or even the Standing Committee on Legislation is by the by. This matter springs directly out of a scheme administered by a state agency.

Amendment put and passed.

Question (motion, as amended) put and passed.

Report

Resolution reported and the report adopted.

Point of Order

Hon PETER FOSS: Mr President, I have serious concerns about this motion because I am not sure what it is intended to do. I do not think we can ask the committee to do something that the Chamber cannot do. I ask you to rule on the motion as to whether we can effectively ask the committee to bring down a recommendation to do something that I do not believe the Chamber can resolve to do. If it is ineffective for the Chamber to do it then it is ineffective for the committee to do it.

Hon KIM CHANCE: It is my view that the wording of the motion is sufficient to limit the reference to the Public Administration Standing Committee to making strict recommendations. It certainly does not make any commitment beyond the power of the Chamber.

The PRESIDENT: Given the time, it is convenient for me to leave the Chair. I will consider the matter during the luncheon recess.

Sitting suspended from 1.01 to 2.00 pm

The PRESIDENT: Prior to the luncheon suspension, the House was considering the adoption of a report in respect of the motion that the third report of the Standing Committee on Public Administration be returned to the committee with a recommendation that it prepare guidelines for the compensation of milk vendors affected by the 1995 legislative decision. The Attorney General made a point of order in respect of that motion. I have had the opportunity to give some thought to the Attorney General's point of order. Ruling on the matter raised by the Attorney before lunch, I advise the resolution refers a matter to a standing committee with a recommendation that the committee prepare guidelines that might have bearing or influence on the way in which a statutory provision is applied. Nothing prevents this House, or its committees, from bringing forward recommendations which, if adopted, might determine how a particular provision or scheme might be administered. It would be a different matter, taking the Attorney's point, were the House to resolve that a Minister or agency is bound to give effect to its resolution without statutory authority. Any guidelines produced by the committee following today's resolution would be no more than an expression of opinion and in no sense directory or mandatory. Therefore, the point of order is not sustained.

LIQUOR LICENSING AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [2.05 pm]: I move -

That the Bill be now read a second time.

The Liquor Licensing Amendment Bill is premised on the recommendations outlined in my June 1995 report to Parliament on the review of the Liquor Licensing Act. Members would be aware that section 178 of the Liquor Licensing Act required the Minister to carry out a review of the Act five years after it came into operation in February 1989.

A number of processes were used to ensure that the review of the Act was comprehensive and that the views of the liquor industry and the community at large were canvassed. A committee chaired by Mr Keith Mattingley was established to review the Act. The Mattingley committee's report provided a comprehensive range of recommendations, many of which were incorporated in my report to Parliament.

The Bill introduces some important changes to the regulation of the sale, supply and consumption of liquor in Western Australia. The Bill will require any person selling or supplying liquor into Western Australia to hold a liquor licence. Accordingly, persons located interstate who seek to sell liquor directly to the public in Western Australia, including mail order sales, will be required to be licensed in this State. An automatic exemption from this requirement will apply for sales to Western Australian licensees. Advice from the Solicitor General indicates that this proposal would not involve an infringement of either section 90 or section 92 of the Commonwealth Constitution.

In response to community concerns, the concept of minimising harm or ill-health caused by the use of liquor has been introduced as one of the Act's primary objects. This will see the interests of licensees weighed against the legitimate expectations and interests of the wider community. In determining licensing applications, consideration will be given to the public interest as opposed to private commercial interests. Harm minimisation will be a ground for objection to licence applications. With the inclusion of harm minimisation as a primary object of the Act, the Government is sending a clear message that the licensing authority, whether constituted by the Liquor Licensing Court or the Director of Liquor Licensing, is unquestionably empowered to impose conditions on licences to achieve this object. Licensees and managers will be required to demonstrate mandatory knowledge of liquor licensing laws and responsible server practices. Persons seeking approval may be required to attend a relevant accredited training course.

The Bill addresses problems associated with the irresponsible promotion and excessive consumption of liquor, by empowering the licensing authority to impose conditions prohibiting practices, such as drinking competitions, which encourage excessive or binge drinking. The licensing authority will also be able to impose, vary or cancel licence conditions so as to give effect to the bylaws of a local authority made under the Local Government Act or an Aboriginal community under the Aboriginal Communities Act. The Act's present provisions relating to drunkenness were included as a guide to what constitutes drunkenness. The provisions were often interpreted as a definition, which has made it extremely difficult for the police to obtain convictions. New provisions inserted by the Bill will overcome these problems. A person will be taken to be drunken if, in the absence of any proof to the contrary, the person's speech, balance, coordination, or behaviour is noticeably affected by liquor.

With the introduction of the Proof of Age Card in December 1996, licensees now have a reliable means of ascertaining the presence of juveniles and of effectively preventing their entrance to licensed premises. The Bill creates a new offence for unaccompanied juveniles who enter licensed premises. The application of infringement notices will be by way of prescription to sections of the Liquor Licensing Act. This will facilitate enforcement of the Act and remove many minor offences from being dealt with by the courts.

My report to Parliament proposed the introduction of a system of demerit points against licensees and managers who do not comply with the provisions of the Liquor Licensing Act. This system will be introduced administratively and will provide an effective control mechanism for disciplining licensees and managers who breach the requirements of the Act. Notwithstanding the demerit point system, if a breach of the Act warrants, that matter may still be referred by the director to the Liquor Licensing Court, in accordance with the disciplinary provisions of section 95 of the Act.

Amendments also provide for an increase from $5 000 to $30 000 in the general penalties prescribed by the Liquor Licensing Act, which may be imposed by the judge of the Liquor Licensing Court for disciplinary purposes. Similarly, the director's disciplinary power will be increased by empowering the director to impose more restrictive conditions on licences and monetary penalties of up to $500 as a punitive measure on the breach of licence conditions.

Members will appreciate that the nature of this legislation requires that the interests of several competing industry groups and those of the general community are carefully balanced. In this regard, significant changes will be made

to those provisions relating to both objections and complaints under the legislation. The objection process will be modified by removing from public dispute, issues relating to the suitability of premises and the probity of individual applicants. In future, the process will rely on the competency of the director of liquor licensing to assess these elements of an application. However, the Bill provides for the exercise of natural justice so that any person found "unfit" can seek a review in the Liquor Licensing Court of the director's decision.

The Act's complaint provisions will be amended so that allegations about noise and disturbances emanating from licensed premises can be made by an individual, rather than the 10 or more persons required under the current Act. In a move that will assist residential complainants, the director will now serve notices of complaint on relevant licensees. The Bill proposes that other government agencies and statutory authorities be able to lodge complaints for such problems as excessive noise under the Noise Abatement Act. The Executive Director, Public Health, will also be able to intervene on matters before the licensing authority in relation to harm or ill-health caused by the use of liquor.

The Bill increases the period of notice required for an occasional licence or one-off extended trading permit from seven days to 14 days, allowing for greater scrutiny of such applications so as to address police concerns and to enable further consultation as and when required.

The Bill includes some minor amendments to trading hours: Hotels and taverns will be able to trade on Sundays from 10.00 am to 10.00 pm compared with the present 12 noon to 9.00 pm; hotels, taverns and wine producers will be able to trade between the hours of 12 noon and 10.00 pm on Good Friday and Christmas Day, provided the sale of liquor is ancillary to a meal; restaurants will be able to trade on Good Friday; and clubs will be able to trade to 2.00 am if New Year's Day is on a Sunday. Restaurateurs will also be able to apply for an extended trading permit to sell liquor without the prerequisite meal in an area that comprises up to 20 per cent of their seating capacity. However, such permits will be operational only in those hours consistent with permitted hours for hotels and taverns, and where the predominant purpose of the restaurant remains the provision of meals. The present provisions in the Act relating to extended trading permits remain unchanged.

The special facility licence will be retained as a legitimate licence category when no other licence is suitable. However, the Bill will provide the licensing authority with greater flexibility to grant special facility licences. This will facilitate a diversity of licensed premises to cater for consumer demand, including newer forms of liquor outlets such as food halls and mobile caterers.

Licences for producers of wine and certificates of exemption will be rationalised into one producer's licence. This will be of significant benefit to the wine industry and enable greater flexibility in the regulation of this developing industry. Amendments will allow the licensing authority to impose conditions on licences to ensure the genuine sale of liquor to a lodger for consumption at licensed premises, and on any subsequent supply of liquor to guests of a lodger.

To help simplify the licensing process, all decisions relating to applications will initially be heard by the Director of Liquor Licensing. The Liquor Licensing Court will provide for review of decisions made by the director and will continue to hear disciplinary matters. The director will also be able to refer matters of importance or of significant precedent to the court for consideration. In addition, the director will be able to determine whether an objection should be struck out as frivolous or vexatious. This move will help streamline the application process by ensuring that vexatious objections cannot frustrate the application process or allow objectors to intimidate applicants with the threat of high litigation costs. Consistent with this amendment, applications for transfers of licences will no longer be required to be advertised. However, the director will retain the discretion to require transfer applications to be advertised, should he so determine.

Other initiatives in the Bill include -

> an increase from 12 months to 36 months in the period prohibiting the re-submission of unsuccessful applications - this will alleviate unsuccessful applicants from exploiting the provision by annually re-lodging the same application, until objectors can no longer afford the litigation costs associated with processing an objection;
>
> the abolition of the requirement to maintain a liquor purchases register; and
>
> the removal of the requirement for licensees of hotels, taverns, liquor stores and some special facility licences, to open and remain open during obligatory trading hours: Instead, hoteliers will simply be required to receive and serve persons whenever they are trading during the permitted hours.

To further assist the industry, provisions relating to the supervision and management of licensed premises are clarified by the Bill. While the conduct of the business under a licence remains the responsibility of the licensee, procedures

relating to the appointment of managers and temporary managers have been streamlined and made much more flexible.

Since the Liquor Licensing Act came into operation in 1989, a significant number of minor amendments to the legislation have been identified. Many of these amendments have been of a technical or administrative nature and have been addressed by the Bill. Members will note that the opportunity has been taken to simplify some sections.

Members should also note that under the transitional provisions of the Bill, any application before the licensing authority which has not been determined at the date of proclamation of the Liquor Licensing Amendment Act 1997, will be determined under the Liquor Licensing Act 1988 as amended by this Bill. However, any appeal on a decision made prior to proclamation will be determined in accordance with the existing provisions of the Liquor Licensing Act.

The Government has employed a number of processes to ensure that the review of the Act was as comprehensive as possible and that the views of both the industry and the community were canvassed. I am confident that the measures contained in the Bill have sufficient flexibility and discretion to ensure that any future demands can be accommodated without altering the scheme of the Statute. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

ENVIRONMENTAL PROTECTION (LANDFILL) LEVY BILL

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and passed.

WESTERN AUSTRALIAN GREYHOUND RACING ASSOCIATION AMENDMENT BILL

Second Reading

Resumed from 19 March.

HON TOM HELM (Mining and Pastoral) [2.25 pm]: The Australian Labor Party has been waiting quite some time for this Bill to be presented. A cursory glance at the legislation will reveal that it is sensible legislation, which changes the way in which the Western Australian Greyhound Racing Association may conduct its business. The major thrust of the Bill is to allow the association to become an authority. That gives it the authority to do certain things, whereas in the past it would have needed the permission of the Minister to conduct some business relating to greyhound racing. The current Act precludes the association from conducting certain business dealings, and that made it more difficult for the association to join the national greyhound racing scene.

The Minister and his officers are to be congratulated for putting before the House such a sensible proposition. As members can hear from the throngs outside the Chamber, members of the ALP are more than pleased with the introduction of this Bill, and no more demonstrations will be held by the greyhound racing supporters in this State! I urge the House to do the sensible thing and agree to this Bill, to change the name of the association to an authority. That is only right and just, and it will allow this group to conduct its business in the way other greyhound racing groups conduct their business in this fair country. The ALP is pleased to support the Bill.

HON NORM KELLY (East Metropolitan) [2.27 pm]: I express the Democrats' support for this Bill to introduce uniformity between the greyhound racing body and the bodies governing trotters and gallopers in this State. I note that Cabinet approved this move in January 1995, so it has taken a long time for this Bill to arrive in the Parliament. I understand why the Government would have difficulty getting its head around this Bill. I support the legislation.

HON MAX EVANS (North Metropolitan - Minister for Finance) [2.28 pm]: I thank members for their support and take note of Hon Norm Kelly's comment. In this game one learns about such things as priorities. One would expect simple Bills such as this to be given some priority, but in the priority system items get lost at the bottom of the pile.

I commend the Western Australian Greyhound Racing Association. At the moment it is interested in purchasing the track at Mandurah. Some other land has been set aside for years, but it has been delayed for the past 12 months because the boundaries of the land were not properly delineated.

Hon Tom Helm: You are not pork-barrelling already?

Hon MAX EVANS: No, the Government believes that an organisation that does not pay income tax, should not pay rent. Rent has been paid to the council. A good deal has been done. The association will be able to subdivide the blocks along the roadside to earn other income. The long term future for greyhound racing at Mandurah is excellent, but I am not sure about the situation at Cannington. The association is an excellent institution. I thank members for their support, and commend the Bill to the House.

Question put and passed.

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

AGRICULTURAL LEGISLATION AMENDMENT AND REPEAL BILL

Second Reading

Resumed from 19 March.

HON KIM CHANCE (Agricultural) [2.30 pm]: The Opposition is pleased to lend its support to this legislative package, which amends seven agriculture related Acts and repeals one other. In other words, it is an omnibus Bill of a kind the Opposition has no difficulty supporting because Bills of this nature allow for an efficient means of tidying up unnecessary and obsolete legislation, and of amending clauses that are no longer relevant or, for some other reason, do not meet current industry needs and standards.

It is important that the Government take great care with the drafting of these Bills to ensure no controversial matter is included. This is an issue considered before in the current session of Parliament in relation to another omnibus Bill outside the scope of the Agriculture portfolio. That Bill included some fundamental and extremely controversial changes to the Nurses Act, in relation to the standard of evidence that may be used in a tribunal. Certainly, the Government responded to our expressions of alarm that such a change would be included in an omnibus Bill. Notwithstanding that prompt response, the Government should be far more careful about the kind of legislative changes included in an omnibus package. If that occurs, as it did in respect of the Nurses Act, even inadvertently, the Opposition's ability to cooperate in the Bill's passage becomes rather limited.

In general, the Opposition does not have any reason to question the issues raised in the Bill before us. However, in respect of the proposed amendment to the Seeds Act, I have a question for the Minister representing the Minister for Primary Industry. The reference to the Seeds Act is contained in clause 17, at page 13 of the Bill. It is part 7 of the Bill amending section 14 of the Seeds Act 1981. I simply ask the Minister to respond in the second reading stage to the concern that I will raise and that may determine whether I will pursue the matter further in Committee. The clause we are concerned with is very simple and it provides -

> The Minister may appoint persons, including officers, to be inspectors or seed analysts for the purposes of this Act.

The current Act reserves the appointment of seed inspectors to those persons who are employed by Agriculture Western Australia. This represents the facilitation of yet more privatisation or outsourcing of an important function administered by the Crown under the auspices of Agriculture Western Australia. I do not want to make a big issue of this, because to some extent we touched on it earlier today, in yesterday's sitting at 1.00 am. I refer to the continuing degree to which key functions of Agriculture Western Australia have been devolved to the private sector.

While the inspection of seeds might not seem to be an issue of vital interest in the day to day life of Western Australians, it is a matter of great importance. We are talking about not only the integrity of the certification of an extremely valuable product, but also the possibility of the entry of noxious weed seeds into Western Australia. In Western Australia much of the seed used by graziers to improve their pasture must be imported from both interstate and, to some extent, overseas. The importation of weeds can impose a huge cost on not only Western Australian agriculture but also all Western Australians. Some of the weeds that might be imported can have a radical effect on not only agriculture but also the entire environment. That is something all of us want to avoid. I know that the Minister for Transport shares my concern in that matter.

If the Government is to devolve to any great extent the power to inspect seed entering Western Australia, it must be very careful that the standards that have been established in the protection of the integrity, quality and quantity of seed entering Western Australia is not compromised in any way. On previous occasions in the past two years, at least, a number of weed seeds have been imported into Western Australia from the eastern States. I cannot quote the names of those weeds off the top of my head, but I remember that three weeds came across in a single consignment of canola seeds from the eastern States. They were not only foreign and exotic to Western Australia but also unknown in Western Australia. By virtue of good management on the part of Agriculture Western Australia and its industry resource protection branch, they were prevented from becoming a major problem. However, members should never think that that will always be the case.

Throughout virtually my whole involvement in agriculture we have been fighting a battle against one weed, the seed of which is only just over microscopic in size; that is, skeleton weed. The first outbreak occurred on a property not far south of where I was farming at Narembeen. The Narembeen skeleton weed infestation is still with us, and the weed infestation has spread to almost every wheat growing shire. Hon Murray Criddle would be able to advise the House more accurately on this issue, as he did some excellent work on a committee looking at means of controlling skeleton weed. Although we have stayed on top of skeleton weed, it has been at a huge cost to Western Australian agriculture and Western Australia generally. Perhaps the Minister for Transport or Hon Murray Criddle could tell us that cost. A cost of bulk millions of dollars was imposed by one weed seed which is just over microscopic in size. Therefore, the requirement for professionalism and integrity in this area is vital. It is not something on which the House can afford to compromise in any way.

I pose a question to the Minister for Transport on the only issue I raise in this debate: Can he provide an assurance that the Minister for Primary Industry is absolutely satisfied that this measure will not involve a compromise in the integrity of our seed inspection service? I can fairly ask that question of the Minister for Transport as I have provided some warning of it and it was even mentioned in debate in the other place. That concern aside, the Opposition welcomes the Bill and wishes it a swift passage.

HON HELEN HODGSON (North Metropolitan) [2.42 pm]: The Agricultural Legislation Amendment and Repeal Bill is almost of the nature of another Bill we are dealing with this afternoon; namely, it involves many minor revisions and repeals, in this case applied to agricultural legislation. In the main, the Australian Democrats find the amendments acceptable as, apparently, they are supported by industry.

I now address a matter which comprises a large part of this Bill; that is, the regulation of chemicals in both the Fertilizers Act and the Veterinary Preparation and Animal Feeding Stuffs Act. I understand that the amendments to both Acts result from the new registration procedures being implemented at a federal level. Although our legislation is not exactly obsolete, the new national system is rendering the changes necessary.

The changes to the legislation alter the system of monitoring chemical products, and will be registered under a scheme coordinated by the National Registration Authority for Agricultural and Veterinary Chemicals. This national body was established to register chemicals for agricultural and veterinary use, and its mission statement reads that the authority will "protect the health and safety of people and the environment".

Work by my researcher on this Bill amply demonstrates the benefit of facilities made available to members in recent months. We found most of the information we needed on the registration authority on the Internet, which shows how access to technology has improved the processes of this place. We visited the web site of the National Registration Authority and accessed far more information than we had prior to that visit.

The Australian Democrats can only support the amendments if, as the mission statement reads, they will protect the health and safety of people and the environment. We found out how the National Registration Authority works. Basically, it is a system of making applications for registration of certain chemicals. People will be able to obtain temporary permits to use unregistered chemicals in limited circumstances with renewal on an annual basis.

Other federal legislation will be applied to ensure that products are fit for use. In place are a compliance program and a program to report any adverse experiences with products. The National Registration Authority is required to assess any changes to products already on the market. Companies must supply the NRA with extensive data about a product, which is independently evaluated to ensure that the product is safe for people, animals and the environment, and will not pose a risk to trade with other nations.

The authority has assessment procedures involving the receipt of specialist advice from three commonwealth agencies: The chemicals and non-prescription drug branch of the Department of Health and Family Services looks at toxicology data; the environment protection group of Environment Australia looks at environmental implications; and the chemical assessment branch of Worksafe Australia conducts occupational health and safety assessments. Therefore, it appears that the necessary safeguards are in place.

The adverse experience reporting program ensures that people experiencing difficulties with chemicals can register their problems. These can be monitored and followed up. The web site makes available to the public instruction on how to lodge information. Having found out how the authority operates directly, we matched that information against the current system. The Australian Democrats consider that the process affords protection and are happy to support the federal registration system. It is an improvement on the quality of current assessments.

Of the other six Acts to be amended, most of the amendments are of a minor or technical nature and merely bring legislation up to date. Therefore, we are happy to support the Bill

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.48 pm]: I thank members opposite for their

comments. This Bill comprises a number of small amendments, although both members who spoke raised important issues highlighting the speciality and importance of the agriculture industry.

Hon Kim Chance asked about the contracting out of seed inspection and analysis. I knew that the member had taken this matter up with the Minister some time ago and some interaction had taken place. The Minister mentioned to me at that time - I have had confirmation this minute - that this is not about contracting out the service. In Australia today we have a great deal of interaction between people on the seed and production sides of the industry. Consequently, people must acknowledge certain requirements as they go through the process. The Act currently gives no approval for those people to carry out their necessary tasks. This measure embraces those practices and provides additional safeguards for the industry as a whole through the application of the rules of the measure.

The other point is that transactions take place within the nation. This is imports not from outside the nation, but from within. That created the need to give the Minister responsibility to approve of those people doing that particular task. It is twofold, and while I acknowledge, from a perception point of view, that this could be watering down the process, it is not intended to do that at all. It is intended to do two things to encompass the people who are currently doing that task outside the Act.

Hon Kim Chance: They might be people who are actually interstate.

Hon E.J. CHARLTON: Yes, they are people who are actually interstate. There is no control within Western Australia to require them to carry out that task, so this is to achieve that. It gives the Minister the ability to approve those people. They are then identified and registered under the Act to carry out that responsibility. We can infer from that that with the movement of grain - or anything - there is always concern about a breakdown in the system. The intention is that this will actually increase the performance of that particular component. As Hon Helen Hodgson's research indicated, the changes that are being progressed from a national point of view are much broader and more comprehensive and should, in theory, provided that they are carried out properly, enhance the current aspects of that process, including the environmental consequences of those transactions.

I thank the members for their contributions and support of this legislation and commend the Bill to the House.

Question put and passed.

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

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL (No 2)

Second Reading

Resumed from 25 November 1997.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.52 pm.]: I will briefly highlight for the House that recommendation 75 contained within the report of the Standing Committee on Constitutional Affairs and Statutes Revision dealing with the Statutes (Repeals and Minor Amendments) Bill (No 2) takes to task this particular Bill. It indicates that the committee considers that government departments should be mindful that Statutes repeal Bills should deal with relatively minor legislative amendments and repeals. Amendments and repeals included in the Bill are required to be short and non controversial and there is some reference to clause 17 of this Bill which is not quite of that order. Nonetheless, the standing committee's report is before the House and the Opposition supports the passage of the Bill.

HON HELEN HODGSON (North Metropolitan) [2.53 pm.]: The procedure that is now available to the House of having these minor Statutes and repeals Bills was reviewed originally by the Standing Committee on Legislation, but this one was reviewed by the Standing Committee on Constitutional Affairs and Statutes Revision. That is an excellent procedure. The report that was handed down recently has given us the opportunity to check the content of the Bill with that report and we are satisfied that there is nothing of any significance in that report that means we cannot proceed with the Bill as it is presented.

HON M.D. NIXON (Agricultural) [2.54 pm.]: I thank Hon Helen Hodgson for her comments. The committee spent quite a lot of time on this Bill and I hear what Hon Tom Stephens said about recommendation 75. That was just a warning. In no way did it mean that we believed there was a problem with the Bill. We have been through it very thoroughly and I am sure that the entire committee is convinced that it is in the best interests of this House to support the motion.

HON NORM KELLY (East Metropolitan) [2.55 pm]: Following up on the comments of my colleague, the Democrats do understand that the final recommendation in the committee's report is important, given the problems that existed with the previous Bill last year. It is important that we are given these minor alterations and we support

the committee in the way it investigates these Bills and appreciate the work that the committee undertakes. It has done a diligent task which saves other members of this House a lot of work in having to go through that detail ourselves. For those reasons we support the Bill.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.56 pm]: I thank the members for their support of the Bill and also the comments that have been made regarding the committee's report and recommendations and commend the Bill to the House.

Question put and passed.

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

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL

Second Reading

Resumed from 20 November 1997.

HON MARK NEVILL (Mining and Pastoral) [2.57 pm]: I would like to know who is managing the Notice Paper, because this Bill was on and then it was off and now it is on again. Between those changes I took the liberty of having a long lunch and this will be either one of the better or one of the worse speeches that I make.

Hon Max Evans: We will let you know later.

Hon Simon O'Brien: We will let you know as you go.

The PRESIDENT: It is no good asking me who is managing the Notice Paper, because I am yet to find out.

Hon Tom Stephens: The Bill will be adjourned after the second reading contributions of the honourable members to allow the Minister to respond subsequently.

Hon MARK NEVILL: It is good to know that I am to be allowed to finish my speech and I do think that if you, Mr President, were running the business of the House, we would all know what we were doing at times.

Hon E.J. Charlton: I think you have definitely had a long lunch.

Hon MARK NEVILL: The Opposition supports the Industry and Technology Development Bill. It was previously the Technology and Industry Development Bill, but I suppose in putting one's mark on a piece of legislation, one reverses those two words. Instead of getting TIDA, one gets ITDA. The acronym is probably not as easy to pronounce as it was originally. This piece of legislation was reviewed in 1994 by Price Waterhouse Urwick. I have only volume one of the report here. I am not sure where volume two is, but it is a very comprehensive review of the original Industry and Technology Development Act, which was brought in in 1983. It was one of the first pieces of legislation under the Burke Government, although it looks quite dated now when one reads through it. There are some fairly antiquated provisions which really show how the style of drafting has changed in the last 14 years.

The Act was reviewed in 1994. In 1995 the Deputy Premier, Hon Hendy Cowan, responded to the report and to the matters raised by the Auditor General in his November 1994 report on industry assistance programs which had come under some criticism from time to time. As recommended in the review, the Bill consolidates in one Act the legislation governing assistance and support to industry. The process covers a number of drafting and technical issues in the original Act and places the focus on and makes more flexible the enabling legislation.

The Acts repealed by the Bill today are the Technology and Industry Development Act, the Industry (Advances) Act, and the Inventions Act. In the Bill the powers and functions are shifted from the department to the Minister. The second reading speech states that those powers are to be increased. It reads -

> When meeting the infrastructure needs of industry, the power to acquire and to dispose of property such as land is critical. The inclusion of this power in the Bill has been the subject of extended discussion and debate both as part of the review and during the drafting of the legislation.

When I read those comments I began to wonder what the extended discussions were. It appears to be clear that the power to acquire and dispose of real property already existed in the Act. Section 13(1) of the Act reads -

> The Department has power to do, in Western Australia or elsewhere, all things necessary or convenient to be done for or in connection with the performance of its functions.

Section 12(b) states that the functions of the department are to make land and buildings available, among other things. I presume, if that is the case and it has the power to do all things necessary and convenient, it has power to acquire and dispose of land. That is spelt out in clause 7(2)(a) in which the Minister may for the purposes of performing any

function acquire, hold, manage, improve, develop and dispose of any real or personal property. It appears that a big deal is being made out of something very minor.

One of the main areas of attention in the Bill is the provision of financial support. The Bill makes it more accountable than previously was the case. Last night we debated regulations relating to the gold mining industry and whether gold mining companies may be eligible for royalty relief. This Bill allows for the provision of financial support to industry. I cannot understand why support should not be made available to the gold mining industry through this legislation. It would be much easier to get some assistance through this legislation rather than through the regulations as they were put through Parliament yesterday or through the foreshadowed regulations for royalty relief.

There does not appear to be any criteria for support. Yesterday we debated all sorts of prescriptions that would apply. Before anyone could get any royalty relief the cash flow was to be considered - a company would need to be going broke. The relief could not be long term, it would need to be repaid, so it could be for a short term only. In this legislation there is no such criteria for support. The aim of the exercise yesterday was to eliminate the capacity for support, whereas in this case it is fairly open to the Minister's judgment. Ultimately he must inform Parliament, which is a more flexible approach. The recommendations in the 1994 review by Price Waterhouse Urwick state -

> The retention of the present system for holding and dealing in land in WA, but inclusion of a provision in the new Act for a mechanism to elevate discussions to Ministerial level if the departments involved are unable to reach agreement on a land use issue. The legislation will, therefore, give the Minister the power to deal in land in these circumstances.

That comment relates to clause 7(2)(a). That power was already in existence, but it is spelt out more clearly here. Another recommendation in the report was -

> The inclusion in the new legislation of a broad, general definition of financial support which would cover any type of financial activity. The policy of the Government of the day would determine any restrictions.

That was not the case yesterday in relation to gold royalty relief. The report continues -

> The legislation would also give the Minister the power to issue guidelines relating to the awarding of grants or loans to industry.

Clause 9 of the Bill contains a broad definition of financial support. It is important to read that clause -

> For the purpose of furthering the objects of this Act, the Minister may provide financial support, in accordance with this Part, in the form of any, or a combination, of the following -
>
> (a) grants;
> (b) loans;
> (c) subsidies;
> (d) guarantees;
> (e) indemnities;
> (f) concessions on any tax, duty or charge due to the State;

That is particularly relevant. It continues -

> (g) any other direct or indirect financial support or assistance.

That clause represents a big shift in government policy in that it acknowledges that the Government has a significant role to play in assisting industry. That is very different from the strict market philosophy that has been expressed in recent years by many government members, particularly Hon Colin Barnett when Director of the Confederation of Industry and in his early years as a Minister of the Crown. Any suggestion of government contributions by way of loans, subsidies or grants was frowned on. That is an absolute about-face, particularly by Mr Barnett and others in the Government, including the Premier.

I think it is a healthy change. The purely dry approach that members of the Government have been espousing for about the past six or seven years, is unrealistic and out of date. One need only look at legislation such as the Iron and Steel (Mid West) Agreement Act to see that the Government had a healthy change of view. A change of view also occurred at the national level. Bob Mansfield, the former Managing Director of Telstra, Optus or both - they move around these days - is in charge of major projects in the Prime Minister's office. He is doing a very good job. He is examining how the Federal Government can get projects such as Gorgon and the An Feng Kingstream Steel project up and running. That is the way to go. Interventionism is more realistic as long as it is sound, and transparent.

There is no doubt in my mind that that is why the Japanese and the Singaporean economies have been so successful. The fact that some of the Japanese banks are having problems is not related to those governments running interventionist economies. Sir Charles Court was one of the great interventionists. The drift into this dry economic area where governments should not be involved in industry is not a very sensible way to go. It is a sure track to poverty.

The only caveat is that it be for sound reasons, and the public be aware of what is provided. Although I am making some critical comments about government policy in debate on this Bill, I make them in the context of the Government reversing its philosophical position. However, it is now on the right track.

Technology Park was a centrepiece of the Labor Party's legislation in 1983 and it is continued in this Bill. Bentley Technology Park, which was an initiative of the Burke Government, has been successful. In his second reading speech the Minister said -

> Bentley Technology Park currently accommodates 70 companies employing 1 400 people with a combined turnover of $170m a year.

It is very pleasing that Bentley Technology Park has gone ahead in that fashion. I hope other technology parks will be built in the future. This legislation will provide the vehicle for those to be established.

I have foreshadowed an amendment to clause 26 regarding tabling the annual report. Clause 26(2) requires the report of the Western Australian Technology and Industry Advisory Council to be laid before each House of Parliament within 21 sitting days after the Minister has received it. Twenty-one sitting days can be a very long time if there is a recess within that period. In Committee I will move an amendment that the report be tabled within three sitting days of 31 October in each year. Although I have not discussed it with the Greens and the Democrats, it is a straight forward amendment. If they and the Government can see fit to support that amendment it will ensure that the annual report of the advisory council is tabled in Parliament in November rather than possibly March or April, as could occur based on the present wording.

The Opposition compliments the Government on this Bill. It is a thorough and balanced piece of legislation. It draws together many loose ends and it clears up some of the concerns about industry support programs. This legislation is a good vehicle for developing industry and technology for the next decade or two.

HON J.A. SCOTT (South Metropolitan) [3.15 pm]: The Greens (WA) also support the Bill and congratulate the Government on putting together a very important piece of legislation. We all know in the modern age how important it is to have some control over the development of technology in terms of our trade balance and in protecting the intellectual property of government agencies or trading bodies. In the past those agencies have handed those developments to the private sector. It is good to see we will be able to continue building on the expertise developed in those departments into the future.

If I have any criticism about this Bill it concerns the length of time since I had my briefing. I cannot remember all the good things I liked about it. For instance, I liked the widening of the scope of the Bill. In his second reading speech the Minister said -

> . . . an interpretation of "technology" which includes "the application of scientific knowledge and practical experience to economic activity, to humanity, and to the environment".

The widening of the interpretation is very important for both the physical and economic results. I congratulate the Government on that aspect. Another paragraph reads in part -

> In line with the whole of government thrust to commercialise its intellectual property and to profit from the sale of services, where appropriate functions and powers are included in the Bill to ensure that this approach is introduced throughout the public sector.

Once again this is in line with the review recommendations. It is an important area. Too many public sector intellectual properties have been handed away for no reward. That will make a substantial difference to the bottom lines of the budgets at the end of the year. It will encourage innovation in those departments. I support that and the Bill in its entirety.

HON HELEN HODGSON (North Metropolitan) [3.20 pm]: This Bill has been some time in the making and it is perfectly proper that we spend some little time talking about it. Essentially it is intended to pick up on a report tabled in Parliament some years ago dealing with a review of the operations of the Technology and Industry Development Act. The report was prepared by Price Waterhouse Urwick of Perth and tabled in this House on 14 December. Members will see the report is a fairly substantial tome. It went through a number of the issues in the administration of that legislation.

It is very important that we have periodic reviews of this type of legislation because it is quite common to find circumstances change or the systems that we put in place are either no longer appropriate or contain weaknesses. Therefore, we must look for streamlined legislation that is clear for everybody involved in the industry. The report also focused on accountability mechanisms. That meant the Australian Democrats took a particularly strong interest in looking at the way in which it worked in practice, the flaws identified in the report and whether those issues had been picked up and developed by this Bill.

Three pieces of legislation govern the framework for the support and promotion of economic development in Western Australia. Of these, the key is the Technology and Industry Development Act. The Bill before us is looking at that Act, the Industry (Advances) Act and the Inventions Act. We are very encouraged to see the extent of the accountability mechanisms that have been included in this Bill that do not exist in the current legislation. We believe it is vitally important to have accountability and transparency in government dealings. In this sort of legislation where the Government is providing incentives to private industry, to ensure government objectives are met, it is vitally important that we can see clearly that the assistance is provided in an appropriate manner and that proper reports are provided to measure the effectiveness of the assistance. In fact, I could mention a number of outstanding examples of cases in the past decade where these sorts of principles have been breached and identified by royal commissions and the Commission on Government and so on; however, that would probably be considered a little unnecessary at this stage of the debate. This issue has been raised previously on many occasions.

The Commission on Government considered in some detail the appropriateness of government participation in private enterprise and the culture that developed in dealings between the private and the public sectors. It also looked at the question of making sure these dealings were open and accountable, and that the taxpayers of this State could see exactly what is really going on and how their funds are being used. Members of t he public have a right to know how the Government is using their money. Disclosure of these sorts of arrangements should be mandatory unless good reason can be shown for maintaining secrecy. For this reason we strongly believe some clauses often seen in contracts which relate to commercial confidentiality can be abused. Commercial confidentiality has a place, but we are strongly opposed to these sorts of secrecy clauses if they are being used to ensure the public of this State does not know how the funds are being utilised and the outcome of the funding.

It is clear that in the recent past there has been a lot of scrutiny of financial assistance to industry, not just in the reports of the royal commissions and the Commission on Government, to which I have already referred. We also regularly see media interest taken when we hear that firms which appear to be financially sound suddenly receive grants. The public has a right to know what made that firm eligible for a grant and why the money is used in that respect when people can regularly see instances of shortages of public funds in other areas.

The electorate has become suspicious of government dealings with private business. Therefore, the greatest possible degree of transparency and accountability is needed. It is the obligation of this Parliament to ensure that happens. If a private company applies for funds from the public purse, it has an obligation to ensure the funds that are provided are used in an appropriate manner and that the public is advised of the outcomes of the funding. It is a two-way obligation: Government has an obligation not only to assist industry, but also to ensure the assistance is offered in the most appropriate manner; and in accepting this assistance, industry should be willing to accept that consequentially it will be subject to a great degree of public scrutiny. If companies are not prepared to accept that condition, they probably should not be applying for funding in the first place.

We have looked at the mechanisms incorporated in the legislation and, in particular, the exemption made available under the freedom of information legislation. We were very concerned about the freedom of information aspects and we found that although some exemptions are available, a matter will be exempt only if it is of a kind mentioned in section 29(3) of the Industry and Technology Development Bill. That is acceptable because it relates specifically to trade secrets and information that has commercial value. On that basis we can understand why freedom of information protection would be afforded to people who are applying for funding; therefore, we are willing to accept that is a valid reason for accepting freedom of information access in the legislation before us.

We also appreciate the need for some degree of flexibility to allow the Government to set the appropriate policy directions and to respond to the climate in the industry concerned. We must always recognise that in Western Australia we are not acting in a vacuum. Particularly on matters of industry policy, we regularly find that federal policy overlaps what we are doing in this State. It could be possible for the Western Australian strategies to set up some sort of tension as against the federal strategies that are being adopted. For those reasons, we think it is important that there be enough flexibility to allow those sorts of policy directions to change and to ensure the industry can be responsive to existing situations.

It will also allow for the possibility that every four years we will have a change in policy direction by virtue of a change of government. We need to ensure that our legislation is sufficiently flexible to allow for those sorts of alterations.

We analysed the review report to which I have referred and we looked closely at the recommendations and compared those with the proposals that are set out in this legislation. We found that, generally, those recommendations were followed fairly closely; and we commend the Minister and his advisers for ensuring that that happened. A public consultation period was also held, which gave industry the opportunity to have input to the framework to ensure that it suited its needs.

These changes seek to clarify from where the money for industry and technology development will come and to where it will be allowed to go. In fact it will set up a more defined audit trail. Agriculture Western Australia may like to listen to comments and recommendations in respect of keeping track of where things go and from where they come, because that is one of the fundamental mechanisms of accountability. It is essential that money be provided to industry where it needs it most, rather than be channelled into areas in which industry is already able to support itself. Therefore, it is appropriate that companies that apply for this assistance meet certain criteria, which, as I recall, will be set down in various ministerial guidelines.

Under part 3 of the Bill, the Minister will establish guidelines for the type of financial support that may be provided and how that financial support may be given. We are always a bit concerned when these sorts of measures are incorporated in subsidiary documentation rather than in the principal legislation. The requirement for flexibility becomes relevant in these circumstances, because areas such as industry research change on an ongoing basis, and it may be necessary to review the guidelines regularly. With the length of time it has taken to get this far with this Bill, it would be unfortunate if we took that long to deal with every change in direction of industry policy.

The first guideline sets out the levels at which support can be provided before documentation must be tabled in the Parliament. Reports about grants of assistance of $200 000, or less, must be tabled in the Parliament annually after the end of the financial year, and reports about grants of assistance of greater than $200 000 must be tabled in this Parliament as soon as practicable.

Hon Mark Nevill: It is not the guidelines but how you account for them.

Hon HELEN HODGSON: True, but those guidelines will at least mean that industry will know what is expected from it and that the provision of support is publicly clear and accountable, because rather than just see an article in *The West Australian* saying that a particular company has received assistance in the amount of $200 000, the public will know that proper guidelines have been adhered to in determining the amount of support that was granted.

Hon Mark Nevill: Where are the guidelines?

Hon HELEN HODGSON: I understand that the guidelines have not yet been published. The Minister handling the Bill may clarify that when he responds.

It is also important that the financial support provides a measurable benefit to the State and to the people of Western Australia. The procedures and guidelines that the Minister will establish will play an important role. It is essential that the guidelines and the criteria for eligibility for assistance in each scheme be published, and that proper review and monitoring of the use of those public moneys take place. This is central to the concept of accountability.

The Act that this Bill will amend is the one that set up Technology Park at Bentley. Having had a former association with Curtin University of Technology, I have seen how Technology Park has grown and how it has gone beyond servicing purely the academic research area into ensuring that facilities are available for other forms of research and technology development. I commend the way in which that park has grown and I am pleased to see that those projects will continue. The report that was tabled spent some time considering Technology Park and the way in which it operated. It found that although a paper that was written in 1992 indicated that the development of the park might not have stimulated economic growth, by the time the report had been completed in 1994, the focus of the park had been broadened to include a wider cross section of research and development enterprises and that the park was at that stage almost full. Based on that information, it appears that it is worth our continuing to support these sorts of technology parks, because they help to develop a critical mass of people who work in a particular area and help to ensure that the necessary infrastructure is available and people have access to similar enterprises within close proximity to each other.

With those comments, we support this Bill, and I look forward to hearing the Minister's response.

HON KIM CHANCE (Agricultural) [3.36 pm]: I am delighted also to support the Industry and Technology Development Bill, for three reasons, which I am happy to enumerate. I have long held the view that the appallingly poor degree to which we have been able to value add our primary commodities in Australia generally, and, I am ashamed to say, in Western Australia in particular, has been due to our neglect of technology. When we compare the percentage of gross domestic product which this nation spends on research and development with what is spent by some of the most advanced countries on earth, it is easy to see why we have taken the easy route. Because

commodities are so abundant in Australia**,** it is just too easy for us to ignore value adding when processing our commodities. For example, it is just too easy to say that our job in processing wool ends when we put the wool into a bale after classing. Classing and baling are effectively the only value adding initiatives that are performed in our wool industry.

This matter has been an issue for me for a long time. In my first speech in this place, I referred to Biella, which is in the Tuscany region of northern Italy. That area uses just a tiny proportion of the Australian wool clip - I cannot guess now what percentage it is - but the end value result of the wool processed in Biella is almost equal to the value of the entire Australian wool clip.

It is an industry which employs in the Biella region, which is not much bigger than one of our smaller shire councils, 36 000 people in 12 000 factories. What have we been doing with the Australian wool clip over the past 200 years? We have been classing it, putting it in bales and shipping it out. One can say exactly the same thing of most of our mineral exports, although I must acknowledge that because we have cheap energy, we have done some processing in the aluminium industry, but so little. When we look at our own State, particularly the north west where we have that wonderful abundance of natural materials; the metals we need to manufacture high grade iron ore; the energy and the skills that exist in the Pilbara in particular, we ask ourselves why do we export this stuff at $35 or $46 per tonne and re-import it at several thousand dollars per tonne in the shape of motor vehicles, refrigerators, washing machines - whatever.

Why can we not go to the stage of making iron ore into block steel? We cannot do that, and that is one of the things which has driven my support for the An Feng-Kingstream proposal in the Geraldton area. Leaving that aside, we can all recognise our failure in the area of value adding, in part because the raw materials are so easy to come by, but in part also because we simply have not spent enough on technology. My interest in this debate is driven by the food technology area. We have circumstances in which commodities worth in certain markets upwards of $200 per kilogram are dumped into the sea for want of a $10 000 vacuum packing machine. In Albany, for example, salmon roe is dumped back into the sea as waste. Salmon roe sells in Japan for $A200 per kilogram. What does one need to process salmon roe? A $10 000 vacuum packer. We have not got to that stage.

Think of the pelagic fish that swim with the salmon in the same part of this State - the huge pilchard resource and the huge herring resource. When we want to buy salmon, pilchard or herring in a shop, even in Albany or in Fremantle or in Perth, the odds are the can of fish one picks up was packaged in Scandinavia, Canada, the United States or Mexico - anywhere but Australia. Is it too much to ask that we can actually operate a canning factory? We can catch 3 000 or 4 000 tonnes of pilchards a year off the west coast and the south coast of Western Australia, but we cannot manage to get it into a can. It is appalling. Our pilchard resource is mainly used as a lot feeding mix for the tuna farms of South Australia. What do we do when we want to buy a can of salmon? I had to do that the other day and the price was in terms of dollars and dollars per kilogram. For that lot feeding of pilchard we pour into those pens in South Australia we get between 40¢ and 80¢ per kilogram. That is also a criminal waste. I am sorry that some of our colleagues from the Greens (WA) are away on urgent business because this is a matter of vital concern to them. It is a waste of a resource which belongs not to the people currently exploiting the resource, not to any one of us in isolation, but to the future generations of Western Australians.

I felt so strongly about this issue that it became the major plank of the Australian Labor Party's primary industry and regional development platform in the last election. If I still have any say in it, it will remain a major plank of our policy going into the next election. When I announced that policy, it was not taken all that seriously by some members opposite who said they were already doing that, and I knew there was some money being invested in food technology, chiefly through Curtin University, but it amounted to about $250 000 a year.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon KIM CHANCE: The waste of resources results from a number of factors, but principally the low level of research and development spending in Western Australia. If we were to improve that commitment to research and development, Western Australia's abundant primary resources could be better utilised.

I gave the example of the pilchard, salmon and herring resource on the west and south coast of the State, and those are only three of literally hundreds of commodities - and not entirely contained in the fishing industry - for which we have failed to implement value adding. As I said in respect of the wool industry, the Biella region of northern Italy has used our wool to make a product which could have generated massive profits for Western Australia. As long as we ignore research and development, we will continue to export this nation's opportunity for employment and profit. The application of broader technology is needed. My interest is principally in food and fibre technology.

All of us at some time in our careers, sometimes on more than one occasion, have come across struggling inventors.

I have particular affection for struggling inventors as one cannot help admiring their intelligence and courage. Over the past year I have been associated with one such person whose ultimate product, if successful, will change the way people live world wide. It is a remarkable piece of technology which he can operate on a batch basis, but not as a continuous process. I make no exaggeration in stating that it will change the way people live into the next millennium. This gentleman has poured nearly half a million dollars into the project. I do not think he has much more to pour. It is frustrating for me, and I sense his frustration and that of the inventor-engineer working with him on the project, that something of such promise and demonstrated capacity cannot be followed through.

We are all aware of great inventions in this country which have gone on to become great technologies. The invention may have been Australian, but the technology inevitably becomes German, British or American - anything but Australian. My great fear about the sale of Telstra is that it is the only corporation with sufficient size and technology to perform the technical development role in Australia. Unfortunately, we will lose that facility to mostly foreign investors and it will cease to be Australian.

I welcome the Bill. I hope it provides the capacity to sweep away some of the cobwebs which have tangled technology in the past. The Bill will simplify processes which are overly complex.

Also, I welcome the comments in the Minister's second reading speech regarding Technology Park. The establishment of that park at Curtin was one of the most significant achievements of the Labor Government in the 1980s. We read about how many people are in full time employment at Technology Park. It is not often that members opposite recognise a great achievement of the Labor Government. Sadly, although members recognise the achievement, they fail to recognise who put it in place. The Deputy Premier at the time, Hon Mal Bryce, was a key player in getting Technology Park off the ground. I support the Bill.

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

SOUTH WEST METROPOLITAN RAILWAY

Statement by Minister for Transport

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.38 pm]: I apologise for not informing the Opposition about this statement, and I thank the House for granting leave.

I inform the House of the progress that the Government has made in the planning process for the south west metropolitan railway. The Government announced in August 1997 funding for the preparation of a master plan to extend the suburban rail system from Perth to Jandakot, Kwinana, Rockingham and Mandurah through Kenwick.

Previous studies have shown that to satisfy the transport needs of the south west metropolitan area, and to offer a viable alternative to private car travel within the region and into the greater metropolitan area, three initiatives are required: First, the provision of a transit way for fast, high frequency buses between Rockingham and Fremantle; second, the extension of the Kwinana Freeway busway to the Murdoch park and ride; and, third, extension of the suburban rail system to the south west metropolitan area.

The above strategy, combined with the recently introduced circle route, a primary bus connection between Fremantle and Jandakot, together with local bus feeder services, will provide a much greater level of accessibility, mobility and choice for the residents of the south west metropolitan area than a railway through Fremantle. Route alignment studies for Rockingham to Fremantle are near completion and master planning to finalise the concept and requirements of this facility will commence shortly and is expected to be completed by the end of the year. It will be designed to enable it to adapt the rail in the future if required. The railway master plan will be completed for consideration by the Government by November this year. It will finalise the route in station locations, patronage demand, infrastructure and rolling stock requirements, environmental and land requirements, and how the railway will be operated and integrated with feeder services.

I will elaborate on that. I have had an update from the people who have been brought together to develop this master plan. They are not people directly from within government, rather they are from a broad number of specific professions who are working under the direction and coordination of the department to provide this master plan. I have been most impressed with the expertise shown and the manner in which development of the master plan has taken place. These people are mathematicians dealing with the numbers likely to use the railway, where those people live, and how they will feed into the railway; architects working on the design of building associated with rail stations and other associated infrastructure; planners; engineers; and many other professionals who have been brought from outside government to ensure that there is a total resource background to make recommendations in developing the master plan.

Hon J.A. Scott: Will they be able to tender for the contracts?

Hon E.J. CHARLTON: No, it has nothing to do with tendering. It is simply a gathering of expertise in the various professions to ensure that when we have a master plan, members of this House and the public in general, who are being consulted as this master plan is developed, will be confident that we have provided the widest background for evaluating that process. In the past, railway and other public transport infrastructure has predominantly been developed in-house. We wanted to ensure that this master plan took into consideration every known dimension to ensure that when we made a decision to proceed, we would have all the relevant factors of people's movements and needs that could be properly answered.

In preparing the railway master plan, every effort is being made to ensure that the railway is integrated with other infrastructure and services through liaison with government agencies, local government, and private developers. In the development of concepts for interchange stations, there is ongoing interaction with local government to a far greater extent than has previously been attempted in this type of work. The railway master plan will also include a study of the options for how the railway may be funded, built and operated with a view to maximising involvement of the private sector. The experts are looking at how it might be financed, either from in government or from outside, and the variable impacts that that would have the time lines of the development of that infrastructure. The Government is committed to finalising the master plan on schedule to allow for a proper and thorough decision making process.

ADJOURNMENT OF THE HOUSE

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 28 April 1998.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.45 pm]: I move -

That the House do now adjourn.

Easter - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.46 pm]: I take this opportunity to wish members a very happy and holy Easter. For many of us in the community it is a very important celebration. It is in fact the celebration of new life. It is also a celebration for the Jewish community. It is the celebration of the Passover, a very special feast in the calendar of many within our community, as those of us will know who are familiar with the great Judaeo tradition. That tradition has within it the stories of the Passover and the situation that faced the people of Israel and their youngsters with the celebration of what that was about. I hope that after these two weeks when we as a community will have the opportunity of being refreshed by these great festivities of those two religious traditions, we come back and tackle some of the issues placed before us with renewed sensitivities to the issues of life.

AlintaGas Employees' Superannuation Entitlements - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [3.47 pm]: I do feel that before we rise for a period of two weeks I need to make some comments about some correspondence I received this week. Members will recall that last Thursday I indicated to the Minister for Resources Development that an explanation was owed to this House, and I gave him the opportunity to do so by way of a question in this House on Tuesday in which I asked him to explain why information had been tabled in this House which conflicts with information in the public domain. He said that he would provide me with a more detailed response. I do not think that is adequate because this is not a matter between the Minister and me, because providing information is one of the Minister's responsibilities and obligations to this place as one of the two Houses of Parliament. As I have received this response, I would like to read it into the record. The letter reads -

Dear Helen

I am writing to explain more fully my response to your Question on Notice (Number 1090 of 22 October 1997) relating to the superannuation entitlements of AlintaGas transmission employees.

As you would be aware, this Question was answered on 12 February 1998 with the answer reflecting the intended approach at the time the question was imposed. On 9 January 1998, however, the Premier announced that transmission employees of AlintaGas who elected to withdraw their Gold State Fund benefits from the Government Employees Superannuation Board (GESB) would be reimbursed the 1.75 per cent discount levied by the GESB for early withdrawal.

Due to an inadvertent oversight within my Office, this new approach was not detailed in the response to you dated 12 February 1998.

I am sure you will agree this new decision is a positive outcome, ensuring that the employees concerned will not be disadvantaged in respect to their superannuation benefits as a consequence of the sale of the Dampier to Bunbury Natural Gas Pipeline.

I must apologise for any inconvenience this oversight may have caused.

Point of Order

Hon B.M. SCOTT: I ask the member to identify the document.

Hon HELEN HODGSON: It is a letter from and signed by Hon Colin Barnett, as Minister for Energy.

Debate Resumed

Hon HELEN HODGSON: I have read this into *Hansard* because it is a question of the Minister's response to this place. To note that it was an inadvertency within the Minister's office is not an adequate response in view of the nature of the material that has been available to the Minister and his knowledge of my interest in this matter for at least six months. I do not intend to leave this matter here. However, at this stage the first step is to make sure this House has the correct information before it and to that end I have ensured that the Minister's response is brought to the attention of the House.

Hon J.A. SCOTT: I ask that the member table the document she has identified.

The PRESIDENT: Under standing orders 48 the member is required to table the document.

[See paper No 1525.]

Metropolitan Region Scheme Amendment - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [4.50 pm]: I want to respond to the attack on me made yesterday by the Minister for Planning in response to the metropolitan region scheme amendment that I moved to disallow in this place last week. He attacked me for frustrating the processes, claimed it was a political stunt and indicated that he thought I had at every stage taken the opportunity to move the amendment on the last possible day and then have it debated on the last possible day. Nothing could be further from the truth and the Minister for Planning's office knows it. I made the offer to the Minister for Planning last year that I was ready, willing and able to debate the amendment. I thought it would require only a short amount of time in this place last year to raise legitimate concerns and have them addressed by his representative in this place. Last year I also made that offer to the Leader of the House in this place. The fact that it was not debated until this year rests fairly and squarely on the inability of either the Leader of the House or the Minister for Planning to get anything done in Cabinet.

I moved the disallowance motion because local residents in the Jandakot region had major concerns with the process that had been undertaken up until that point. Members would probably remember that it was clearly identified in the documents that were quoted during that debate that the statement of planning policy which should have accompanied that MRS amendment was delayed and taken out of the process by the Government. Therefore, when the MRS amendment was tabled, local residents did not have the necessary information to make sure that they would find out the true effects of the MRS amendment on their livelihoods and land.

Hon Simon O'Brien: Is that the motion we debated the other day?

Hon KEN TRAVERS: That is right. Officers of the Ministry for Planning were well aware of my concerns and the fact that I had indicated that I hoped that the concerns would be resolved without my having to move a disallowance motion. That should have been conveyed to the Minister. If it has not been conveyed, he should look in his ministerial office and not try to bag members on this side of the House about the process.

The other reason I moved the disallowance motion was my major concerns that the MRS amendment did not go far enough in protecting the water mound. There was also total inaction by the Government in identifying the current pollution on the mound. Members would have noted in yesterday's *The West Australian* those local residents' fears about pollution on that mound still exist. The residents still have not had proper answers from this Government. The testing that was promised to them seven months ago still has not been carried out properly. My greatest concern is that even after the debate last week, as far as I am aware, no testing has been carried out on the cement slurry that has been dumped onto that mound, which officers of the Department of Environmental Protection advised residents had the potential to contain arsenic. When we talk about irresponsibility, the Minister for Planning and the Minister for Water Resources have a lot to answer for.

The Minister for Planning should talk to some of his colleagues and obtain advice from some other departments. He should talk to officers from the Water Corporation. As Hon Jim Scott highlighted in debate last week through some

documents which he obtained through freedom of information, the Water Corporation has major concerns with what is happening at the Jandakot water mound, and the fact that the process did not go far enough. It was also very concerned that this would set a precedent that was not sufficient to protect the Gnangara mound. In his attack yesterday, the Minister for Planning challenged the Leader of the Opposition to make sure that the same thing did not happen in Gnangara. If the Minister does not get the process right in Gnangara, we will not be letting the MRS amendment go through. We want to ensure that the water mound at Gnangara is protected for tomorrow and for future generations of Western Australians. It is a vital resource which needs to be protected properly.

When I met this afternoon with the member for Southern River with whom I have been working and whom I have been helping on this matter on a non-partisan basis, she apologised. I hope she does not get upset about my raising this matter because I think she was upset about the process. She has experienced the same frustrations that I have had with this Government and its inability to get anything done. That is a shame because the poor member for Southern River will be dumped out of her seat unless this Government gets rid of the Minister for Planning and starts to be a little more responsive to what is occurring in the community. The Government has all the signs of a Government in decay and so arrogant that it would not know what it is doing.

Hon Ljiljanna Ravlich interjected.

Hon Simon O'Brien interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich and Hon Simon O'Brien might like to step outside to continue their discussion while I listen to Hon Ken Travers.

Hon KEN TRAVERS: Thank you, Mr President. By way of response to Hon Simon O'Brien but not to invite another interjection, I indicated only this week to the member for Southern River that I would be happy to visit parts of the Jandakot water mound to look at some of the banksia bushland about which she is most concerned and which needs to be protected. The problem is that her Government is not listening even to its own backbench members. I raise that matter because it was a scurrilous attack by the Minister for Planning. I asked the member for Southern River to pass on to him this afternoon the message that I would be raising this matter in this place today.

I wish everyone a happy Easter. Unfortunately, a number of workers on the Fremantle wharf will not be enjoying the happy Easter that the rest of us will enjoy. They will have been put out of their employment with the support of the Minister for Transport. His comments in the House this afternoon were an absolute disgrace. I will certainly be ensuring that I go to the Fremantle wharves, as I did earlier this week, to visit those workers and offer them my every support. They are fighting a struggle that will continue in this country until we get rid of these Liberal Governments that are seeking to destroy and undermine the working conditions of ordinary working people in Western Australia.

Bunbury Bypass - Adjournment Debate

HON BARRY HOUSE (South West) [4.58 pm]: I want to say a few words about the Shell Gateway garage on the Australind bypass on the outskirts of Bunbury. During the past week or so we have had a concerted effort via questions, primarily from Hon Bob Thomas, and articles in the newspapers with such headings as "Charlton Faces Censure on Bypass". I want to put the whole matter into context and congratulate whoever decided to allow a median access to that Shell Gateway garage which has now been up and running for about two years on the Australind bypass on the northern side of Bunbury. It has provided a very valuable service to not only local motorists but also passing motorists, many of whom on a weekend like this will be heading south and then coming back along that highway. They want somewhere to stop for fuel and other services. Somehow or other there has been a suggestion by implication that it is inappropriate to have a median access to that service station for motorists travelling north towards Perth. At the moment there is no median access and so motorists who want to use the service station are forced to pass the service station for about 600 or 800 metres, turn round and then travel the same distance in the opposite direction to reach the service station. The turnaround involves one kilometre or more simply to get some fuel. Originally Main Roads and the planners had in mind that the service station for that area should be situated on the corner of the Australind bypass and Vittoria Road, which is about 600 to 800 metres towards Bunbury from where the current service station is situated.

The only snag is that the owners of the land were not interested in developing a service station. Currently a nursery is on the site. The owner of the land where the current station is situated was always keen to develop a service station, and subsequently gained planning approval and built a fine facility.

One has a clear line of sight when driving along the dual lane highway. It is not an unsealed country road; it is a double lane highway. The road is clear for 500 or 600 metres for drivers travelling from Bunbury towards the service station. There is also a clear line of sight for about 600 metres travelling north towards Perth. At the top of the hill, there is a set of traffic lights, and then a slight curve on the hill as one drives down the major highway. It is a very safe stretch of road, along which the speed limit is 90 kmh. It is not an open freeway. I compare that situation with

the Ampol service station site on the north side of Mandurah, where a median strip has been put in recently. One can access the station when travelling north. I know all this because I travel the road at all hours of the day and night.

Hon Ken Travers: What about the Shell station further north?

Hon BARRY HOUSE: There is a safety problem in that area, because one enters that station on a sweeping bend where the speed limit is 110 kmh, and most people travel at that speed and faster. It is a well known and well used truck stop and service station. It is a great facility, but there is a problem with the median strip. People would like a median strip at that point. At one time a de facto median strip was used, and I was amused the other day to see a notice on the side of the road, "Median opening closed". If one did not know what was going on, one could become confused, because the de facto median strip has been closed for some time -

Hon Ken Travers: It was closed months ago.

Hon BARRY HOUSE: I know that, but the sign is still there, and people could become confused. Main Roads was perfectly justified in its opposition to placing a median strip in that area. However, I am bewildered by its opposition to the median strip outside the Shell Gateway service station on the Australind bypass. In his contribution, Hon Bob Thomas implied that it was inappropriate to have a median strip in that vicinity.

Hon Ken Travers interjected.

Hon BARRY HOUSE: I am saying they are wrong. Most people say that. People want to know when a median strip will be put in so that they can access the service station properly from both directions.

Asbestos Removal - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.03 pm]: On many occasions I have brought my concerns to this House about the operations of WorkSafe WA. I draw to the attention of the House the removal and replacement of asbestos cement sheeting and contaminated gutters at the D shed in Fremantle. I raise this matter on behalf of the Construction, Forestry, Mining and Energy Workers Union of Australia, construction and general branch, which has not been able to get a response from WorkSafe officers who have visited the site on a number of occasions. They have identified many safety hazards but, unfortunately, even after repeated calls, the union has not been successful in getting a response. This has led to the secretary of the CFMEU, construction and general division, Kevin Reynolds, writing to the State Ombudsman requesting him to investigate the complaint. It is a sad state of affairs in Western Australia when a complaint is continually ignored by WorkSafe.

I am still waiting for the Commissioner for Public Sector Standards to respond to my question about whether he will hold an inquiry into WorkSafe WA. Many other people have called for an inquiry into WorkSafe, but still no action has been taken, and that causes me some concern. I have taken the initiative by way of a notice of motion for a full inquiry into WorkSafe, and I hope that will meet with some success. I draw the attention of members to some of the contents of the letter of complaint by the CFMEU. Mr Reynolds writes -

> I write to complain about the repeated failure and refusal by WorkSafe Western Australia to fulfil its statutory requirement to enforce the Occupational Safety and Health Act and the Occupational Safety and Health Regulations 1996.
>
> Since approximately the middle of December 1997 Marine and Civil, whose employees on this project are members and potential members of this Union, has been undertaking the removal and replacement of asbestos cement sheeting and asbestos contaminated gutters from "D Shed" at the Port of Fremantle on behalf of the Fremantle Port Authority
>
> Numerous ongoing hazards, which have had the potential to cause death or serious harm to health of employees and members of the public, have been identified with this operation but, as yet, WorkSafe Western Australia has failed to take any enforcement action whatsoever.
>
> Breaches of the legislation have been brought to WorkSafe Western Australia attention by members of the public on at least three occasions and by a local paper, the *Fremantle Herald* which has printed three articles about this matter.
>
> On each occasion the *Fremantle Herald* has been quick to respond.

Hon Simon O'Brien: Do you receive the *Fremantle Herald* in Cottesloe?

Hon LJILJANNA RAVLICH: Yes I do. It is nice of the member to ask.

Hon Simon O'Brien: We do not get it in the southern regions.

Hon LJILJANNA RAVLICH: That is a shame.

I will identify some of the breaches listed in the letter. At least 10 breaches have been identified by safety officers of the CFMEU, but WorkSafe has not responded. The breaches include a lack of safety warning signs - a breach of regulation 3.11; a lack of, or inadequately installed edge protection - a breach of regulation 3.55; on two occasions roof plumbers fixing metal roof products without adequate fall-arrest systems and devices - two breaches of regulation 3.51; improperly erected mobile scaffold - a breach of regulations 3.67 and 3.70; a lack of safety warning signs on the site - a breach of regulation 3.11; and an independent analysis of samples from guttering left in a skip on the wharf for three weeks over the Christmas period showed there was guttering contaminated with asbestos fibres - a breach of regulation 5.50. The breaches are extensive, and I will not cover them all.

People have told the agency responsible for occupational health and safety in this State that they have identified many breaches of regulations in the handling of asbestos, and I am bewildered because there has not been, and it does not look like there will be, any response to those concerns unless we take action in this place.

I understand that WorkSafe officers were aware of some of the breaches of the regulations but dismissed the risk as being very slight, without visiting the site to conduct an investigation. It was said that the risk at Wittenoom was nonexistent and people could not have anticipated the risk to workers generally. My grandfather, who worked at Wittenoom, died of asbestosis, therefore I have a close understanding of how deadly is the disease. I also believe that I lost my father very prematurely because of an industrial accident. If I go on about these safety issues, in part it is because I have been personally affected by them.

However, that should not be the guiding force behind my objective. The guiding force is that I do not want other people or their families to suffer what I and members of my family suffered. I hope that in some way WorkSafe WA will be aware that I have these concerns and that I continually raise them in Parliament. I hope WorkSafe will react.

For the life of me, I do not know what is WorkSafe's problem or why it cannot respond to calls. If it is a matter of resources, surely it is an area of high priority and the department should be resourced adequately. It should have sufficient inspectors to do the job properly. The sense I get is that the inspectors do not want to record breaches of regulations of the Act. If they recognise they have a problem they must go back to the office and do something about it. From all I have seen of and heard about the operations of the inspectors the most attractive option to them is to do nothing or take a minimalist approach because they then do not have to do the necessary paperwork or whatever processes are required to rectify the situation.

I challenge the responsible Minister to ensure WorkSafe is properly resourced and that the people doing this very important job in industry are adequately trained and can do the job in the best interests of Western Australian workers.

I sat back earlier and listened to some of the positive comments from the other speakers about Easter. I wish everybody a happy Easter. This almost marks the tenth month of my time in this place. I am having a ball. I am very much enjoying myself and the company of my Labor colleagues. I thank them for that.

Question put and passed.

House adjourned at 5.12 pm

QUESTIONS ON NOTICE

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

JASON CLEANING SERVICES - CHALLENGE STADIUM CONTRACT

1324. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

Further to the answer given to question without notice 962 in relation to the Sport and Recreation Department's contract with the firm Jason Cleaning Services worth approximately $146 150 for the provision of cleaning of the Challenge Stadium, can the Minister advise -

(1) Was a business case conducted?

(2) Did it include a comprehensive cost benefit analysis?

(3) If so, what did it show?

(4) If not, why not?

(5) What were the identified inherent risks?

(6) What other options were considered?

(7) Was a due diligence check carried out on the contractor before the above contract was awarded?

(8) If yes, did it include a check of the contractors financial background?

(9) Who carried out the financial background check?

(10) If the contractor is a company -

(a) when was the company formed;
(b) what is its share capitalization;
(c) who are the directors of the company; and
(d) are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

(1) No.

(2)-(3) Not applicable.

(4) Challenge Stadium has relied on contract cleaning since it commenced operation in 1987. The original cleaning contract had expired and was re-tendered using the State Supply commission tender process.

(5)-(6) None.

(7)-(9) The contractor was (and still is) a member for the Master Cleaners' Guild which conducts stringent checks of its members, including financial status. It was not considered necessary to conduct additional checks.

(10) The contractor has provided the following information:

(a) 1989 (had commenced trading in 1977).
(b) $100.
(c) P D Willers and R E Willers.
(d) No.

MR PETER JONES

Government Contracts

1340. Hon TOM STEPHENS to the Leader of the House representing the Premier:

With regard to Mr Peter Jones who currently has a consultancy with the Public Sector Management Office -

(1) Is Mr Jones a director of, or a shareholder of, any companies which have contracts with the Government?

(2) If yes -

(a) which companies; and
(b) what are the contracts for?

Hon N.F. MOORE replied:

(1)-(2) I am advised that Mr Jones is a Director of several public companies which, to his knowledge, have no contracts with the Government. He has been advised that Bains Harding Ltd. undertook a small maintenance commitment for the government approximately 2 years ago, understood to be for less than $4,000. Asea Brown Boveri (ABB) which is not a listed public company, has a contract with Western Power relative to the construction of a power station at Collie. This contract was awarded before Mr Jones was appointed to the ABB Advisory Board.

He is a shareholder in several resource companies, none of which, to his knowledge, hold any specific contracts with the Government.

MR PETER JONES

Consultancies

1341. Hon TOM STEPHENS to the Leader of the House representing the Premier:

With respect to the links between the Government and the former President of the Liberal Party, Mr Peter Jones -

(1) Apart from the consultancy that Mr Jones has with the Public Sector Management Office to look at outsourcing the transportation of prisoners, what other consultancies is he engaged in?

(2) What Government boards and committees has Mr Jones been appointed to, and for each position what is the -

(a) title of the position;
(b) period of appointment; and
(c) remuneration?

Hon N.F. MOORE replied:

(1)-(2) I am advised that Mr Jones' only consulting arrangement with the Government is to act as independent Chairman of the Steering Committee for the Police/Justice Core Functions Project. This project is expected to be completed later this year. Mr Jones is also Chairman of the Water Corporation, and his current term is until December 1999. The remuneration of all Corporation Directors is published in the Annual Report, and the Chairman's fee is $75,000.

CARNARVON OTC DISH

1348. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

(1) Has the Shire of Carnarvon received funds for the repair or maintenance of the OTC dish in Carnarvon?

(2) Can the Minister for Local Government advise what these funds have been used for?

Hon E.J. CHARLTON replied:

(1) I understand that the Shire of Carnarvon has received funding from the Gascoyne Development Commission. As such, questions relating to this matter should be addressed to the Minister for Regional Development.

(2) This question should be directed to the Minister for Regional Development.

WATER CORPORATION

Drilling Test Bores

1406. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

(1) Is it policy of the Water Authority to drill test bores at its own risk in advance of gaining statutory approvals, including environmental approvals and approvals for the preliminaries to works?

(2) If yes, has the Water Authority been advised whether or not such drilling breaches the *Aboriginal Heritage Act* and/or the *Native Title Act*?

Hon MAX EVANS replied:

(1) It is believed that the member is referring to a facsimile I received from the Nyungah Circle of Elders on 5 March 1998. The Water Corporation's comment about risk is referring to the financial risk of drilling the bores if the project does not proceed. No work is undertaken if, following prior investigation, there is any perception of risk to the environment or heritage issues.

(2) No contravention of legislation occurs.

SATELLITE DISH, CARNARVON

Land Swap

1434. Hon Tom Stephens to the Minister for Transport representing the Minister for Local Government:

(1) Is the Minister aware that the owner of the land surrounding the OTC dish in Carnarvon is receptive to the idea of a landswap with the Shire of Carnarvon?

(2) Is the Shire of Carnarvon prepared to arrange such a landswap?

(3) If not, why not?

Hon E.J. CHARLTON replied:

(1) No.

(2)-(3) Not applicable.

ROYAL PERTH HOSPITAL

Pannell Kerr Forster Contract

1460. Hon Ljiljanna Ravlich to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 413 in relation to the Health Department's contract with the firm Pannell Kerr Forster worth approximately $149 250 for the provision of the internal audit services at Royal Perth Hospital, can the Minister for Health advise -

(1) Was a due diligence check carried out on the contractor before the above contract was awarded?

(2) If yes, did it include a check of the contractors financial background?

(3) Who carried out the financial background check?

(4) If the contractor is a company, when was the company formed and what is its share capitalization?

(5) Who are the directors of the company?

(6) Are any of the company directors ministers or senior public servants?

(7) Was a business case conducted?

(8) Did it include a comprehensive cost benefit analysis?

(9) If so, what did it show?

(10) If not, why not?

(11) What were the identified inherent risks?

(12) What other options were considered?

Hon MAX EVANS replied:

(1) Yes.

(2) Yes - note the Hospital is not exposed to financial risk as this is a labour only contract.

(3) In house evaluation team.

(4) PKF is a partnership originally formed in 1951.

(5) A R Connolly, J Evangelista, K R Foggo, P C Kelly, N G Smith, R A Dickson, F R Barrett.

(6) R Dickson is a member of the Western Australian Meat Marketing Board.

(7)-(8) Yes.

(9) Improved quality of service and additional scope of work, eg information technology audit for minimum extra cost ($11,250pa).

(10) Not applicable.

(11) Minimal as Pannell Kerr Forster have extensive audit experience in private and public hospital audits.

(12) In-house service.

JOONDALUP HEALTH CAMPUS

Mayne Nickless Pty Ltd Contract

1468. Hon Ljiljanna Ravlich to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with the firm Mayne Nickless Pty Ltd worth approximately $15.4m (1996/97) and $29.5m (1997/98) for the provision of Joondalup Health Campus, can the Minister for Health advise -

(1) Was a due diligence check carried out on the contractor before the above contract was awarded?

(2) If yes, did it include a check of the contractors financial background?

(3) Who carried out the financial background check?

(4) If the contractor is a company, when was the company formed and what is its share capitalization?

(5) Who are the directors of the company?

(6) Are any of the company directors ministers or senior public servants?

(7) Was a business case conducted?

(8) Did it include a comprehensive cost benefit analysis?

(9) If so, what did it show?

(10) If not, why not?

(11) What were the identified inherent risks?

(12) What other options were considered?

Hon MAX EVANS replied:

(1) Yes.

(2) Yes.

(3) Arthur Anderson and Parker & Parker in conjunction with HDWA and Treasury.

(4) Mayne Nickless was formed in 1886 when John Mayne and Enoch Nickless formed a parcel delivery service in Melbourne. Mayne Nickless Limited became a public company in 1926. Total shareholders' equity for the financial year ended 6 July 1997 was $1,121,110,000.

(5) The Mayne Nickless Board Directors are Mr RR Dalziel (Managing Director), Mr MR Rayner (Chairman), Mr JC Trethowan, Mr PR Barnett, Mr LA Blytheway, Dr BR Catchlove, Mr IRL Harper, Mr PE Mason and Professor J Sloan.

(6) No.

(7) Yes.

(8) Yes.

(9) A clear benefit to the State estimated at $22 million.

(10) Not applicable.

(11) The project had significant risk transfer to the Operator including design, construction and commissioning including environmental and authority approval risks; running costs including maintenance of equipment and facilities; labour relations; market risks and some public liability. This transfer and sharing of risks was acknowledged by the Office of the Auditor General in its November 1997 Report, wherein it stated -

> The transfer and sharing of risks with the Operator has the potential to represent a significant benefit to the State relative to the public sector alternative.

The OAG Report considered the inherent risks to be as non-performance of contractual requirements, a change of Operator ownership, Operator insolvency and litigation.

(12) The project was benchmarked against a public sector option. The public sector option would have been chosen if the analysis did not indicate a benefit to the State of the private sector option.

QUESTIONS WITHOUT NOTICE

PATRICK THE AUSTRALIAN STEVEDORE

1424. Hon TOM STEPHENS to the Minister for Transport:

When the Minister and the Fremantle Port Authority agreed to facilitate Patrick the Australian Stevedore's lockout and sacking of its work force was the Minister aware that Patrick deliberately entered into a corporate restructure that left its employment company insolvent and unable to pay outstanding wages?

Hon E.J. CHARLTON replied:

The Fremantle Port Authority did not enter into an agreement with Patrick. It acted as an independent in making a commercial decision. Patrick's decisions throughout Australia are of its own doing. For its own very good reasons it has discontinued the structure of employment under which it has been operating in the past. I support what it has done.

Hon Kim Chance: Even though it is unlawful?

Hon E.J. CHARLTON: Whether it is unlawful remains to be seen.

Hon Kim Chance: The court has already spoken.

Hon E.J. CHARLTON: It has not. I will not speculate on whether the court is right or wrong. The most reliable information and advice has been given to me. However, whether it is right does not matter, the end result is what counts. I am reliably advised that the Maritime Union of Australia is peddling incorrect information. Its day of judgment is yet to come.

Patrick's decision had nothing to do with the Fremantle Port Authority. It was a commercial decision by Patrick, which I totally support. I will offer it every form of support I possibly can, but unfortunately I am unable to do anything of any consequence other than offer moral support. It was a commercial decision and I look forward to changes being made across Australia. The first ship has been loaded and will be sailing today.

CHARGES AGAINST DR VICTOR CHAN

1425. Hon N.D. GRIFFITHS to the Attorney General:

(1) Did Hon Cheryl Davenport telephone the Attorney General and ask him to check the basis of the charges against Dr Victor Chan, and if so on what date?

(2) Did he then contact the Office of the Director of Public Prosecutions and was he then told that there was a prima facie case? If so, who told him?

(3) Did he inform Hon Cheryl Davenport within half an hour of the first conversation and state, as reported in last weekend's *The Australian*, "Cheryl, there's a prima facie case to answer."?

(4) Is he aware of the content of section 29 of the Director of Public Prosecutions Act?

Hon PETER FOSS replied:

(1) No. Cheryl Davenport asked me whether there was a change of policy. I told her no. I asked the DPP whether there had been a change of policy. He said there had not been.

(2) No.

(3) I do not know how quickly I rang back. I told her there was not a change of policy.

(4) Not at the moment but it is a question of law and therefore out of order.

DEATHS IN CUSTODY

1426. Hon HELEN HODGSON to the Attorney General:

Will the Attorney General establish an independent task force to address deaths in custody in Western Australian prisons?

Hon PETER FOSS replied:

No. At present an independent examination is being carried out by the Ombudsman. That is probably sufficient. I welcome his inquiry. Dr Mike McCall did a lot of work as acting director general and set up new processes specifically relating to deaths in custody.

Two inquiries were undertaken by Mr Halse of which Hon Helen Hodgson might be aware because I tabled his report in the House last Thursday, I think. Another is being carried out by Edith Cowan University and the Ombudsman. A further inquiry is being conducted by the Standing Committee on Estimates and Financial Operations.

If we try to deal with these problems ourselves we can get conflicting advice from the inquiries. It is not very good for the overall determination of the problem or morale of the department when various accusations are made against people who work for the department. On the one hand I would be foolish to suggest there are no people within the prisons area whose characters may not be as benign as those of other people. On the other hand, many people working within the department are extremely hardworking and as much emotionally affected by deaths in custody as anyone else. I do not want to add to that by establishing another independent inquiry.

MINISTRY OF FAIR TRADING'S ACCESS TO POLICE RECORDS

1427. Hon KEN TRAVERS to the Minister representing the Minister for Fair Trading:

(1) Did Mr Neil Stockton and/or any other investigator in the real estate business unit of the Ministry of Fair Trading last year make arrangements with the Police Department to access police records to aid their investigations?

(2) If yes, who authorised these arrangements?

(3) Under what legislative provisions were these arrangements made?

(4) Are these arrangements still in place?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The Minister has been advised by the ministry that Mr Mark Bodycoat, acting executive director of the Ministry of Fair Trading, wrote to the Police Service seeking access to specific information to assist the ministry in locating persons subject to complaint and in presenting criminal histories to the courts when sentencing persons prosecuted by the ministry.

This letter was written after the ministry's corporate executive approved an approach on behalf of the ministry's compliance group to establish a formal mechanism for accessing relevant information from the Police Service.

(2)-(3) The Minister has been advised by the ministry that this application was approved by acting Deputy Commissioner Hay of the Western Australia Police Service subject to the establishment of suitable protocols containing protections against misuse of information provided.

These protocols were subsequently provided by the criminal records section of the Western Australia Police Service. The ministry has authorised three officers to approve requests to the Western Australia Police Service. Those officers are: Mr M. Bodycoat, acting executive director; Mr G. Newcombe, acting director, legal, competition and real estate policy; and Mr G. Prior, policy officer. In all but exceptional circumstances requests are signed by Mr Newcombe.

The details of the arrangement with the Western Australia Police Service are set out in a memorandum dated

29 August 1997 by Mr Newcombe to ministry directors, managers and legal officers, etc. I table a copy of the memorandum.

[See paper No 1523.]

(4) These arrangements remain in place.

URANIUM DEPOSITS

1428. Hon GIZ WATSON to the Leader of the House representing the Minister for Resources Development:

With reference to an article in "Prospect" magazine of June-August 1996 -

(1) How many uranium deposits have been identified by the Department of Resources Development as potential uranium mines in Western Australia?

(2) How many, and which, of these are held by the Acclaim group of companies?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The map in the article indicates 10 separate areas with known uranium deposits, any of which could be potential developments for uranium mines.

(2) The prospectus of the company in August 1997 suggested that Acclaim Exploration N.L. holds in the vicinity of six of these; namely, Oobagooma, Kintyre, Turee Creek, Angelo River, Lake Maitland and Mulga Rock.

ROAD TRAIN CURFEW

1429. Hon MARK NEVILL to the Minister for Transport:

(1) Did Main Roads Western Australia consult with the Minister before it removed the curfew on road trains as advised on 28 February 1998?

(2) Did the decision follow an approach by representatives of the trucking industry?

(3) Was that approach made to, firstly, the Minister or his office or, secondly, the department?

(4) Given the Minister's claim in 1994 that curfew times were negotiated with community groups, schools and local government authorities, why were those groups not consulted before the curfew was lifted?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) No. I will double-check the answer to this part of the question. I have just picked up this answer and I have not had time to read through it. Consultation was held with Main Roads some time ago. The curfews were implemented on a trial basis and they were to be monitored and decisions were to be made along the way. I did have some input into this matter earlier in the piece.

(2) Yes.

(3) Approaches have been made at various times to Main Roads and to the Minister's office.

(4) The curfew has been only partially changed and the change is being trialled by Main Roads.

CENTRE FOR ORAL HEALTH

1430. Hon NORM KELLY to the Minister representing the Minister for Health:

(1) What is the financial commitment of the State to the proposed centre for oral health?

(2) When will the centre be operational?

(3) What are the plans for the transition between service provision at the Perth Dental Hospital and service provision at the proposed centre for oral health?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The State is in the process of developing its financial commitment to this centre. This will not be known until the business plan is completed.

(2) It is hoped that the centre will be operational in the year 2002.

(3) A working party from the Metropolitan Health Service Board and the University of Western Australia is in the process of developing a service plan for this transition to take place.

WATERSIDE WORKERS SACKINGS

1431. Hon J.A. SCOTT to the Minister for Transport:

(1) Did the Minister or the Fremantle Port Authority have any knowledge of the sacking of waterside workers at Fremantle prior to the statement by the federal Minister for Industrial Relations, Peter Reith?

(2) Are the workers who are replacing the sacked workers Australian citizens?

(3) What action will the Minister take to maintain exports if the sackings cause a statewide shutdown of ports and port related transport services?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable

(3) Any shutdown of ports and port related transport services would be as a direct result of the actions of the Maritime Union of Australia or any other unions, and not of this Government. It is important to recognise -

Hon Kim Chance: It is their fault they got locked out.

Hon E.J. CHARLTON: Yes. That is right.

The PRESIDENT: Order!

Hon E.J. CHARLTON: I was simply agreeing with the interjection of Hon Kim Chance. At least he got it right. What happens from now on around Australia between the employees of Patrick The Australian Stevedore and the company is between them. Anybody else who happens to be working for Patrick in the meantime is an Australian citizen. I congratulate those people and look forward to their demonstrating the way work can be done on Australian waterfronts, in the same way as is demonstrated by all other people who do work for the Government across this nation.

BASANOVIC, MS BARBARA

1432. Hon LJILJANNA RAVLICH to the Leader of the House:

(1) Has any government department or agency within the Minister's portfolio paid for the membership of Ms Mara Basanovic to the Western Australia Club (Inc)?

(2) If so, why did the Government pay this membership?

(3) What was the initial cost to government of this membership?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No

(2)-(3) Not applicable.

FIREARM STORAGE REGULATIONS

1433. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

Noting the recent publicity with respect to firearm storage regulations, I ask -

(1) When do, or when will, these regulations come into force?

(2) Have all firearm owners been written to, acquainting them of those requirements?

(3) If so, on what date were letters sent?

(4) If not, why have letters not been sent?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) The Firearms Act 1973, as amended by the Firearms Amendment Act 1996, and the Firearms Regulations 1974, as amended by the Firearms Amendment Regulations 1996, came into effect on 6 December 1996. However, regulation 11A, which deals with the storage of firearms, is subject to a specific transitional period and will take place on 1 July 1998 for firearm owners who were licensed prior to the proclamation in 1996. As the Minister for Police stated in his media release on 4 April 1998, gun owners will not be subject to a penalty if they have made a concerted effort to purchase an approved gun cabinet.

(2)-(4) Firearm owners have been reminded, on their firearm renewal notices, of their obligation to have storage facilities in accordance with regulation 11A. The Police Service has also conducted an advertising campaign in the firearms section of the classified advertisement section of the *Sunday Times*. Further, the Minister for Police issued a media release last week alerting firearm owners who are unaware of their obligations under the Firearms Act.

I table a sample firearm licence payment advice with the notice and a copy of the media statement by the Minister for Police. [See paper Nos 1524.]

BELVEN ENTERPRISES CONTACTS

1434. Hon TOM STEPHENS to the Minister for Transport:

With regard to each of the contacts by the representatives of Belven Enterprises to the Minister's office in December 1997 and January 1998 -

(1) What was the date of the contact?

(2) What type of contact was made?

(3) Where did the contact take place?

(4) What were the names of the persons who made contact?

(5) With whom at the Minister's office was contact made?

(6) What was discussed during that contact?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1)-(3) Contact was made on several occasions by telephone and facsimile to my office. Dates of telephone contact for matters such as this are not recorded. Any facsimile received was sent to Main Roads Western Australia for its records.

(4) Mr Barry Myles and Mrs Jan Argaet made the contact.

(5) Contact was made with the policy officer for roads at the Minister's office, Mr Brent Higgins.

(6) Access to the company's service station at Australind was discussed.

PHARMACISTS' MONITORING OF PATIENTS

1435. Hon KIM CHANCE to the Minister representing the Minister for Health:

(1) What formal arrangements, statutory or otherwise, are in place in teaching hospitals which provide for pharmacists to monitor patients and their medical charts to ascertain that the drugs they are dispensing are actually being appropriately administered and that patient response, including side effects and the effects of interaction with other prescribed drugs, is observed and taken into account?

(2) Are similar arrangements mandatory in, firstly, private hospitals, and secondly, private nursing homes?

(3) If such arrangements are not mandatory in private institutions, what mechanisms are in place to encourage monitoring and follow-up by pharmacists, and to what extent does the Health Department seek to satisfy itself that pharmacists do not provide this service to patients and residents in private institutions?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Pharmacy departments in teaching hospitals provide clinical pharmacy services through the allocation of suitably qualified and experienced pharmacists to clinical areas. The role of these pharmacists is to ensure safe, appropriate and cost effective prescribing with due regard for the medical condition of the patient, the efficacy and side effect profile of the drugs being administered, other drug therapy including interacting drugs, and the suitability of the drug treatment.

(2) No.

(3) Drugs supplied to patients in private hospitals and nursing homes are provided by community pharmacies and subsidised through the Commonwealth through the pharmaceutical benefit scheme. The Commonwealth does provide some payment to community pharmacists to review medication charts, and pharmacists have a professional responsibility to monitor a patient's medication profile for interactions when prescriptions are presented for dispensing. As part of the licensing procedure for private hospitals and nursing homes - under the Hospitals and Health Services Act - the Health Department of Western Australia monitors that the drugs are administered as prescribed.

GOVERNMENT'S POLICY ON HIGH SCHOOL ENROLMENTS

Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

(1) Has the Education Ministry or the Education Department a policy on an acceptable maximum number of students to be enrolled at government high schools in Western Australia?

(2) If so, what is that number?

(3) If not, will the department be formulating a policy to cap the number of students permitted to enrol at any single government high school in Western Australia?

Hon N.F. MOORE replied:

(1) No.

(2) Not applicable.

(3) No. However, new government secondary schools may accommodate enrolments of up to 1 800 students. In some cases, this figure may be exceeded during the peak enrolment period. Planning for new secondary schools is being done on the basis of this revised criterion. Not all secondary schools will grow to 1 800 students, but those that do will be expected to settle back to a long term stable figure of 800 to 1 000 students. This will result in fewer new secondary schools and will guard against the long term under-utilisation of expensive permanent infrastructure.

URANIUM DEPOSITS

1436. Hon GIZ WATSON to the Minister for Mines:

(1) How many uranium deposits have been identified by the Department of Minerals and Energy as having an inferred, indicated or demonstrated U308 reserve?

(2) How many and which of these are held by the Acclaim group of companies?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The Department of Minerals and Energy has identified 30 projects, containing 60 sites, at which inferred, indicated and measured uranium resources have been estimated.

(2) Of the 30 projects identified above, six are held by Acclaim Uranium NL. These are the Cogia Downs, Lundon, Lake Mason, Wondinong, Angelo River and Turee Creek projects.

GNANGARA GROUNDWATER PROTECTION

1437. Hon E.R.J. DERMER to the Minister representing the Minister for the Environment:

Will the Minister confirm that each of the ministerial conditions for the protection of groundwater quality specified for the expansion of the Telstra international communications facility at Gnangara in 1989 is and has continuously been complied with?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The answer requires research and I therefore request that the member place the question on notice.

MENTAL HEALTH SERVICES, COLLIE

1438. Hon J.A. COWDELL to the Minister representing the Minister for Health:

(1) Is the Minister aware that mental health services in the Collie area are being stretched to the limit with all available services unable to accept new clients without a waiting period?

(2) What steps is the Government proposing to take to make adequate mental health services available to people in Collie?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The mental health service had to replace the staff person who left, who was servicing the Wellington Health District, which includes Collie and Harvey. Services were provided by a mental health worker on contract. A level 3 community mental health nurse has now been permanently appointed to Collie. The South-West Mental Health Service's Bunbury clinic, which serves Collie, reports there are no waiting lists.

(2) In approximately six weeks, a second mental health staff person will be appointed to the Wellington Health District. These two mental health staff are members of the Bunbury-Wellington mental health team and can provide access to the full range of services provided by the Bunbury clinic, including crisis counselling and suicide prevention.

CONSTITUTIONAL FORUMS IN THE GREAT SOUTHERN AND NORTH WEST

1439. Hon MURIEL PATTERSON to the Leader of the House representing the Premier:

Why is no Western Australian constitutional forum planned for the Great Southern region or the north west? Would the Government consider ways in which people in these regional areas could express their views on this very important topic?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

Constitutional forums have been held in Bunbury and Fremantle. Others will be held between now and the end of June in Kalgoorlie, central Perth, Broome and Geraldton. Requests for additional forums are being considered. Meanwhile, people who are unable to attend a forum can still participate in the debate. Information, including discussion papers, is sent on request, and submissions can be made in writing through the mail or via the WA Constitutional Forum's worldwide web page at http://www.wa.gov.au/wacon.

CONTAMINATED SOIL AT NORTHBRIDGE TUNNEL

1440. Hon KEN TRAVERS to the Minister for Transport:

(1) Will the Minister table the individual management plans for contaminated soil found at the Northbridge Tunnel?

(2) If not, why not?

(3) Will the Minister provide the dates on which contaminated soil has been removed from the tunnel site?

(4) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1)-(2) No. However, I invite the member to visit the project and view the management plans. He is welcome to discuss any concerns with Main Roads' project director for the Graham Farmer Freeway, Mr John Fischer.

(3) Material removed from site to date has been transported to the Redhill landfill facility in covered trucks at various stages between October 1996 and October 1997.

(4) Not applicable.

SKELETON WEED MANAGEMENT ON VICTORIA LOCATION 3522

1441. Hon NORM KELLY to the Minister representing the Minister for Primary Industry:

With regard to quarantine notice No 04351 placed on Victoria location 3522 to manage the spread of skeleton weed -

(1) What vehicles and machinery are presently entering, operating on and leaving the property?

(2) What measures have been put in place to ensure the required quarantine standards are met by these vehicles?

(3) Are Agriculture Western Australia staff conducting ongoing monitoring of traffic movements from this property?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) There are no restrictions on vehicles entering the site. The owner-manager has been requested to minimise the risk of skeleton weed spread within the property by minimising vehicle movement and cleaning vehicles and machinery leaving the infested paddock. General farm vehicles are not subject to this condition as they are considered a minimal risk to spread, which is predominantly by root fragments.

(2) The construction site was checked and found clear of skeleton weed plants before any works were planned to commence. All contractors using earth moving equipment on the site are required to clean down the equipment and present it for inspection and clearance before it leaves the site. The equipment must be accompanied with a written "authority of move" notice issued and signed by an Agriculture Western Australia officer. Once the area has been searched for skeleton weed and all plants treated, personal transport vehicles are not subject to this inspection requirement. The same applies to personal vehicles on other farms quarantined for skeleton weed.

(3) The site is monitored periodically by Agriculture Western Australia staff to ensure that the quarantine requirements are met with regard to earthmoving equipment. The site manager is required to inform all new contractors of the quarantine requirements.

CO-OPERATIVE BULK HANDLING LTD'S MEMORANDUM OF ARTICLES

1442. Hon KIM CHANCE to the Minister representing the Minister for Fair Trading:

(1) Is it correct that the Crown Solicitor has provided advice to the Ministry of Fair Trading to the effect that proposed alterations to the memorandum of articles of Co-operative Bulk Handling in 1997 were in direct contravention of the Bulk Handling Act and the Companies (Co-operative) Act?

(2) If yes, did the Form H, signed on behalf of CBH, have the effect of misleading the Minister and possibly other government members?

(3) What is the position of the officers and/or directors of CBH if they have attempted to register these apparently irregular proposed alterations to their memorandum and articles of association?

(4) What remedial action, if any, will the Minister take to ensure that any alteration to the memorandum and articles of Co-operative Bulk Handling is in compliance with the Bulk Handling Act and the Companies (Co-operative) Act?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) The Minister has been advised by the ministry that the Crown Solicitor's Office provided this advice. The Crown Solicitor's Office has also advised that the Registrar for Cooperatives has no discretion to refuse to accept documents which do not comply with either the Companies (Co-operative) Act or the Bulk Handling Act. They also advise that the registrar accepts the documents but formally notes on the register that the amendments do not comply with the Bulk Handling Act. This notation was made.

(2) No. The Minister has been advised that the Ministry of Fair Trading raised its concerns about the proposed alterations and sought the Crown Solicitor's advice before acting to register the alterations.

(3) The Crown Solicitor advised the Minister that liability for lodging a false form H rests with the party lodging that form.

(4) None. The Minister was advised that, in accordance with the Crown Solicitor's advice, the registrar has no discretion in the matter. It is for members of CBH to take action if they are dissatisfied with the alterations. The Companies (Co-operatives) Act is currently under review, and that review will consider the registrar's powers to reject alterations to memorandum and articles which do not comply with the Act.

MANDURAH HEALTH CAMPUS CAT SCAN FACILITY

1443. Hon J.A. COWDELL to the Minister representing the Minister for Health:

Regarding services offered at the new Mandurah campus -

(1) Will a CAT scan facility be provided on-site at the new campus?

(2) If not, where will it be located?

(3) How will patients travel to this facility?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes.

(2)-(3) Not applicable.

MINING TENEMENT EXPENDITURE EXEMPTIONS

1444. Hon GIZ WATSON to the Minister for Mines:

How many current exploration tenement holders have sought and are exempt from their expenditure requirements under the Mines Act?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The information requested is not readily available and will take some time to compile. I ask that the question be placed on notice.